



# **LANGPORT TOWN COUNCIL**

## **STANDING ORDERS & GUIDANCE FOR CHAIRMEN**

THESE STANDING ORDERS WERE APPROVED AT THE  
ANNUAL TOWN COUNCIL MEETING  
HELD ON 3 MAY 2016

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# STANDING ORDERS OF LANGPORT TOWN COUNCIL

Standing orders are our written rules. Some rules are required by law (they are in bold type); others are adopted as good practice. They are used to confirm our internal organisational, administrative and procurement procedures and procedural matters for meetings. They may also refer to our policies. Our overall aim is to make our proceedings as transparent and efficient as we can, and as such meetings will be kept as informal as possible, within the bounds of statutory regulation.

## 1. Meetings generally

- 1.1. It is the duty of councillors to attend the meetings of Langport Town Council and its Committees that they have been appointed to and, as well as stating their own views, to fairly represent the views and needs of the community.
- 1.2. Meetings of the Council shall be held at 7.30pm on the first Tuesday of every month, unless the Council decides otherwise at a previous meeting.
- 1.3. At least three clear days' public notice shall be given of all Council and Committee meetings, not including the day on which the notice was issued or the day of the meeting.**
- 1.4. In addition to the statutory 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.**

## 2. Admission of the public and the press

- 2.1. All meetings of the Council and its Committees shall be open to the public and press, unless it is resolved to exclude them temporarily by reason of the confidential nature of the business to be transacted or for other special reasons. A resolution to exclude them must state the reasons for their exclusion.**
- 2.2. There shall be a public session at the start of all meetings of the Council and its Committees, which may last up to 15 minutes, or longer at the Chairman's discretion.
- 2.3. Members of the public and press may make representations, ask and answer questions and give evidence on any matter affecting or of concern to Langport at the public session, by addressing the Chairman.
- 2.4. County and District Councillor Ward Members and representatives of the Police and other services may be invited to attend and make brief reports during the public session of a Council meeting, on matters affecting or of concern to Langport.

**2.5. Members of the public and press may not orally report or comment about a meeting as it takes place if they are present at the meeting of the Town Council or its committees but otherwise may:**

- a) film, photograph or make an audio recording of a meeting; b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting. (Detailed guidance can be found in our *Policy on audio/visual recording and photography at Council meetings.*)

### 3. Conduct at meetings

- 3.1. All councillors and non-councillors with voting rights must observe the Code of Conduct adopted by the Council.
- 3.2. Councillors shall treat each other with mutual respect, listen to the points of view of others, and address the Chairman when speaking. If two or more councillors wish to speak, the Chairman shall decide who to call upon.
- 3.3. No-one shall obstruct the transaction of business at a meeting or behave offensively or improperly, or in such a manner as to bring the Council into disrepute. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 3.4. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 3.5. If a resolution made under Standing Order 3.4 above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 4. Declarations of interests and dispensations

- 4.1. Councillors and non-councillors with voting rights must register all interests as defined by the Council's Code of Conduct.
- 4.2. Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

- 4.3. Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- 4.4. **Dispensation requests shall be in writing and submitted to the Town Clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 4.5. A dispensation request shall confirm:
- 4.5.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - 4.5.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - 4.5.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - 4.5.4. an explanation as to why the dispensation is sought.
- 4.6. Subject to Standing Orders 4.5 and 4.6 above, dispensation requests shall be considered by the Town Clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- 4.7. **A dispensation may be granted in accordance with Standing Order 4.9 below if, having regard to all relevant circumstances the following applies:**
- 4.7.1. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - 4.7.2. **granting the dispensation is in the interests of persons living in the Council's area or**
  - 4.7.3. **it is otherwise appropriate to grant a dispensation.**
- 4.8. A decision as to whether to grant a dispensation shall be made by the Town Clerk and that decision is final.

## 5. Quorum of the Council

- 5.1. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.** Five councillors shall constitute a quorum at Langport Town Council meetings.
- 5.2. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting

shall be adjourned to another meeting. The Town Clerk, in consultation with the Chairman and Vice Chairman shall be authorised to progress any business that is considered essential to the continued running of the Council (subject to s101 LGA1972).

