

## Standing Order Nº 1. (Issue 6) Conduct of Council Business

### **1. Rules of debate at meetings**

- a Council proceedings should be formal and dignified but not stuffy. Councillors wishing to speak should catch the Chairman's eye. Comments should be well thought out, relevant and concise and should be addressed to, or through, the Chairman.
- b The Chairman's procedural authority is derived from the Council as a whole, and his/her rulings must be obeyed by an individual councillor. The Chairman's decision on any point of order shall not be open to any discussion or argument, and should the Chairman rise from his/her seat, the Council is to come to order and be silent.
- c The Chairman should concentrate on controlling the meeting without entering unduly into the discussion, with the aim of reaching sound decisions as quickly as is reasonable. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- d The extent and length of discussion is entirely a matter for the Chairman, who should exercise a careful but firm balance between ensuring full discussion and avoiding irrelevant matter, verbosity or repetition.

### **2. Disorderly conduct at meetings**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under 2(b) above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **3. Meetings generally**

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available.
- b The minimum three clear days for notice of a meeting does not include the day of issue of the notice, the day of the meeting, a Sunday, a day of the Christmas or Easter break, a bank holiday, or a day appointed for public thanksgiving or mourning; unless the meeting is convened at shorter notice.
- c Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

NB. blue font = statutory obligations.

- e The period of time designated for public participation at a meeting in accordance with 3(d) above shall not exceed 15 minutes unless directed by the Chairman.
- f Subject to 3(e) above, a member of the public shall not speak for more than three minutes.
- g In accordance with 3(d) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- h A person who speaks at a meeting shall direct his comments to the Chairman.
- i Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman shall direct the order of speaking.
- j Members of the public have the right to record and broadcast the proceedings of a meeting in accordance with the Council's Rules on the Effective Management of Recording at Meetings.
- k The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- l The Chairman, if present, shall preside at a meeting. If the Chairman is absent, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- m Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of councillors with voting rights present and voting.
- n The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.  
*See 5(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the council.*
- o Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- p The Minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- q A councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- r No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present.
- s If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed, and the business on the agenda adjourned.
- t A meeting shall not exceed a period of three hours.

#### **4. Committees and sub-committees**

- a Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d The council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall appoint the Chairman of the standing committee.

#### **5. Ordinary council meetings**

- a In an election year, the Annual Meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the Annual Meeting of a council shall be held on such day in May as the council may direct.
- c The Annual Meeting of the council shall take place at 7.15 pm.
- d In addition to the Annual Meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- e The first business conducted at the Annual Meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the council.
- g The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the council, the business of the Annual Meeting shall include:
  - i. In an election year, delivery by the Chairman and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In non-election year, delivery by the Chairman of his acceptance of office form unless the council resolves for this to be done at a later date;

- ii. Confirmation of the accuracy of the minutes of the last meeting;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Appointment of members to existing committees;
- v. Review and adoption of standing orders and financial regulations;
- vi. Review of inventory of land and other assets including buildings and office equipment.
- vii. Confirmation of arrangements for insurance cover in respect of all insurable risks.
- viii. Review of the Council's Complaints Procedure.
- ix. Review of the Council's policies, procedures and practices in respect of its obligations under Freedom of Information and Data Protection legislation.
- x. Determining the time and place of ordinary meetings of the full council up to and including the next Annual Meeting of full council.

## **6. Extraordinary meetings of the council**

- a The Chairman of the Council may convene an extraordinary meeting at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

## **7. Previous resolutions**

- a A resolution shall not be reversed within six months except by a special motion or by a motion moved in pursuance of the recommendation of a committee or sub-committee.

## **8. Motions at a meeting that do not require written notice**

- a The following motions may be moved without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;

- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or to close a meeting.

## **9. Management of Information** (see also SO 20)

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's Retention Policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible, the criteria used to determine that period (e.g. The Limitation Act 1980).
- c The Agenda, papers that support the Agenda, and the Minutes of a meeting, shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents, shall not disclose confidential information or personal data without legal justification.

## **10. Minutes**

- a Minutes should be as short as is consistent with clarity and accuracy, and should in general record decisions, and not discussions leading up to them.
- b The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **11. Code of Conduct and Dispensations**

- a All councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council's Code of Conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to Standing Orders 11(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council for which the dispensation is required.
- h A dispensation (allowing the member to speak and/or vote) may be granted in accordance with Standing Order 13(e) if having regard to all relevant circumstances, any of the following apply:
  - i without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
  - ii granting the dispensation is in the interests of persons living in the Council's area; or
  - iii it is otherwise appropriate to grant a dispensation.

## **12. Code of Conduct complaints**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall report this to the council.
- b Where the notification in standing order 12(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with 13(d) below.
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **13. Proper Officer**

- a The Proper Officer shall be the Clerk.
- b The Proper Officer shall:
  - i. at least three clear days before a meeting of the council, serve on councillors a summons, by email or post, or delivery at their residence, a signed, or electronically signed, summons confirming the time, place and the agenda.

- ii. Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- iii. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- iv. facilitate inspection of the minute book by local government electors;
- v. receive and retain copies of byelaws made by other local authorities;
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. assist in the organisation, storage of, access to and destruction of information held by the council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xii. record every planning application notified to the council and the council's response to the local planning authority;
- xiii. refer a planning application received by the council to the Chairman or in his/her absence, Vice-Chairman of the Council, within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xiv. manage access to information about the council via the publication scheme.

## **14. Accounts and accounting statements/financial controls and procurement**

The Council's Financial Regulations are contained in Standing Order No 2.

## **15. Responsibilities to provide information**

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

## **16. Responsibilities under Data Protection Legislation**

(see also SO 20)

- a The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b The Council shall have a written policy in place for responding to and managing a personal data breach.

- c The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- d The Council shall ensure that information communicated in its privacy notices is in an easily accessible and available form and kept up to date.
- e The Council shall maintain a written record of its processing activities.

## **17. Relations with the Press/Media**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## **18. Execution and sealing of legal deeds**

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to 18(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

## **19. Communicating with District and County Councillors**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor of the District and County Councils.
- b Unless the council determines otherwise, a copy of each letter sent to the District and County Councils shall be sent to the ward councillors representing the area of the council.

## **20. Restrictions on councillor activities**

- a Councillors must not take initiatives or make statements which could be construed as being on behalf of the Council, unless they have been authorised to act in the Council's name.

## **21. Standing Orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, and if approved shall 'lay on the table' for one month until it can be activated.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

Issue Nº 6 of Standing Order Nº 1 was approved by the Town Council on the 5<sup>th</sup> March 2019