

# **Standing Orders and Chairmanship**

**(Leonard Stanley Parish Council June 2016)**

**PREFACE**

This booklet contains two major sections. Part I is intended as guide for those presiding at meetings of Local Councils and a source to refer to when there is a procedural difficulty during a meeting. Part II provides a complete model set of Standing Orders incorporating various new requirements, such as those to be observed under the new Code of Conduct. Even if Standing Orders have not been formally adopted, a chairman can use them as a basis for rulings on procedures if there is a dispute.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

If the words “Local Councils” are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

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## PART I - CHAIRMANSHIP

(NOTE: In this part, the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee," where any function has been delegated accordingly.)

### BASIC PRINCIPLES

1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions that they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action, is such an instruction.
3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to *reach, without unreasonable delay, an intelligible and lawful decision for the right reasons*. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-
  - (a) protect the Council against *outside interference*;
  - (b) ensure that everything to be discussed is *lawful*;
  - (c) ensure that the Council is invited to deal with *clear issues*;
  - (d) ensure that as far as possible *information is complete*;
  - (e) permit every point of view to have a *fair hearing*;
  - (f) ensure that opinions expressed are *relevant* to the matter in hand;
  - (g) ensure that business is transacted with *reasonable speed*;
  - (h) ensure as far as possible that proceedings are *friendly and free form personalities*;
  - (i) co-operate with the officers and councillors.

### THE AUTHORITY OF THE CHAIR

#### *Origin*

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

#### *Nature and Limitations*

5. Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.
6. The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to

discuss the merits of a particular case. It is one of his most difficult tasks to remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

#### PRELIMINARY

7. Before any meeting, the Chairman should study the items on the agenda with either the Clerk or any other officers, and should in effect ask in respect of each item the following questions:-

What does it mean?

Is it lawful?

Do we know enough about it?

Has any member special knowledge of this problem?

Is there any member who may have a prejudicial interest?

#### OUTSIDE INTERFERENCE

##### *Public Disturbances*

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but maybe necessary.
9. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.

##### *Disclosable Pecuniary Interests*

10. The law requires that where a member has a pecuniary interest in any matter he must disclose the existence and nature of that interest. An interest is either a disclosable pecuniary interest (DPI) or a personal interest. However, ultimately, it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board (England) or the Commission (Wales).
11. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been

issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

*Quorum*

12. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest (England) or a personal interest requiring withdrawal (Wales) should consider making an application for dispensation to their standards committee where appropriate.

*Ultra Vires Proposals*

13. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The section 137 power (*contained in the Local Government Act 1972*) is not a “long stop” in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

A CLEAR ISSUE

14. Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman’s second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple “Yes” or “No”. From this there follow certain practical consequences:-

- (a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;
- (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

*The Affirmative Form*

15. The most exact method of putting a question to the vote is by the use of the following formula:-

“The resolution is as follows: -

(e.g.) ‘*That the Clerk’s salary be raised to £5,000 a year.*’

The motion is that this resolution be agreed to.”

(Note: A *resolution* is a proposal of the action intended to be taken: for example “That the Council buy a mower”. A *motion* is the procedural formula by which the Council disposes of business: for example “The motion is that the resolution be amended by \_\_\_\_\_” or “The motion is that the Council do now adjourn”.)

### *Separating the Issues*

16. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.

17. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

“If the Council is to spend its money would it prefer a swimming pool or a playing field?”

In more formal language the issue is put to the vote by substantive resolution and amendment: -

“The resolution is that the swimming pool be provided. To this the following amendment has been moved: -

*leave out the words ‘swimming pool’ and substitute the words ‘new playing field.’*

The motion is that this amendment be agreed to.”

18. A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended to the vote*. (See also paragraph 35 below.)

## METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit no exceptions. Every decision must be reached by a majority of those voting.

Appointments to employments must be decided in the same way as other questions.

#### COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

#### IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own, if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.

22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

#### RELEVANCE

##### *General Rule*

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

##### *Personalities*

24. The Chairman should do his best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the Chairman, should only be observed because it forces members to employ an impersonal mode of

expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.

#### *Methods of Enforcement*

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

#### *Revival of Decided Issues*

26. The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to “hark back” to a previous agenda item should be firmly ruled out of order as irrelevant to the matter *now* under discussion, even if the member who raises it was not present when the item was considered.

#### *Minutes*

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

#### *Other Problems*

28.