*For the quorum of a committee or sub-committee, see Standing Order 14.1.5.*

## 6. Ordinary Council meetings

**6.1. 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.**

6.2. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

6.3. The order of business at ordinary Council meetings shall be:

6.3.1. To receive any apologies for absence and approve the reasons given

6.3.2. To receive any declarations of interests or dispensations

6.3.3. To approve the accuracy of the minutes of the last meeting. If the draft minutes have been circulated to councillors beforehand, they shall be taken as read.

6.3.4. To receive and consider reports and minutes of committees

6.3.5. To consider motions or recommendations

6.3.6. To authorise payments

6.3.7. To note the year to date budget and bank balances

6.4. A motion to vary the order of business on the ground of urgency, or for any other reason, may be proposed by the Chairman or by any councillor, and if proposed by the Chairman, may be put to the vote without being seconded; and shall be put to the vote without discussion.

## 7. How decisions are made

**7.1. The Council and its Committees take decisions by means of voting on a motion at meetings. A motion is a proposal which is discussed and voted upon, and a simple majority decides. The outcome then forms a resolution upon which the Council acts.**

7.2. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event must relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

7.3. Except as provided by these Standing Orders, no motion may be moved at a

meeting unless the business to which it relates it is on the agenda and the mover has given written notice of its wording to the Town Clerk at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- 7.4. Significant proposals shall be supported by a short paper explaining the recommendations, which will be published with the agenda for the meeting.
- 7.5. The Town Clerk may correct obvious grammatical or typographical errors in the wording of the motion.
- 7.6. If the Town Clerk considers the wording of a motion is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Town Clerk so that it can be understood at least 7 clear days before the meeting.
- 7.7. If the wording or subject of a proposed motion is considered improper, the Town Clerk shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 7.8. Subject to Standing Order 7.6 above, the decision of the Town Clerk as to whether or not to include the motion on the agenda shall be final.
- 7.9. The following motions may be moved at a meeting without prior written notice to the Town Clerk;
  - 7.9.1. to correct an inaccuracy in the draft minutes of a meeting;
  - 7.9.2. to move to a vote;
  - 7.9.3. to defer consideration of a motion;
  - 7.9.4. to refer a motion to a particular committee or sub-committee;
  - 7.9.5. to appoint a person to preside at a meeting;
  - 7.9.6. to change the order of business on the agenda;
  - 7.9.7. to proceed to the next business on the agenda;
  - 7.9.8. to require a written report;
  - 7.9.9. to appoint a committee or sub-committee and their members;
  - 7.9.10. to extend the time limits for speaking;
  - 7.9.11. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - 7.9.12. to not hear further from a councillor or a member of the public;
  - 7.9.13. to exclude a councillor or member of the public for disorderly conduct;
  - 7.9.14. to temporarily suspend the meeting;
  - 7.9.15. to suspend a particular Standing Order (unless it reflects mandatory statutory requirements);
  - 7.9.16. to adjourn the meeting; or
  - 7.9.17. to close a meeting.

- 7.10. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 5 councillors to be given to the Town Clerk in accordance with Standing Order 7.3 above, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 7.11. When a motion moved pursuant to Standing Order 7.10 above has been disposed of, no similar motion may be moved within a further six months.
- 7.12. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.**

## 8. Handling motions and amendments

- 8.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- 8.2. A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- 8.3. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- 8.4. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 8.5. If an amendment to the original motion is carried, the original motion as amended becomes the substantive motion upon which further amendment(s) may be moved.
- 8.6. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- 8.7. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- 8.8. Subject to Standing Order 8.9 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- 8.9. One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.



