

## STANDING ORDERS WITH RESPECT TO PROCEEDINGS AND BUSINESS OF THE HYTHE TOWN COUNCIL

### STATUTORY PROVISIONS

Some matters concerning which a Council would normally make a standing order have been laid down in Acts of Parliament and are therefore compulsory.

The Standing Orders based on the statutory provisions have been printed in **heavy type**.

This is so that councillors can have available in one document a complete procedural code, which includes the prescribed statutory elements and the discretionary rules adopted by Council as Standing Orders properly so-called.

Statutory provisions cannot be suspended or amended, as can the Standing Orders made by Council. (See Standing Orders Nos. 75 and 76.)

Gender – The term “he” is used throughout Standing Orders and is deemed to refer to he/she.

All provisions incorporated into these Standing Orders have been made in accordance with primary legislation and due regard to the provisions of the Human Rights Act 1998.

## MEETINGS

1.
  - (a) Meetings of the Council shall be held at 6.45 pm in the evening unless the Council otherwise decides at a previous meeting.
  - (b) Smoking is not permitted at any meeting of the Council, its Committees or Sub-Committees.
  - (c) The use of a mobile telephone in any way is not permitted during any meeting of the Council, its Committees or Sub-Committees and shall be turned off when entering the Chamber.
  
2. **The Statutory Annual Meeting**
  - (a) **In an election year shall be held on or within 14 days following the day on which the Councillors elected take office, and**
  - (b) **In a year which is not an election year shall be held on such a day in May as the Council may direct.**

In a year in which the Town holds the Speakership of the Cinque Ports the Statutory Annual Meeting will be held on the Thursday following the passing of the Speakership to the next Town, unless it coincides with an election year.

3.
  - (a) **The three other statutory meetings shall be held at such places, on such dates and at such times as may be fixed by the Council.**
  - (b) Any additional meetings shall be held at such places, on such dates, and at such times as may be fixed by the Council.

### CHAIRMAN OF MEETING

4. (a) **At a meeting of a Town Council the Mayor, if present, shall preside.**
- (b) **If the Mayor is absent from a meeting of the Council, then the Deputy Mayor of the Council, if present shall preside;**
- (c) **If both the Mayor and Deputy Mayor of the Council are absent from a meeting of the Council another member of the Council chosen by the members of the Council present shall preside.**
- (d) **The person presiding at a meeting may exercise all the powers and duties of the Town Mayor in relation to the conduct of the Meeting.**

### PROPER OFFICER

5. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the clerk:-
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing interests at meetings.
  - (c) To receive and retain plans and documents.
  - (d) To sign notices or other documents on behalf of the Council.
  - (e) To receive copies of byelaws made by a District Council.
  - (f) To certify copies of byelaws made by the Council.
  - (g) To sign summonses to attend meetings of the Council.
  - (h) To keep proper records for all Council meetings.

### QUORUM

6. **Six members shall constitute a quorum.**
7. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Town Mayor may fix, and the meeting shall stand adjourned.
8. For a quorum relating to a Committee or Sub-Committee, refer to Standing Order No 48.

## *VOTING*

9. Members shall vote by show of hands (or, if at least six members so request, by signed ballot).
10.
  - (a) **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
  - (b) If a member so requires, the Clerk shall record their name as to how they voted on any question.
11.
  - (1) **Subject to (2) and (3) below the Town Mayor may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote whether or not he gave no original vote.**
  - (2) **If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Town Mayor and Deputy Town Mayor until the end of their term of office he may not give an original vote in an election for Town Mayor.**
  - (3) **The person presiding must give a casting vote whenever there is an equality of votes in an election for the Town Mayor.**

## ORDER OF BUSINESS

12. **At each Annual Meeting the first business shall be –**
  - (a) **To elect the Town Mayor.**
  - (b) **To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - (c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
  - (d) **To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct**

**adopted by the Council which have not been received as provided by law, shall be received.**

- (e) To elect a Deputy Town Mayor.
- (f) To appoint representatives to outside bodies.
- (g) To appoint committees.
- (h) To inspect any deeds and trust investments in the custody of the council as required.

and shall thereafter follow the order set out in Standing Order 15.