(a) If any substantial issue arises on a matter dealt with in the Minutes, it is better to have a separate agenda item than to discuss it under “Matters Arising”. That heading should be used only for reports of progress and not for new or additional decisions.

(b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example “Mrs Smith of \_\_\_\_\_ has written asking the Council to get the pile of rubbish removed from outside 48 \_\_\_\_\_ Lane”.

### REASONABLE DESPATCH

#### *Intervals*

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public



spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

### *Obstruction at Meetings*

30. Deliberate obstruction is rare, but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (*For points of order see paragraph 33 below.*)

### *Repetition*

31. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

### *References*

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

## SOME PROCEDURAL POINTS

### *Points of Order*

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the clerk) must give a ruling the answer is "No", the Council has no power to act as

proposed and the business ought not to be under discussion. (See Standing Order 31(a) below.)

*Procedural Resolutions*

34. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

*Closure Motions*

35. The following are the respective effects of closure resolutions:-

- (a) On the passing of a resolution to proceed to *next business* proceedings on the business in hand come to a stop and no decision upon it can be taken.
- (b) On the passing of a resolution that the *question be now put* the mover is usually entitled to reply before the matter is put to the vote. By custom the chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
- (c) A resolution to *adjourn a discussion or a meeting* stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.

*Amendments*

36.

- (a) An amendment, which in substance negates the principle resolution, should not be allowed because it is confusing and unnecessary.
- (b) An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 18 above.)

*Any Other Business*

37. The summons to a meeting of a Local Council must by law *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under “A.O.B.” or the giving of a preliminary notification of important business for next time.

*“Urgent” Business*

38. The law makes no provision for dealing with “urgent” business. If it is “urgent” only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely “urgent”, that is it was too late for the

agenda *and* it will be too late for action if left till the next ordinary meeting an additional meeting should be called *or* the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

#### USE OF CHAIRMAN'S VOTES

39. Save on one occasion the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, and it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against; I therefore vote in favour which makes it even."
40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution *not* carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

#### PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is opinion that such exclusion is reasonable and in the public interest. Where the public and Press have been excluded the *decisions* made in the closed session must be minuted: a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion *must* be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

#### MALADMINISTRATION

42. Parish and Community Councils are not subject to the jurisdiction of the Local Ombudsman. There is, therefore, no outside body that can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly. The National Association has therefore published *Legal Topic Note 56 – Code of Practice in Handling Complaints*, which recommends a standard and formal procedure to all Councils. In light of the Local Government Act 2000, Councils are recommended to agree, with their Standards Committee, a form of complaint procedure for matters falling outside the jurisdiction of the Standards Board.

#### PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.

#### LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a Standing Order. This has not been done here, but councillors may well find it advantageous to establish a custom.

## Part II: Standing Orders for Local Councils

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## STANDING ORDERS

### 1. Meetings

- 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 free of charge or at a reasonable cost.**
- b) **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- 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) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- e) Smoking is not permitted at any meeting of the Council.
- f) The period of time that the Public may speak, is at the Chairman's discretion, but would not normally exceed 15 minutes.
- g) Council meetings can be audio recorded or filmed.
- h) **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- i) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- j) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, 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.**
- k) **Subject to model standing order 1 (l) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- l) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**
- m) Meetings shall not exceed a period of 2 1/2 hours.

- n) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- o) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes**
- p) **The minutes of a meeting shall record the names of councillors present.**

2 Ordinary Council meetings

*See also standing order 1 above*

- 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 **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d *(England)* **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 election of the Chairman of the Council shall be the first business completed at the annual meeting 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, if any, 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 of the Council at the annual meeting of the Council, the order of business shall be as follows.

i. In an election year, delivery by councillors of their declarations of acceptance of office.

ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.

### 3. Proper Officer

a The Council's Proper Officer shall be either (i) the clerk (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

b Will confirming the time, date, venue and the agenda for a meeting by delivery or electronically (provided any such email contains the electronic signature and title of the Proper Officer), serve on councillors a summons at least 3 clear days before a meeting.

**c) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

**d) Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3b above.**

e) Make available for inspection the minutes of meetings.