- 8.10. A councillor may not move more than one amendment to an original or substantive motion.
- 8.11. The mover of an amendment has no right of reply at the end of debate on it.
- 8.12. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 8.13. Unless permitted by the Chairman of the meeting, a councillor may speak once in the debate on a motion except:
- 8.13.1. to speak on an amendment moved by another councillor;
  - 8.13.2. to move or speak on another amendment if the motion has been amended since he last spoke;
  - 8.13.3. to make a point of order;
  - 8.13.4. to give a personal explanation; or
  - 8.13.5. in exercise of a right of reply.
- 8.14. 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 other irregularity in the proceedings of the meeting he is concerned by.
- 8.15. A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- 8.16. When a motion is under debate, no other motion shall be moved except:
- 8.16.1. to amend the motion;
  - 8.16.2. to proceed to the next business;
  - 8.16.3. to adjourn the debate;
  - 8.16.4. to put the motion to a vote;
  - 8.16.5. to ask a person to be no longer heard or to leave the meeting;
  - 8.16.6. to refer a motion to a committee or sub-committee for consideration;
  - 8.16.7. to exclude the public and press;
  - 8.16.8. to adjourn the meeting; or
  - 8.16.9. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory requirements.
- 8.17. Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

- 8.18. Excluding motions moved under Standing Order 8.16 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.

## 9. Voting

- 9.1. Voting shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor voted for or against that question, or abstained.** Such a request must be made before moving on to the next item of business on the agenda.

- 9.2. The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

- 9.3. Where more than two 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 of one person. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

*See Standing Order 12.7 below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

## 10. Minutes and draft minutes

- 10.1. The minutes of a meeting shall include an accurate record of the following:
- 10.1.1. the time and place of the meeting;
  - 10.1.2. the names of councillors present and absent;
  - 10.1.3. interests that have been declared by councillors and non-councillors with voting rights;
  - 10.1.4. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - 10.1.5. if there was a public participation session;
  - 10.1.6. if the public were excluded for any part of the meeting, together with the reasons for their exclusion, and
  - 10.1.7. the resolutions made.
- 10.2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. Corrections to the minutes must be made by resolution and must be initialled by the Chairman.

- 10.3. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 10.4. 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 meeting and the minutes are confirmed as an accurate record of the proceedings."
- 10.5. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 11. Confidential business

- 11.1. No member of the Council or of any committee or sub-committee, nor any member of staff shall disclose to any person not a member of the Council any business declared to be confidential by the Chairman of the Council, the committee or the sub-committee as the case may be.
- 11.2. Anyone in breach of Standing Order 11.1 may be removed from any committee or sub-committee of the Council by the Council, or may be considered to have breached the Code of Conduct, as appropriate.

## 12. The statutory Annual Council Meeting

- 12.1. 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.**
- 12.2. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct.**
- 12.3. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- 12.4. 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.**
- 12.5. 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.**

**12.6. 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.**

**12.7. 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.**

12.8. The order of business at the statutory Annual Council Meeting shall be:-

**12.8.1. to elect a Chairman of the Council;**

**12.8.2. to receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received;**

**12.8.3. to elect a Vice-Chairman of the Council;**

12.8.4. to receive the Vice Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received;

**12.8.5. in an election year, to receive councillors' declarations of acceptance of office or, if not then received, to decide when they shall be received;**

12.8.6. in an election year, to fill any vacancies left unfilled at the election by reason of insufficient nominations;

12.8.7. to appoint committees and sub-committees, and to review their terms of reference;

12.8.8. to appoint representatives to outside bodies;

12.8.9. to review and adopt Standing Orders and Financial Regulations

12.8.10. to review such other policies and procedures as may be necessary

12.8.11. to adopt a schedule of Council meetings up to and including the next statutory annual meeting

and shall thereafter follow the order set out in Standing Order 6.3.

## 13. Extraordinary Council meetings

**13.1. The Chairman may at their discretion summon an extraordinary meeting of Council.**

**13.2. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having**

**been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

*For Committees see Standing Order 14.5.*

## 14. Committees and sub-committees

14.1. The Council may appoint standing committees or other committees as may be necessary, and:

14.1.1. shall determine their terms of reference;

14.1.2. shall permit a committee to determine the number and time of its meetings;

14.1.3. shall, subject to Standing Orders 14.3 and 14.4 above, appoint and determine the terms of office of members of such a committee. A term of office may not exceed the next Annual Council Meeting;

14.1.4. shall, after it has appointed the members of a committee, appoint the Chairman of the standing committee;

14.1.5. shall determine the quorum for a meeting of a committee and a sub-committee which shall be no less than three;

14.1.6. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee; and

14.1.7. may dissolve a committee.

