

LYDD TOWN COUNCIL

STANDING ORDERS REGULATING THE PROCEEDINGS

OF BUSINESS OF THE TOWN COUNCIL

(incorporating changes made by the Council on 3rd December 2012)

N.B. Some matters concerning which a Council would normally make a standing order have been laid down in Acts of Parliament and are therefore compulsory. The standing orders based on them are denoted by **.

MEETINGS

1. Meetings of the Council and its Committees shall take place at either the Guild Hall at Lydd or St. Peter's Hall Greatstone at a time agreed jointly by the Chairman of the meeting and the Town Clerk.
- 2.** The Statutory Annual Meeting (a) in an election year shall be held on the Monday 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 a Monday in May.
- 3.** The three other statutory meetings shall be held on the first Monday in the months of October, November and February.
4. Additional meetings shall be held as required to transact outstanding Council business and by agreement between the Town Clerk and Chairman of the meeting.

CHAIRMAN OF MEETINGS

- 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/ RESPONSIBLE FINANCIAL OFFICER

6. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, it shall be the Town Clerk who will:-
 - (a) receive declarations of acceptance of office.
 - (b) receive and record notices disclosing personal and/or prejudicial interests.
 - (c) receive and retain plans and documents.
 - (d) sign notices or other documents on behalf of the Council.
 - (e) receive copies of byelaws of other Councils and Statutory Organisations.
 - (f) certify copies of byelaws made by the Council.
 - (g) 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 Town Clerk/Responsible Financial Officer.

VOTING

7. Members shall vote by show of hands, or, if at least two members so request, by ballot.
- 8.** If a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.
- 9.** (1) Subject to (2) below the Chairman/Town Mayor may give an original vote on any matter put to the vote.
(2) The Chairman/Town Mayor may not give an original vote in the election of the Chairman/Town Mayor on any occasion when he/she will himself/herself immediately after such election retire from the council (except at the election after the parish or community elections).
(3) In any case of an equality of votes, the Chairman/Town Mayor may give a casting vote.

ORDER OF BUSINESS

- 10.** At each Annual Meeting the first business shall be
 - (a)** To elect a Chairman/Town Mayor

- (b) To receive the Chairman's/Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received
 - (c) To elect a Vice Chairman/Deputy Town Mayor
 - (d) To receive the Vice Chairman/Deputy Town Mayor's declaration of acceptance of office.
 - (e) To appoint statutory or standing committees
 - (f) To appoint representatives to outside bodies
 - (g) To inspect any deeds and trust instruments in the custody of the council
 - (h) To appoint the Town Mayor's Chaplain
- and shall thereafter follow the order set out in Standing Order 12.
- (i) The Election of Chairman/Mayor, Vice Chairman/Deputy Mayor and where necessary Civic Representative shall be by a paper ballot.
 - (j) Candidates for Mayor, Deputy Mayor and Civic Representative must receive at least two nominations to be valid.
 - (k) Nominations for Mayor, Deputy Mayor and Civic Representative will commence at the last Town Council meeting before the Annual Town/Parish Meeting and cease at the Statutory Annual Council meeting.
- 11.** At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman/Town Mayor and Vice Chairman/Deputy Town Mayor 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.
12. 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 presiding Chairman as a correct record.
 - (c)** To receive any declarations of interests from members.
 - (d) To deal with business expressly required by statute to be done.
 - (e) To receive all correspondence pertaining to Council business
 - (f) To answer questions
 - (g) To dispose of business, if any, remaining from the last meeting
 - (h) To receive and consider reports and minutes of committees and advisory committees.
 - (i) To receive and consider reports from officers of the Council
 - (j) To authorise the sealing of documents
 - (k) To authorise the signing of orders for payment
 - (l) To consider motions or recommendations in the order in which they have been notified
 - (m) Any other business specified in the summons
13. A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member and, if seconded, shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

14. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least seven clear days excluding Bank and Public Holidays and weekends, before the next meeting of the Council.

15. The Town Clerk shall date every notice of motion or recommendation when received, shall number each notice 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.

16. The Town 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 notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.

