



BEAMINSTER TOWN COUNCIL

STANDING ORDERS

Revised and adopted by the Council at its meetings on
19 September and 17 October 2005

MEETINGS

- 1) Meetings of the Council shall be held in each year on such dates as the Council may direct at the Council Offices, Beaminster, commencing at seven o'clock in the evening unless the Council otherwise decides at a previous meeting.
- 2) **The Statutory Annual Meeting**
 - a) **In an election year, shall be held on or within fourteen days following the day on which the Councillors elected take office; and**
 - b) **In a year which is not an election year, shall be held on such day in the month of May as the Council may direct.**
 - c) **An Annual Parish Meeting will be held in April of each year.**
- 3) **In addition to the Statutory Annual Parish 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 shall be held on such dates as the Council may direct.**
- 5) The Chairman may summon an additional meeting at anytime. An additional meeting shall also be summoned on the requisition of not less than 3 Members of the Council. The summons shall set out the business to be considered at the special meeting, and no other business shall be transacted.

CHAIRMAN OF MEETING

- 6) **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

- 7) Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall normally be 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 a District Council.
- f) To certify copies of byelaws made by the Council.
- g) To sign and issue summonses to attend meetings of the Council.

8) Five members shall constitute a quorum.

- 9) If a quorum is not present when the Council meets, or if during a meeting the number of councillors present and not debarred by reason of a declared interest falls below the quorum, the meeting may be suspended or adjourned only at the discretion of the Chairman, and should the meeting be adjourned and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may agree.

VOTING

- 10) Members shall vote by show of hands.

- 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)

- a) **Subject to (b) 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.**
- b) **The person presiding provided he/she is a Councillor must give a casting vote whenever there is an equality of votes in an election for the Chairman.**

ORDER OF BUSINESS

- 13) **At each Annual Meeting, in May, the first business shall be: -**

- A. (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) **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 which have not been received as provided by law shall be received.

(e) To elect a Vice Chairman.

(f) To receive a report from the outgoing Chairman, if appropriate.

B. (a) The following business also shall be transacted where applicable:

(i) To appoint representatives to outside bodies.

(ii) To appoint committees and sub-committees, and to specify their terms of reference.

14) At the first meeting of the Council following its Annual Meeting at the beginning of each four year term of office and item shall be included on the agenda providing for the inspection of any deeds or trust investments in the custody of the council.

15) 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) and undertaking to observe the Council's Code of Conduct (Standing Order 31) as are required by law to be made, or, if not then received, to decide when they shall be received.

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 receive issues of concern or interest as may be raised by Parishioners including, questions, statements, a deputation or the presentation of a petition.

b) 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.

c) After consideration, to approve the signature of the minutes by the person presiding as a correct record.

d) To deal with business expressly required by statute to be done.

e) To dispose of business, if any, remaining from the last meeting.

f) Any other business specified in the summons which may involve consultations with appropriate statutory representatives, and to receive reports from appointees from outside bodies.

g) To receive such communications as the person presiding may wish to lay before the Council.

h) To answer questions from Councillors in accordance with Standing Order 25.

- i) To receive and consider reports, minutes and recommendations of committees where applicable.
 - j) To receive and consider motions in the order in which they have been notified.
 - k) To receive and consider reports from officers of the Council.
 - l) To authorise the sealing of documents.
 - m) If necessary, to authorise the signing of orders for payment.
- 17) 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.

MOTIONS MOVED ON NOTICE

- 18) Except as provided by these Standing Orders, no motion 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 date every notice of motion when received by him, shall number each motion in the 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.
- 20) The Clerk shall insert in the summons for every meeting all notices of motion 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 late meeting or that he withdraws it.
- 21) If a motion 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.
- 22) If the subject matter of a motion 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.
- 23) Every motion shall be relevant to some question over which the Council has power or which affects its area.

MOTIONS MOVED WITHOUT NOTICE

- 24) Motions 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 member 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 exclude the public. (Standing Order 62)
- o) To silence or eject from the meeting a member named for misconduct. (Standing Order 31)
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order. (Standing Order 71)
- r) To adjourn the meeting.