13. **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made, or if not then received to decide when they shall be received.**
14. In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows –
  - (a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - (b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - (c) **To deal with business expressly required by statute to be done.**
  - (d) To dispose of business, if any, remaining from the last meeting.
  - (e) To receive such communications as the person presiding may wish to lay before the Council.

- (f) To answer questions from Councillors under Standing Order 24.
- (g) To receive and consider reports and minutes of committees.
- (h) To receive and consider resolutions or recommendations in the order in which they have been notified.
- (i) To authorise the sealing of documents.
- (j) If necessary, to authorise the signing of orders for payment.
- (k) To receive and consider reports from Officers of the Council.
- (l) Any other business specified in the summons.

#### VARIATION OF ORDER OF BUSINESS

- 16. Business falling under Standing Orders 13 and 15(a) (b) and (c) shall not be displaced but subject thereto the order of business in Standing Order 15(d) to (l) above may be varied on the grounds of urgency:
  - (a) May be proposed by the Town Mayor or by any member and, if proposed by the Town Mayor, may be put to the vote without being seconded; and
  - (b) Shall be put to the vote without discussion.

#### NOTICES OF MOTION

##### RESOLUTIONS MOVED ON NOTICE

- 17. Except as provided by these Standing Orders, no resolution may be moved unless :
  - (a) the business to which it relates has been put on the Agenda by the Clerk; or
  - (b) notice is given in writing of its terms, signed by one member of the Council giving the notice and delivered at least seven clear days before the next meeting of the Council at the office of the Town Clerk; excepting at the Annual Council Meeting in an election year, when the written notice of motion period be reduced to 48 hours and the motion be subsequently delivered to Councillors in advance of the meeting.
- 18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it

was received and shall enter it in a book which shall be open to the inspection of every member of the Council.

Motions to be Set Out in Summons

19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received, unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting, or that he withdraws it in writing.

Motion Not Moved

20. 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 on his behalf, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

Automatic Reference to Committee

21. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Town Mayor, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

Scope of Motions

22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

23. Resolutions dealing with the following matters may be moved without notice :
  - (a) To appoint a Chairman of the meeting;
  - (b) to correct the Minutes;
  - (c) to approve the Minutes;
  - (d) to alter the order of business;
  - (e) to proceed to the next business;

- (f) to close or adjourn the debate;
- (g) to refer a matter to a committee;
- (h) to appoint a committee or any members thereof;
- (i) to adopt reports and recommendations of Committees or Officers and any consequent resolutions;
- (j) to authorise the sealing of documents;
- (k) to amend a motion;
- (l) to give leave to withdraw a resolution or an amendment;
- (m) to extend the time limit for speeches;
- (n) to exclude the public; (see Order 68 below)
- (o) to silence or eject from the meeting a member named for misconduct; (see Order 33 below);
- (p) to give the consent of the Council where such consent is required by these Standing Orders;
- (q) to suspend any Standing Order; (see Order 79 below);
- (r) to adjourn the meeting;
- (s) that the motion be now put.

#### QUESTIONS

24. (1) A member of the Council may ask the Chairman of a committee any question upon the proceedings of the committee then before the Council if the question is put immediately following the motion for the adoption of the minutes of the committee.
- (2) A member of the Council may -
- (a) if two clear day's notice in writing has been given to the Town Clerk, ask the Town Mayor or the Chairman of any committee any question on any matter in relation to which the Council has powers or duties or which affects the Town;

- (b) with the permission of the Town Mayor, put to him or the Chairman of any committee any such question relating to urgent business, of which such notice has not been given, but a copy of any such question shall, if possible, be delivered to the Town Clerk not later than 10.00am in the morning of the day of the meeting.
- (3) An answer may take the form of –
  - (a) direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Council.
- 25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26. Every question shall be put and answered without discussion.
- 27. A person to whom a question has been put may decline to answer.

## **MINUTES**

- 28. (1) The Town Mayor shall put the question “That the minutes of the meeting of the Council held on the ----- day of -----, having been circulated, be confirmed as a correct record and signed by the Chairman”.
- (2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Town Mayor shall sign the minutes.
- (3) Presentation of Committee Minutes & Reports  
  
The Chairman of the committee concerned, or in his absence the Vice-Chairman or, should he also be absent, such other member of the Council as the Chairman may select, shall move an original motion that the minutes of his committee be received or approved and adopted as the case may be. On such a motion

being duly seconded it shall operate as a series of motions that each item of the report be received and the recommendations therein (if any) be adopted. The committee minutes shall thereupon be open to discussion by the Council.