**14.2. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

**14.3. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

**14.4. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors, unless it is an advisory committee or sub-committee which regulates and controls the finances of the Council.**

14.5. The Chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

14.6. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 working days of having been requested by to do so by 2 members of the committee (or the sub-committee), any 2 members of the committee (and the sub-committee) may convene an extraordinary meeting of a committee (and a sub-committee).

## 15. Proper Officer

- 15.1. The Proper Officer shall be the Town Clerk.
- 15.2. The Council may appoint an appropriate person to undertake the work of the Proper Officer when the Proper Officer is absent.
- 15.3. The Town Clerk shall:-
  - 15.3.1. at least three clear days before a meeting of the Council, a committee and a sub-committee serve on councillors a summons, by email confirming the time, place and the agenda provided that any such email contains the electronic signature and title of the Town Clerk.**
  - 15.3.2. convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - 15.3.3. have delegated authority to declare a casual vacancy;
  - 15.3.4. facilitate inspection of the minutes of Council and committee meetings by local government electors;
  - 15.3.5. receive and retain copies of byelaws made by other local authorities;**
  - 15.3.6. retain acceptance of office forms from councillors;
  - 15.3.7. retain a copy of every councillor's register of interests;
  - 15.3.8. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
  - 15.3.9. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - 15.3.10. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
  - 15.3.11. arrange for legal deeds to be executed;
  - 15.3.12. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
  - 15.3.13. record every planning application notified to the Council and the Council's response to the local planning authority;
  - 15.3.14. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within two working days of receipt, and to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council ;
  - 15.3.15. keep proper records for all Council and committee meetings, and other Council business
  - 15.3.16. manage access to information about the Council via the publication scheme; and
  - 15.3.17. retain custody of the seal of the Council, which shall not be used without a resolution to that effect.

## 16. Code of Conduct complaints

- 16.1. Upon notification by the District or County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Town Clerk shall, subject to Standing Order 11 above, report this to the Council.
- 16.2. Where the notification in Standing Order 16.1 above relates to a complaint made by the Town Clerk, the Town Clerk shall notify the Chairman of Council of this fact, and the Chairman shall nominate an appropriate person to assume the duties of the Town Clerk in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 16.4 below.
- 16.3. The Council may:
- 16.3.1. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- 16.3.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- 16.4. **Upon notification by the District or County Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## 17. Responsible Financial Officer

- 17.1. The Responsible Financial Officer shall be the Town Clerk.
- 17.2. The Council may appoint an appropriate person to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 18. Accounts and accounting statements

- 18.1. "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- 18.2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 18.3. The Responsible Financial Officer shall supply to each councillor as soon as practicable a statement to summarise:
- 18.3.1. the Council's receipts and payments for the previous month;

- 18.3.2. the Council's aggregate receipts and payments for the year to date;
  - 18.3.3. the balances held at the end of the month being reported
  - 18.3.4. and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 18.4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- 18.4.1. each councillor with a statement summarising the Council's receipts and payments for the last month and the year to date for information; and
  - 18.4.2. to the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- 18.5. The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June, or such date as the external auditors request.

## 19. Financial controls and procurement

- 19.1. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- 19.1.1. the keeping of accounting records and systems of internal controls;
  - 19.1.2. the assessment and management of financial risks faced by the Council;
  - 19.1.3. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - 19.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - 19.1.5. procurement policies (subject to Standing Order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- 19.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 19.3. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works**



**with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in Standing Order 19.4 below.**

19.4. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

19.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;

19.4.2. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

19.4.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

**19.4.4. tender to be displayed on the Contracts Finder Website;**

19.4.5. tenders are to be submitted in writing in a sealed marked envelope addressed to the Town Clerk;

19.4.6. tenders shall be opened by the Town Clerk in the presence of the Chairman and Vice Chairman after the deadline for submission of tenders has passed;

19.4.7. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

19.4.8. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

19.5. **Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## 20. Estimates / Precepts

20.1. The Town Council shall approve its budgets for the coming financial year at its meeting in the month of January.

20.2. Any committee wishing to incur expenditure shall, not later than 31st. October, give the Town Clerk a written estimate of the expenditure recommended for the coming year.