25) A Councillor may ask the Chairman any question concerning the business of the Council, provided notice of the question has been given to the Town Clerk at least 4 clear days before the meeting. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

26) A member of the public may ask the Town Council any question concerning a matter where the Council has powers or duties which directly affects the district. A member of the public may also raise issues of concern or interest, make a statement or organise a deputation, or the presentation of a petition in relation to matters where the council has powers or duties which directly affect the district. Public participation shall be in strict accordance with the conditions adopted and published by the council as a local scheme.

RULES OF DEBATE

- 27) 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 motion 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 Councillor, when seconding a motion 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 Councillor 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 motion shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.
 - e) An amendment shall be to delete words and/or to add other words.
 - f) An amendment shall not have the effect of negating the motion before the Council.
 - g) If an amendment be carried, the motion, as amended, shall take the place of the original one and shall become the motion 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 motion or of an amendment shall have a right of reply, not exceeding five minutes.
 - j) A Councillor, other than the mover of a motion, shall not, without leave of the Council, speak more than once on any motion 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 Councillor may speak on a point of order or a personal explanation. A Councillor rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her that 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 Councillor may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused.

- m) When a motion is under debate, no other motion shall be moved except the following:
- i) To amend the motion
 - 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) A Councillor shall remain seated when speaking unless requested to stand by the Chairman.
- b) Subject to consulting the Clerk, the ruling of the Chairman on a point of order, or on the admissibility of a personal explanation, shall not be challenged.
- c) Councillors shall address the Chairman. If two or more Councillors wish to speak, the Chairman shall decide whom to call upon.
- d) Whenever the Chairman speaks during a debate, all other members shall be seated and silent.

CLOSURE

- 30) At the end of any speech, a Councillor 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 “to put the question”, 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 not 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.

DISORDERLY CONDUCT

31)

- a) **All Councillors must observe the Code of Conduct adopted by the Council on 18 March 2002, a copy of which is annexed to these Standing Orders.**
- b) **No Councillor shall, at a meeting, persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or bring the Council into disrepute.**

- c) **If, in the opinion of the Chairman, a Councillor has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any Councillor may move that the Councillor 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 Councillor reasonably believes another Councillor is in breach of the Code of Conduct, that Councillor is under a duty to report the breach to the Standards Board for England.**
- 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 it.**

RIGHT OF REPLY

- 32) The mover of a motion shall have a right to reply immediately before it 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 Councillor 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.

ALTERATIONS TO MOTIONS

- 33) Councillors may, with the consent of their seconders, move amendments to their own motions.

RESCISSION OF PREVIOUS RESOLUTION

- 34)
- 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 four members of the Council, or by resolution moved in pursuance of the report or recommendation of a committee.
 - b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

- 35) 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

- 36) 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 public shall be excluded. (Standing Order 62)

RESOLUTIONS ON EXPENDITURE

- 37) Any resolution 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

- 38) Orders for the payment of money shall be authorised by resolution of the Council and signed by two Councillors plus the Clerk, with the cheque counterfoils duly initialled by each signatory.**

SEALING OF DOCUMENTS

- 39)
- 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 witnesses.

COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

- 40) The Council may, at the Annual Meeting, appoint standing committees, and may, at any other time, appoint such other committees, sub-committees, and working parties 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, subject to the provisions of Standing Order 34, at any time dissolve or alter the membership of a committee.
- 41) The Chairman and Vice Chairman shall be ex-officio voting members of every committee, sub-committee and working party, and any other Member of the Council may attend, and may speak at the invitation of the Chairman, at any meeting of a committee, sub-committee or working party.

- 42) Every committee, sub-committee or working party 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, and shall settle its programme of meetings for the ensuing year.
- 43) The Chairman of a committee, sub-committee or working party or the Chairman of the Council may summon an additional meeting of that body at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a 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.
- 44) Except where ordered by the Council in the case of a committee or sub-committee, the quorum shall be one-half of its members.
- 45) The Standing Orders on rules of debate (except those parts relating to speaking more than once), and the Standing Order on interests of members in contacts and other matters, shall apply to committee and sub-committee meetings.

ADVISORY COMMITTEES

- 46)
- a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
 - b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
 - c) An advisory committee may make recommendations and give notice thereof to the Council.
 - d) An advisory committee may consist wholly of persons who are not members of the Council.