## **RULES OF DEBATE FOR COUNCIL MEETINGS**

29. (a) Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed, and seconded and unless notice has already been given in accordance with Standing Order No 17, it shall, if required by the Town Mayor, be put into writing and handed to the Town Mayor before it is further discussed or put to the meeting. The proposer shall speak immediately upon proposing a motion or amendment.

(b) Seconders' Speech

A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

(c) Content of Speeches

A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.

(d) Length of Speeches

Except by consent of the Council, no speech shall exceed five minutes.

(e) Amendments to Motions

An amendment shall be relevant to the motion and shall be either :

- (i) to leave out words;
- (ii) to leave out words and insert or add others;
- (iii) to insert or add words;
- (iv) to refer a subject of debate to a committee for consideration or reconsideration.

(f) An amendment shall not have the effect of negating or radically altering the resolution before the Council.

- (g) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (h) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- (i) The mover of a resolution shall have a right of reply not exceeding five minutes.

(j) When a Member May Speak Again

A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except –

- (i) to speak once on an amendment moved by another member;
- (ii) if the motion has been amended since he last spoke, to move a further amendment;
- (iii) if his first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
- (iv) in exercise of a right of reply given by Standing Orders 32 or 34;
- (v) on a point of order;
- (vi) by way of personal explanation;
- (vii) to move a closure.

(k) Points of Order and Personal Explanation

A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith.

A point of order shall relate only to an alleged breach of a Standing Order or Statutory Provision and the member shall specify the Standing Order or Statutory Provision and the way in which he considers it has been broken.

A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.

(l) Withdrawal of Motion

A motion or amendment may be withdrawn by the proposer with the consent of Council and in the cases of Motions Moved Without Notice with the consent of the seconder, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

(m) Motions Which May be Moved During Debate

When a resolution is under debate no other resolution shall be moved except the following :

- (i) to amend the resolution;
- (ii) to proceed to the next business;
- (iii) to adjourn the debate;
- (iv) that the question be now put;
- (v) that a member named be not further heard;
- (vi) that a member named do leave the meeting;
- (vii) that the resolution be referred to a committee;
- (viii) to exclude the public and press;
- (ix) to adjourn the meeting.

30. A member shall stand when speaking unless permitted by the Town Mayor to sit on account of infirmity.

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

(b) Mode of Address

During the sitting of the Council, members shall address the Town Mayor and every member shall in referring to the Town

Mayor, Deputy Mayor, councilors and officers employ their respective official titles.

(c) Only One Member to Stand and Speak at a Time

A member when speaking shall stand and address the Town Mayor. If two or more members rise, the Town Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated and silent, unless rising on a point of order or in personal explanation.

(d) Respect for the Chair

Whenever the Town Mayor rises during a debate a member then standing shall resume his seat and the Council shall be silent.

32. Closure Motions

A member may move without comment at the conclusion of a speech of another member:

- (a) “That the Council proceed to the next business”;
- (b) “That the motion be now put”;
- (c) “That the debate be now adjourned”;
- (d) “That the Council do now adjourn”.

on the seconding of which the Town Mayor shall proceed as follows :

- (i) on a motion “that the Council proceed to next business”: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- (ii) on a motion “That the motion be now put”: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the motion be now put, and if it is passed then give the mover of the original motion his right of reply under Standing Order 34 before putting his motion to the vote;
- (iii) on a motion “That the debate be now adjourned” or “That the

Council do now adjourn”; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion;

- (iv) on resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

*(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)*

#### DISORDERLY CONDUCT

- 33. (a) **All members must observe the Code of Conduct which was adopted by the Council on the 21<sup>st</sup> March 2002, a copy of which is annexed to these Standing Orders (Appendix 1).**
- (b) No member shall at a Council meeting disregard the ruling of the Town Mayor, or at a Committee meeting the Committee Chairman, or wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Town Mayor at a Council meeting, or the Chairman at a Committee meeting, a member has broken the provisions of paragraph (b) of this Order, the Town Mayor or Committee Chairman shall express that opinion to the Council or to the Committee and thereafter any member may either move -  
  
“that the member named be no longer heard” or  
  
“that the member named do leave the meeting”,  
  
and the motion, if seconded, shall be put forthwith and without discussion.  
  