**f) Receive and retain copies of byelaws made by other local authorities.**

**g) Receive and retain declarations of acceptance of office from councillors.**



- h) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- i) Keep proper records required before and after meetings;
- j) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- k) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- l) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- m) Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- n) Record every planning application notified to the Council and the Council's response to the local planning authority.
- o) Refer a planning application received by the Council for the next ordinary meeting the Council. Apply for an extension to respond where necessary.
- p) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions Moved On Notice

- a 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 3 clear days before the next meeting of the Council.
- b If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- c Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

5 Motions not requiring written notice

a Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To dispose of business, if any, remaining from the last meeting.
- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x. To appoint a committee or sub-committee or any councillors (including substitutes)thereto.
- xi. To receive nominations to a committee or sub-committee.
- xii. To dissolve a committee or sub-committee.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xv. To authorise legal deeds signed by two councillors and witnessed.
- xvi. To authorise the payment of monies, as laid out by the RFO report.
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To extend the time limit for speeches.
- xix. To exclude the press and public for all or part of a meeting.
- xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxi. To give the consent of the Council if such consent is required by standing orders.
- xxii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.

6. Rules Of Debate

a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

b Subject to standing orders 4(a)–(c) above, a motion shall not be considered unless it has been proposed and seconded.

c Subject to standing order 3b above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

f Any amendment to a motion shall be either:

- i. to leave out words;
- ii. to add words;
- iii. to leave out words and add other words.

g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

l If an amendment is carried, the original motion, as amended, shall take the

place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.

n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.

p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.

q A point of order shall be decided by the Chairman and his decision shall be final.

r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:

- i. to amend the motion;
- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be silent or for him to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;
- vii. to exclude the public and press;
- viii. to adjourn the meeting;
- ix. to suspend any standing order, except those which are mandatory.

t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put

to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7 Code of conduct (England)

**All councillors shall observe the code of conduct adopted by the Council.**

*(Standards Regime Code of Conduct, as adopted on 4<sup>th</sup> September 2012 – see Minute 73/12)*

a All councillors shall undertake to ensure they have a good understanding of the code of conduct within 1 month of the delivery of their declaration of acceptance of office, and or attend the appropriate training.

b Councillors with a pecuniary interest in relation to any item of business being transacted at a meeting may not make any representations, speak or vote - and are advised to leave the room or chamber.

8 Questions

a A councillor may seek an answer to a question concerning any business of the Council provided 4 clear days notice of the question has been given to the Proper Officer.

b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

c Every question shall be put and answered without discussion.

9 Minutes

a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.

c Minutes, including any amendment to correct their accuracy, 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.

d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”

e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

#### 10 Disorderly conduct

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

#### 11. Rescission Or Previous Resolution

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 at least four members of the Council and was delivered to the Clerk not later than Monday in the week before the next meeting 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 a report by the Clerk or of a report or recommendation of a committee.

12 Voting On Appointments

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour

13 Expenditure

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year.**
- c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

14 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

**In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15. Committees and Sub Committees

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the

committee have confirmed to the Proper Officer 2 days before the meeting that they are unable to attend;

v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;

vi. may in accordance with standing orders, dissolve a committee at any time.

#### 16 Extraordinary meetings

**a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**

**b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

#### 17 Advisory committees

The Council may appoint advisory committees comprised of a number of councillors and non-councillors.

Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

#### 18 Urgent Business between Meetings

The Clerk will consult with the Chair and one other member before taking action.



19 Accounts and Financial Matters

a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed annually.

b The Responsible Financial Officer shall supply to each councillor a list of payments and receipts, at each full council meeting. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

**C Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**

d Any formal tender process shall comprise the following steps:

- i. a public notice of intention to place a contract to be advertised locally;
- ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
- iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer.

20 Estimates/precepts

a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of February.

21 Canvassing of and recommendations by councillors

a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such

appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22 Inspection of documents

a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23 Unauthorised activities

a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- i inspect any land and/or premises which the Council has a right or duty to inspect;
- or
- ii issue orders, instructions or directions.

24 Confidential Business

a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

b) A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

25 Matters affecting council employees

a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.

b The handling of grievance and disciplinary matters should be dealt with in

accordance with the Council Procedures.

c The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

d Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

e Only persons with line management responsibilities shall have access to employee records if so justified.

26 Freedom of Information Act 2000

a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman. The said Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

27 Relations with the press/media

a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

28. Liaison with County and District Councillors

a An invitation to attend a meeting of the Council shall be sent, together with the

agenda, to the councillor of the District and County Council representing its electoral ward.

b Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Councillor representing its electoral ward.

29. Allegations of breaches of the code of conduct

On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall notify the Monitoring Officer at Stroud District Council.

30. Variation, revocation and suspension of standing orders

a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

31. Standing orders to be given to councillors

a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

b The Chairman's decision as to the application of standing orders at meetings shall be final.

c A councillor's failure to observe standing orders more than 2 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.