## 21. Handling staff matters

- 21.1. A matter personal to a member of staff that is being considered by a meeting of Council, of the Finance & Personnel Committee or the Personnel Sub-Committee is treated as confidential business and is subject to Standing Order 11 above.
- 21.2. The members of the Personnel Sub-Committee shall conduct a review of the performance and annual appraisal of the work of the Town Clerk. The review and appraisal shall be reported in writing and are subject to approval by resolution by the Finance & Personnel Committee.
- 21.3. The Town Clerk shall conduct a review of the performance and annual appraisal of all other paid employees. The reviews and appraisals shall be reported in writing and are subject to approval by resolution by the Personnel Sub-Committee.
- 21.4. The Council's most senior member of staff shall notify the members of the Personnel Sub-Committee of absence occasioned by illness or other reason.
- 21.5. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Finance & Personnel Committee or in his absence, the members of the Personnel Sub-Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Sub-Committee.
- 21.6. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the Chairman of the Finance & Personnel Committee, this shall be communicated to another member of the Personnel Sub-Committee, which shall be reported back and progressed by resolution of the Personnel Sub-Committee.
- 21.7. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 21.8. The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- 21.9. Only members of the Personnel Sub-Committee shall have access to staff records referred to in Standing Orders 21.7 and 21.8 above if so justified.
- 21.10. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 21.7 and 21.8 above

shall be provided only to the post holder, the Town Clerk and the Chairman of the Council.

## 22. Requests for information

- 22.1. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 22.2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Town Clerk to the Chairman of the Council. The said Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## 23. Relations with the press/media

- 23.1. Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled by the Town Clerk, or in his absence, the Chairman.
- 23.2. Councillors shall not provide oral or written statements or written articles to the press or other media that purport, or may be construed, to be on behalf of the Council.

## 24. Execution and sealing of legal deeds

- 24.1. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 24.2. **Subject to Standing Order 24.1 above, any two councillors may sign, on behalf of the Council, any deed required by law and the Town Clerk shall witness their signatures.**

*The above is applicable to a Council without a common seal.  
See also Standing Orders 15.3.11 and 15.3.17 above.*

## 25. Restrictions on councillor activities

- 25.1. Unless authorised by a resolution, no councillor shall:
  - 25.1.1. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - 25.1.2. issue orders, instructions or directions.

## 26. Standing orders generally

- 26.1. All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 26.2. A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Town Clerk in accordance with Standing Order 7.3 above.
- 26.3. The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.
- 26.4. The Town Clerk shall provide a copy of the Council's Standing Orders to a councillor as soon as possible after he has delivered his acceptance of office form, and shall publish them on the Council's website.

# ANNEX TO STANDING ORDERS

## GUIDANCE FOR CHAIRMEN

(NOTE: The word 'Chairman' means the person actually presiding at a meeting and 'Council' includes 'committee', where any function has been delegated. 'He' should always be understood as 'he or she'.)

These notes do not form part of the Council's Standing Orders. They are intended to help Chairmen in the performance of their duties.

### BASIC PRINCIPLES

1. The Council and its Committees take decisions by means of voting on a motion at meetings. A motion is a proposal which is discussed and voted upon, and a simple majority decides. The outcome then forms a resolution upon which the Council acts.

2, In order for Council actions to be effective, a motion must be clear. The purpose of Council business is to reach, without unreasonable delay, clear and lawful decisions based on adequate information.

3, It is the duty of the Chairman to ensure that this purpose is achieved. To this end they 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 from personalities*;
- i. co-operate with the Town Clerk and councillors.