17. If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
18. 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 any discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman/Town Mayor, 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.
19. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

20. 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 motion or an 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
 - (t) To suspend Standing Orders

QUESTIONS

21. A member may ask the Chairman/Town Mayor any question concerning the business of the Council.
22. A member with or without notice may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.
23. Every question shall be put and answered without discussion.
24. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

25. 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/Town Mayor.
26. (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/Town Mayor, 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 shall exceed five minutes, except by consent of the Council, Committee or Sub-Committee.
- (e) An amendment shall be either:-
 - (i) to leave out words
 - (ii) to leave out words and insert or add others
 - (iii) to insert or add words
- (f) An amendment shall not have the effect of negating the motion 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.
- (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 the closure.
- (k) A member may rise 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/her which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
- (l) A motion or amendment may be withdrawn by the proposer with the unanimous 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 or the press or both
 - (ix) To adjourn the meeting

27. A member shall stand when speaking unless permitted by the Chairman/Town Mayor to sit on account of infirmity, at Meetings of the Council and all Committees

28. (a) The ruling of the Chairman/Town Mayor on a point of order on the admissibility of a personal explanation shall not be discussed.

(b) Members shall address the Chairman/Town Mayor.

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

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

CLOSURE

29. 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 and if the Chairman/Town Mayor is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he/she shall forthwith put the motion. 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 that 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.

ATTENDANCE AT MEETINGS

30. The Town Council believes that there are basic standards of proper behaviour that are generally accepted as applying to attendance at most meetings and organisations. In particular, duly elected Councillors have a responsibility to attend and take part in meetings. This means:-

- (a) Apologies for absence If unable to attend any meeting, Councillors should personally make their apologies and explanations to the clerk as soon as possible;
- (b) Lateness If unable to attend the start of a meeting, Councillors should inform the clerk in advance if possible. When joining the meeting, Councillors should apologise to the Chairman for their lateness and ask permission before taking their seat;
- (c) Leaving early If it is known in advance that it will be necessary to leave the meeting before it is finished, Councillors should make this known to the Chairman before the start of the meeting;
- (d) Councillors have a duty to attend and take part in part in meetings when summoned to do so. They should arrange their other personal commitments and priorities to avoid regularly leaving the meeting before the business is completed;
- (e) If it is unexpectedly necessary to leave a meeting before it is finished, Councillors should wait for a suitable moment in the agenda, offer an explanation and seek the Chairman's permission to leave;
- (f) Leaving the meeting in protest against a decision of the Chairman or the Council is not proper behaviour
- (g) ****Persistent absence** Councillors who fail to attend any meetings for six months are disqualified, unless the reason for absence has been approved by the Council in advance as valid.

DISORDERLY CONDUCT

31. (a) No member shall misconduct himself/herself at a meeting by persistently disregarding the ruling of the Chairman/Town Mayor, 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/Town Mayor, a member has so misconducted himself/herself, the Chairman/Town Mayor 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/Town Mayor may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

(d) where a member reasonably believes that any breach of (a)(b)(c) involves a failure to comply with the Council's Code of Conduct for Members he/she must make a written allegation to that effect to the Standards Committee of Shepway District Council as soon as it is practicable for him/her to do so.

RIGHT OF REPLY

32. 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 new matter. **After the right of reply has been exercised or waived, a vote shall be taken without further discussion.**

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

34. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of the proposer, seconder and six other members of the Council.

(b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

(c) This Order shall not apply to rescinding resolutions moved in pursuance of the report or recommendation of a committee.

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 has decided whether or not the public shall be excluded, or it shall be referred to the Staffing Committee. That Committee shall not consider the matter until it has decided whether or not the public shall be excluded. Any concerns or comments relating to staff shall be first raised with the Staffing Committee which will determine an appropriate process for addressing the issue.

RESOLUTIONS ON EXPENDITURE

37. Any motion which is moved otherwise than in pursuance of a recommendation of the Finance and Amenities Committee or of another committee after recommendation by the Finance and Amenities Committee and which, if carried would, in the opinion of the Chairman/Town Mayor, 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 deserves to report thereon. The Finance and Amenities Committee shall report on the financial aspect of the matter.

EXPENDITURE

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

SEALING OF DOCUMENTS

39. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

COMMITTEES AND SUB-COMMITTEES

40. 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.

41. The Town Mayor shall, ex officio, be a member of every committee, with the exception of the Staffing Committee.

42. 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.