VOTING IN COMMITTEES, SUB-COMMITTEES & WORKING PARTIES

47) Members of committees, sub-committees and working parties shall vote by a show of hands, or if any member requests, the way each Member voted shall be recorded in the minutes.

48) Chairman of committees, sub-committees and working parties shall, in the case of an equality of votes, have a second or casting vote.

ACCOUNTS AND FINANCIAL STATEMENT

- 49)
- 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 has been necessary to make a payment before it has been authorised by the Council, the appropriate officer shall certify such payment as to its correctness and urgency.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

50) The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

ESTIMATES

- 51)
- a) The Council shall approve written estimates for the ensuing financial year at a Council Meeting during either February or March.
 - b) Any committee, sub-committee or working party desiring to incur expenditure for the ensuing year, shall normally formulate recommendations to the Council by 31st January at the latest.

INTERESTS

- 52) If a member has a personal interest as defined by the Code of Conduct, adopted by the Council on 18 March 2002, then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 53) 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.**
- 54) 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.**
- 55) If a candidate for any appointment under the Council is to his/her 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 this Standing Order shall apply.

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

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

57)

- a) Canvassing of Councillors, 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 Councillor 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.

58) Standing Orders 55, 56 and 57 shall apply to tenders, as if the person making the tender was a candidate for an appointment.

INSPECTION OF DOCUMENTS

59) A member may, for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the council and if copies are available, shall, on request, be supplied for the like purpose with a copy.

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

UNAUTHORISED ACTIVITIES

61) 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 directions:

unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

62) The press and public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution viz:

“That, in view of the (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”.

- 63) The Council shall state the reason for exclusion.
- 64) The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording of the meeting without the express approval of the Council, nor shall photography be permitted.
- 65) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber and may adjourn the meeting for such period as is necessary to restore order.

CONFIDENTIAL BUSINESS

- 66)
- 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 or the committee.
 - b) Any Councillor in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

URGENT BUSINESS

- 67) Where no meeting of the Town Council is scheduled within the necessary timescale to enable a decision concerning an urgent matter to be taken, the Clerk may, in consultation with the Chairman and Vice Chairman of the Council, determine an urgent matter. All decisions taken under this standing order shall be reported to the next meeting of the Town Council for information, and the Clerk shall provide the necessary information, including reasons for urgency, to enable the Town Council to be satisfied that the delegated power has been used properly.

STANDING ORDER ON CONTRACTS

- 68)
- a) Where it is intended to enter into a contract exceeding £500 in value for the supply of goods or services or for the execution of works, the Clerk, or an appropriate nominated deputy for this purpose, may invite not less than three companies to tender for the contract in question, and where the value of the intended contract exceeds £5,000, the firms invited to tender shall be drawn from 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 shall state the general nature of the intended contract, and state the name and address of the person to receive the tenders, and shall specify the date and time by which tenders should be received. Tenderers shall normally be given 14 days in which to submit tenders.
 - b) Tenders shall be opened by the Clerk, in the presence of a member of the council, or other person to whom tenders are requested to be addressed, on the date specified pursuant to paragraph (a) 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.

- c) Neither the Council, nor any committee or sub-committee, is bound to accept the lowest tender.
- d) If no tenders are received, or if all tenders are identical, the Council may make such arrangements for procuring the goods or materials, or executing the works, as it thinks fit.
- e) A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos. 55, 56 and 57.

FINANCIAL MATTERS

69) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

1) Such Regulations shall include detailed arrangements for the following:

- a) the accounting records and systems of internal control;
- b) the assessment and management of risks faced by the Council;
- c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
- d) the financial reporting requirements of members and local electors and
- e) procurement policies.

2) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

{Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level}

CODE OF CONDUCT ON COMPLAINTS

70) The Council shall deal with complaints of maladministration allegedly committed by the Council, or by any officer or member, in the manner recommended in the Code of Practice for Local Councils in Handling Complaints, as set out in NALC Circular 2/86, except for those complains which should be properly directed to the Standards Board for England for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

71) 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.

72) 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

- 73) A copy of these Standing Orders together with a copy of the Council's Financial Regulations shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

Note to Councillors: The terms 'Chairman' and 'Vice Chairman' have been used throughout for convenience.