**If a member reasonably believes another member is in breach of the Code of Conduct that member is under a duty to report the breach to the Standards Board.**
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Town Mayor or the Committee Chairman may suspend the

meeting or take such further steps as may reasonably be necessary to enforce them.

(e) General Disturbance

In the event of general disturbance which, in the opinion of the Town Mayor renders the due and orderly dispatch of business impossible, the Town Mayor in addition to any other power vested in him may, without the question being put, adjourn the meeting of the Council for such period as he at his discretion shall consider expedient.

#### RIGHT OF REPLY

34. (a) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment.
- (c) The mover of the amendment shall have no right of reply to the debate on his amendment.
- (d) A member exercising a right of reply shall not introduce new matters.
- (e) After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

#### ALTERATION OF RESOLUTION

35. (1) For Resolutions moved on Notice a member may -
- (a) with the consent of the Council signified without discussion alter a motion of which he has given notice, provided the alteration is one which could be made as an amendment thereto;
- and
- (b) move amendments to his own motion.
- (2) For Resolutions moved Without Notice a member may –
- (a) With the consent of his seconder and the Council signified without discussion alter a motion, provided

the alteration is one which could be made as an amendment thereto; and

- (b) with the consent of his seconder, move amendments to his own motion.

#### RESCISSION OF PREVIOUS RESOLUTION

- 36. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least six members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

#### VOTING ON APPOINTMENTS

- 37. (a) Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on, until a majority of votes is given in favour of one person.
- (b) The Council may at any particular meeting, by a majority of members present and voting, decide that the voting on any appointment then to be made shall be by ballot.

#### DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 38. If at a meeting of the Council (or of a committee thereof) there arises any question relating to the appointment, conduct, promotion, dismissal, salary, superannuation, or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded.  
(See *Standing Order No 68.*)

## RESOLUTIONS ON EXPENDITURE

39. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance & General Purposes Committee or of another committee after recommendation by the Finance & General Purposes Committee) and which, if carried, would, in the opinion of the Town Mayor, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon and the Finance & General Purposes Committee shall report on the financial aspect of the matter.

## EXPENDITURE

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

## SEALING OF DOCUMENTS

41. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council.
- (b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer, or a person authorised by him, in the presence of the Town Mayor or Deputy Town Mayor and one other member who shall sign the document as witnesses. An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the persons who attested the seal.
- (c) The application of the seal and order shall be reported to Council.
- (d) Custody of the Seal

The common seal of the Council shall be kept in a safe place in the custody of the Town Clerk and shall be secured by two different locks, the keys of which shall be kept respectively by the Town Mayor of the Council and the Town Clerk.

Provided that the Town Mayor may entrust his key temporarily to another member and the Town Clerk may entrust his key temporarily to another officer as may be assigned by him.

(e) Authentication of Documents for Legal Proceedings

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Town Clerk or a person authorised by him unless any enactment otherwise requires or authorises, or the Council give the necessary authority to another officer for the purpose of such proceedings.

COMMITTEES AND SUB-COMMITTEES

42. Appointment of Committees and Sub-Committees

The Council shall at the Annual Statutory Meeting appoint such committees (*to include the membership thereof*) as they are required to appoint by or under any statute or under Standing Order No 43 (Constitution of Committees) and may at any time appoint such other Committees as are necessary to carry out the work of the Council, but subject to any statutory provision in that behalf –

(a) shall not appoint any member of a committee so as to hold office later than the next annual meeting of the Council;

(b) may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee, *to include, inter alia, the appointment of Members elected at by-elections in between Annual Statutory Meetings. An extraordinary meeting of the Council shall be called as soon as is reasonably practicable but not later than ten days following the by-election to appoint the new members to their chosen Standing Committees, subject to the provisions of Standing Order No 43.*

43. Constitution of Committees and Sub-Committees

(1) The Council shall at the Annual Statutory Meeting appoint the following Standing Committees:

Finance and General Purposes Committee  
Plans and Works Committee

In making appointments to the Standing Committees the Council shall have regard to the following principles:

- (i) The Town Mayor and Deputy Town Mayor ex-officio shall be voting members of each Standing Committee.
- (ii) Each remaining member of the Council shall be a member of one of the Standing Committees, unless disqualified under Standing Order 73(b).
- (iii) As far as is possible each Standing Committee shall contain not less than one half of the total Council membership including the Town Mayor and Deputy Town Mayor.
- (iv) Subject thereto each other member of the Council shall initially be entitled to a seat on one Standing Committee of their choice provided that no Standing Committee shall contain the total Council membership. *This entitlement is subject to the provisions of Standing Order No 42.*
- (v) If resulting from (iv) above :
  - (a) The membership of each Standing Committee contains at least one half of the total Council membership including the Town Mayor and Deputy Town Mayor then no further action is required.
  - (b) The membership of one Standing Committee contains less than one half of the total Council membership, including the Town Mayor and Deputy Town Mayor, then members may put their names forward for Council to ballot (as per Standing Order No 37) to fill the vacant positions to make the number up to a maximum of one half plus one of the total Council membership including the Town Mayor and Deputy Town Mayor.
- (vi) If the membership of either Standing Committee is less than one third of the total Council membership, including the Town Mayor and Deputy Town Mayor, then that Standing Committee shall cease to function until such time as its membership is raised to or above this level.
- (vii) In the event of a Standing Committee ceasing to function under clause (vi) above its duties and functions shall be carried out by the Council.

(2) Aims and Objectives Committee

Mayor, Deputy Mayor plus 3 members from each of the Finance & General Purposes Committee and Plans & Works Committee.

- (3) Except where otherwise provided by statute or a scheme made under statutory authority the Town Mayor and Deputy Town Mayor if not appointed thereto in their respective capacities as Councillor shall, as Town Mayor and Deputy Town Mayor, be ex-officio voting members of each Committee appointed by the Council.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN  
OF COMMITTEES AND SUB-COMMITTEES

44. (1) At its first meeting, before proceeding to any other business, every committee or sub-committee, shall elect the Chairman and if it so desires a Vice-Chairman who shall hold office until the next Annual Meeting of the Council and shall settle its programme of meetings for the year.

At such first meeting, the Town Mayor (or in his absence the Deputy Mayor of the Council), shall preside during the election of the Chairman of the committee. When the Chairman has been elected, the Mayor (or Deputy Mayor, as the case may be) shall vacate the Chair. In the absence of the Mayor and Deputy Mayor of the Council, a Chairman for the purpose of such election shall be appointed.

- (2) In the absence from a meeting of the Chairman, the Vice Chairman, if present, shall preside, but in the absence of the Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed.
- (3) The Chairman of each committee and sub-committee shall be a member of the Council.

No member of the Council shall hold more than one office of Chairman or Vice-Chairman, of the committees referred to in Standing Order 43.

## EXTRA-ORDINARY MEETINGS OF COMMITTEES AND SUB-COMMITTEES

45. The Chairman of a committee or sub-committee (or in his absence the Deputy Chairman) or the Town Mayor of the Council (or in the Mayor's absence the Deputy Mayor) may call an extra-ordinary meeting of that committee or sub-committee at any time. An extra-ordinary meeting shall also be called on the request of a third of the whole number of the committee, or sub-committee, delivered in writing to the Town Clerk, but in no case shall less than three members requisition an extra-ordinary meeting of a committee or sub-committee. The summons to the extra-ordinary meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be transacted at that meeting. Three clear working days' notice of the meeting shall be given.

## APPOINTMENT OF AD-HOC SUB-COMMITTEES

46. (a) Every committee appointed by the Council may appoint ad hoc sub-committees for purposes to be specified by the committee.
- (b) No act of the ad hoc sub-committees shall have effect until approved by the committee or Council as appropriate.
- (c) All sub-committees will report to the Parent Committee on a regular basis.
47. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

## QUORUM OF COMMITTEES AND SUB-COMMITTEES

48. Except where authorised by statute or ordered by the Council, in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-third of its members.
49. The Standing Orders below shall, with any necessary modifications, apply to committee and sub-committee meetings.
- (a) The Standing Orders on Rules of Debate (except those parts relating to standing and to speaking more than once).