### PRELIMINARY

4. The authority of the Chairman is limited to matters of procedure. It is helpful if he is familiar with the Council's Standing Orders. It is one of the most difficult tasks to remember that, while the Chair gives authority on matters of procedure, it confers no additional rights (other than the casting vote) on matters of policy above those possessed by other councillors.

5. Before any meeting, the Chairman should study the items on the agenda with the Town Clerk, and should in effect ask in respect of each item the following questions:-

- a. What does it mean?
- b. Is it lawful?
- c. Do we know enough about it?
- d. Has any councillor special knowledge of this problem?
- e. Is there any councillor who may have a pecuniary interest?

## **OUTSIDE INTERFERENCE**

6. Outside interference usually takes the form of a public disturbance at a meeting. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees.

7. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though naturally not wishing to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence, may have to warn the individual(s) that they will be turned out if they do it again; if the warning is ignored it should be resolved, without discussion, that the interrupter(s) be excluded, and if they fail to leave they 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 may be necessary.

8. 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.

## **QUORUM**

9. 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 an interest should consider making an application for dispensation to the Town Clerk where appropriate.

## **STAYING WITHIN THE LAW**

10. The Chairman should be satisfied 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.

## **A CLEAR DECISION: MOTIONS AND AMENDMENTS**

11. 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). Councillors 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**

12. 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 £25,000 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**

13. 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.

14. An amendment, which in substance negates the principal resolution, should not be allowed because it is confusing and unnecessary

15. An amendment should always be put to the vote before the resolution that it seeks to amend.

16. 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 is amendment be agreed to."

17. 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.)*

### **COMPLETENESS OF INFORMATION**

18. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the Town Clerk to supply. Some proposals from councillors may be accompanied by background information. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting should make a point of asking any councillor with special knowledge to give their opinion. If it appears at the meeting that information is still insufficient, consideration should be adjourned 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**

19. 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 their own, if they have one. It is not the duty of Chairmen to suppress their own convictions nor the privilege to impose their opinions. Experience has shown that the safest and least controversial course is for the Chairmen to call upon speakers for and against a proposal to speak alternately and themselves to avoid speaking first or last.

20. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent.

### **RELEVANCE**

#### **General rule**



21. 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**

22. Chairmen should do their 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 councillors to employ an impersonal mode of expression. If a councillor makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended councillor.

### **Methods of enforcement**

23. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite them to return to the point. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how their remarks relate to the issue.

### **Revival of decided issues**

24. 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 councillor who raises it was not present when the item was considered.

### **Minutes**

25. 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.

## **REASONABLE DESPATCH**

### **Intervals**

26. It is important that business should be transacted with reasonable speed. Long meetings bore councillors 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 extraordinary meetings in necessary cases; the greater the interval between regular meetings the more readily they should be called. The right of local Councils to be notified of planning applications makes this especially important.

### **Obstruction at meetings**

27. Deliberate obstruction by a councillor 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. (*See also para 30*)

### **Repetition**

28. 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**

29. 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**

30. Points of order relate to procedure only and take precedence over 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 their 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 they continue their speech or ignore it as they think 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, if the answer is "No", and the Council has no power to act as proposed, the business ought not to be under discussion.

### **Procedural resolutions**

31. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to correct minutes, alter the order of business, or refer to committee.

- 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 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.

### **"Any other business"**

32. 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.

### **"Urgent" business**

33. 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 extraordinary 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.

**34. 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**

35. Save on one occasion (Standing Order 7d) Chairmen have both an ordinary and a casting vote. There is no rule of law which requires them to give their ordinary vote at the same time as the other members are voting, but it is obviously undesirable and undignified for them to wait and then say "the voting is 5 to 4 against; I therefore vote in favour which makes it even."

36. Where there is an equality of votes Chairmen may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, they 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.

## **MALADMINISTRATION**

37. 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. Langport Town Council has adopted a complaints procedure, which is reviewed annually.

## **LENGTH OF MEETINGS**

38. 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.

May 2016