43. The Chairman of a committee or the Chairman of the Council/Town Mayor 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. 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. Every Committee may appoint sub-committees for purposes to be specified by the committee.

45. The Chairman of the committee shall be a member of every sub-committee appointed by it unless he signifies that he/she does not wish to serve.

46. 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 shall apply to committee and sub-committee meetings insofar as they are appropriate.

VOTING IN COMMITTEE

47. Members of committees and sub-committees shall vote by show of hands.

48.** Chairmen of committees and sub-committees shall have a second or casting vote.

PRESENCE OF NON MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

49. A member who has proposed a motion which has been referred to any committee of which he/she is not a member, may explain his/her motion to the committee but shall not vote.

50. 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/she is not a member.

ACCOUNTS AND FINANCIAL STATEMENT

51. (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

(b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Unless it has been otherwise authorised by the Council, payment shall be authorised by the committee, if any, having charge of the business to which it relates or by the Chairman/Town Mayor or Vice-Chairman/Deputy Town Mayor of the Council.

(c) All payments authorised under sub-paragraph (b) of this Standing Order or made without authority of the Council shall be separately included in the next schedule of payments laid before the Council.

(d) All accounts shall be subject to internal audit by all members reviewing at their request the current Cash Book and by an independent external auditor, in accordance with the current Accounts and Audit Regulations.

52. The Town Clerk/Responsible Financial Officer shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of receipts and payments.

INTERESTS

53. Members must comply with the Council's Local Code of Conduct of Members if he/she has an interest which amounts to a personal or prejudicial interest in any matters under consideration by the Council.

54. The Town Clerk/Responsible Financial Officer shall record in a book to be kept for the purpose, particulars of disclosure of any personal or prejudicial interest given at a meeting by any member and the book shall be open during reasonable hours of the day for the inspection of any member.

55. The Town Clerk/Responsible Financial Officer shall record in a book to be kept for the purpose, particulars of any notice given by any Officer of the Council, or a pecuniary interest, direct or indirect, in any contract which has been entered into or which it is proposed should be entered into.

56. 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/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk/Responsible Financial Officer. A candidate who fails so to do shall be disqualified for such appointment and if appointed may be dismissed without notice. The Town Clerk/Responsible Financial Officer shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply.

The Town Clerk/Responsible Financial Officer shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

57. (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 Town Clerk/Responsible Financial Officer shall make known the purport of this sub-paragraph of this Standing 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 supporting a candidate's application.

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

INSPECTION OF DOCUMENTS

59. 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.

60.** (a) All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

(b) The Minutes of the Council shall be open to inspection by any local government elector of the parish without charge.

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; 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 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, viz.:

"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".

63. The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

64. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or room where the meeting is being held or that part of the Chamber/room open to the public to be cleared.

CONFIDENTIAL BUSINESS

65. No member of the Council or of any committee or sub-committee shall, unless required by law to do so, 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.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

66. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillor or Councillors for the ward.

PLANNING APPLICATIONS

67. (a) The Town Clerk/Responsible Financial Officer shall keep a file of all planning applications received, and record the date of receipt.

(b) The Town Clerk/Responsible Financial Officer shall refer every planning application to the Chairman of the Planning and Environment Committee or in the Chairman's absence to the Vice-Chairman as soon as possible after receipt.

STANDING ORDER ON CONTRACTS

68. (1). All contracts should reflect the principle of best value.

(2). All contracts under £3000 in value may dispense with the requirement of at least three competitive quotations subject to a full report from the Town Clerk.

(3). All contracts over £3000 must have at least three competitive quotations and must be accompanied by a definitive report to inform the Council of the full range of options.

(4) A tender process which requires the advertising of the contract to be let, can be instituted by the Council at all contract values if it is felt to be appropriate by virtue of adherence to the principle of best value or where the contract exceeds £30,000

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

69. Any part of the Standing Orders except those denoted ** may be suspended by resolution in relation to any specific item of business.

70. A motion permanently to 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

71. A copy of these Standing Orders shall be given to each member by the Town Clerk/Responsible Financial Officer upon delivery of the member's first declaration of acceptance of office.

The foregoing Standing Orders were last revised by Lydd Town Council at a meeting held on 07 January 2013

Town Mayor
Cllr. G. F. A. Snell

Town Clerk
Angela Alexander