- (b) Standing Orders on interests of members in contracts and other matters.
- (c) Standing Order No 33 headed “Disorderly Conduct”.
- (d) Standing Order No 72 headed “Disturbance by Members of the Public”.

#### ADVISORY COMMITTEES

- 50. (1) The Council may appoint advisory committees whose name and number of members and the bodies to be invited to nominate members shall be specified.
- (2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- (3) An advisory committee may make recommendations and give notice thereof to the Council, but its decisions and recommendations shall not be mandatory.
- (4) An advisory committee may consist wholly of persons who are not members of the Council.

#### VOTING IN COMMITTEES AND SUB-COMMITTEES

- 51. (1) (a) Members of committees and sub-committees entitled to vote shall vote by show of hands;
  - or
  - (b) if at least three members so request, by signed ballot.
  - All questions shall be determined by a majority of members present and voting.
  - (2) Where immediately after a vote is taken at the meeting any Member so requires there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question, against the question or whether he abstained from voting.
- 52. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT  
COMMITTEE MEETINGS

53. (1) (a) A member of the Council who has moved a motion which has been referred to any committee or sub-committee of which he is not a member, or moved an amendment passed by the Council referring a matter to a particular committee or sub-committee of which he is not a member shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. He shall have the right to attend the meeting and if he attends shall have an opportunity of explaining the motion but shall not vote.
- (b) A member may attend a meeting of a committee or sub-committee of which he is not a member and be allowed to speak, if invited to do so by the Chairman, but not to vote on any matter before the committee or sub-committee.
- (c) The Chairman of a committee or sub-committee may, if he deems it appropriate having regard to the business to be transacted, invite to a meeting of the committee or sub-committee any member who is not a member thereof, and such member may speak on the matter or matters regarding which his attendance was deemed appropriate, and on any other matter if invited to do so by the Chairman, but shall not vote on any matter.

(2) Action in Urgent Matters

No action shall be taken on any recommendation of a committee or sub-committee whose proceedings are subject to confirmation by the Council until such resolution or recommendation has been confirmed by the Council except that where the committee or sub-committee is of the opinion that it is urgently necessary that action should be taken on such a resolution or recommendation before it has been confirmed by the Council, the resolution or recommendation shall be referred to the Town Clerk who shall have the powers of the Council to authorise such action after having consulted the Urgency Committee.

## FINANCIAL ADMINISTRATION

54. The Town Clerk shall be the Responsible Financial Officer (RFO) for securing the proper administration of the Council's financial affairs and arrangements.

Such arrangements shall include, inter alia, the following with which every committee, sub-committee and officer shall conform –

- (a) except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer.
- (c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- (d) All receipts made to the Council shall be separately included in the next Schedule of Receipts laid before Council.
- (e) The submission to and approval by the Council of annual estimates of revenue and capital expenditure and income at times as specified in Standing Order No 56.
- (f) The prior approval of the transfer of expenditure to a purpose other than that for which it was approved.
- (g) The prior approval to any expenditure not authorised in the annual estimates.
- (h) The submission of a report on any proposal to incur expenditure relating to the adoption of a new policy or scheme or extension of an existing policy or scheme not already sanctioned by the Council.
- (i) Arrangements for the safe and efficient receipt and issue of money.
- (j) Arrangements for internal audit and the certifying of accounts for payment.

- (k) The submission to the Finance & General Purposes Committee at intervals during the year of statements comparing actual income and expenditure with the estimate provision.
55. The Responsible Financial Officer shall supply to each member as soon as practicable after 31<sup>st</sup> March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

#### ESTIMATES

56. (1) (a) The Council shall approve written estimates of revenue expenditure and income for the coming financial year at its meeting in the month of December.
- (b) Any committee desiring to incur revenue expenditure shall, not later than the 30<sup>th</sup> September, give to the Clerk a written estimate of the expenditure recommended for the coming financial year.
- (2) (a) The Council shall approve written estimates of capital expenditure and income for the coming financial year at its next Council meeting following the first Finance and General Purposes Committee meeting in the calendar year, providing such Council meeting is prior to the 31<sup>st</sup> March.
- (b) Any committee desiring to incur capital expenditure shall, not later than the 30<sup>th</sup> September, give to the Clerk a written estimate of the expenditure recommended for the coming financial year.
- (3) Individual members may submit to the Clerk in writing any items of expenditure that they wish to be considered in the revenue or capital estimates for the coming financial year. Such submissions shall be made by the 30<sup>th</sup> September.

## INTERESTS

57. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 21<sup>st</sup> March 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
58. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
59. **Not applicable to England.**
60. **The Clerk may be required to compile and hold a Register of Members' interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

## RELATIVES OF MEMBERS OR OFFICERS

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
62. The Clerk shall make known the purpose of this Standing Order to every candidate.

## CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

63. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written

testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

64. Standing Order Nos 61 and 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### INSPECTION OF DOCUMENTS

65. A member of the Council may, for purposes of his duty as such member (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purposes with a copy.
- 66. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

#### UNAUTHORISED ACTIVITIES

67. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council –
- (a) Inspect or enter any lands or premises which the Council has a right or duty to inspect or enter; or
  - (b) issue orders, instructions or directions in respect of any works which are being carried out by or on behalf of the Council unless authorised to do so by the Council or the relevant committee or sub-committee.

#### ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

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

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw.”

- (2) Consideration of Matters Involving Exempt Information

If a member of the Council wishes to raise any question or matter at a meeting of the Council in relation to a report or part of a report which a committee or sub-committee has considered

in private under the provisions of Subsection 2 of the Public Bodies (Admission to Meetings) Act 1961, such a question or matter shall not be the subject of discussion until the Council has decided whether or not to exclude the public whilst that question or matter is under consideration.

69. The Council, committee or sub-committee shall state the special reason for exclusion.
70. At all meetings of the Council, the Town Mayor or Chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow a maximum of three Members of the Public to speak for a maximum of 3 minutes per individual and in addition to this Town Councillors shall be permitted to speak for three minutes each, should they have a prejudicial interest in a particular item on the Agenda. Any member of the public to address the meeting in relation to the business to be transacted at the meeting.
71. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

#### DISTURBANCE BY MEMBERS OF THE PUBLIC

72. If a member of the public interrupts the proceedings at any meeting, the Town Mayor or Committee Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order. In case of general disturbance in any part of the meeting open to the public, the Town Mayor or Chairman shall order that part to be cleared.

#### CONFIDENTIAL BUSINESS

73.
  - (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
  - (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

## LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

74. A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor for the county division and to the District Councillor or Councillors for the district ward.
75. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

## PLANNING APPLICATIONS

76. (a) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council –
- (i) the date on which it was received;
  - (ii) the name of the applicant;
  - (iii) the place to which it relates;
  - (iv) a summary of the nature of the application.
- (b) The Clerk shall refer every planning application to the next meeting of the Plans & Works Committee and every amended plan to the Chairman/Vice-Chairman within 48 hours of receiving it.

## STANDING ORDER ON CONTRACTS

## FINANCIAL MATTERS

77. The Council shall consider and approve Finance Regulations drawn up by the Responsible Financial Officer.
- (1) Such Regulations shall include detailed arrangements for the following:
- (a) the accounting records and systems of internal control;
  - (b) the assessment and management of risks faced by the Council;
  - (c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually.

- (d) the financial reporting requirements of members and local electors; and
  - (e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.
- (2) 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 (3) below.
- (3) Any formal tender process shall comprise the following steps:
- (a) a public notice of intention to place a contract to be placed in a local newspaper;
  - (b) a specification of the goods, materials, services and the execution of works shall be drawn up;
  - (c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
  - (d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of the Council;
  - (e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- (4) The Council or a committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 60 & 62 regarding improper activity.
- (5) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

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

(6) General Matters Applicable to All Contracts

- (a) These Standing Orders shall be subject to any Directives or other procedures which may apply by reason of the United Kingdom's membership of the European Union.
- (b) Where these Standing Orders conflict with the provisions of legislation by Her Majesty's Government, the latter provisions shall apply.

- (c) These Standing Orders shall be read in conjunction with the Council's Manual of Contract Procedures, which, although not forming part of these Standing Orders, shall govern all contracts.
- (d) Every contract shall comply with these Standing Orders and the Council's Manual of Contract Procedures and no exception shall be made otherwise than by the direction of the Council.
- (e) No member of the Council shall enter either orally or in writing into any contract on the Council's behalf.
- (f) Reference to "Contract" in this Standing Order shall mean any contract for the supply of goods, materials or services to the Council, or for the execution of work on behalf of the Council. It shall also include any contract for the sale or disposal by the Council of surplus goods, equipment or property.
- (g) Reference to "Manual" in this Standing Order shall mean the Council's Manual of Contract Procedures.

(7) Exclusions

It shall not be obligatory to invite tenders for the supply of goods or materials or services or work to be executed where :

- (a) Effective competition is prevented by Government control.
- (b) The goods or material are necessarily specialised supplies, or services or parts for existing equipment already purchased or are proprietary articles or are sold only at a fixed price.
- (c) They are provided or carried out by statutory undertaking of the Shepway District Council, the Kent County Council or their successors.
- (d) They constitute an extension of an existing contract (such an extension shall be approved by the Committee responsible). A new contract shall be permitted provided that the appropriate rates and condition are identical with the original contract.

- (e) For other reasons there would be no genuine competition.
- (8) Estimate of Cost
- (a) Before entering into any contract the Town Clerk shall obtain an estimate of the probable cost and of the annual maintenance cost, where appropriate.
  - (b) Where the proposed contract is for sale or disposal, the Town Clerk shall obtain an estimate of the value of the goods or property to be sold.
- (9) Estimates Under £1,000
- (a) The Town Clerk shall select suitable contractors and request estimates in writing for the work, goods, material or services required. In the case of specialist work only one estimate may be requested.
  - (b) When the estimated cost is included in the Council's capital and revenue budgets and does not exceed £1,000, the Town Clerk shall normally select the lowest tender and order the work or delivery to proceed.
  - (c) If the estimate that the Town Clerk wishes to accept is not the lowest, the matter shall be referred to the Finance and General Purposes Committee for approval.
- (10) Estimates Exceeding £1,000 but not Exceeding £10,000
- (a) The Town Clerk shall maintain a list of contractors to be invited to tender for the supply of goods, materials, services or specified categories of work that do not exceed £10,000.
  - (b) At least three quotations shall be obtained from those on the Authorised List of Contractors (except where prices are known from published lists or catalogues).
  - (c) Every contract (exceeding £1,000 but not exceeding £10,000) shall be made in writing on the Contract Form

specified in the Manual and shall be signed by the Town Clerk.

- (11) Estimates Over £10,000
- (a) Except as provided in paragraph 2, no contract exceeding £10,000 in value shall be made unless public notice shall have been given in the manner set out in the Manual.
  - (b) Invitations to tender shall be sent to not less than three of the firms who responded to the public notice or, if fewer than three, to such firms as responded provided they are considered suitable to undertake the contract.
  - (c) Every contract (exceeding £10,000) shall be made on the form of contract specified in the Manual and shall be sealed with the common seal of the Council.

#### CODE OF CONDUCT ON COMPLAINTS

78. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in NALC Legal Topic Note 56, as issued by NALC in July 2003 and as set out in Appendix 2 to Council's Standing Orders as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration.

#### SUSPENSION, INTERPRETATION, VARIATION AND REVOCATION OF STANDING ORDERS

79. (1) Suspension of Standing Orders
- Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business. A motion to suspend Standing Orders at a Council, Committee or Sub-Committee meeting shall not be moved without notice (ie under Standing Order 23(q)) unless there shall be present at least one half of the whole number of the members of the Council, Committee or Sub-Committee as the case may be.
- (2) Interpretation of Standing Orders

- (a) The ruling of the Town Mayor as to the construction, application or interpretation of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council, except where a breach in statutory provision is suspected, in which case the statutory provision is to be referred to.
- (b) The ruling of the Chairman of any Committee or Sub-Committee as to the application or interpretation of any of these Standing Orders shall not be challenged at any meeting, except where a breach in statutory provision is suspected, in which case the statutory provision is to be referred to.
- (c) *If any Member requires clarification on the interpretation of Standing Orders, the Councillor should place the matter in writing to the Town Clerk to be referred to the Standing Orders Committee.*

80. Variation and Revocation of Standing Orders

A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and be referred to the Standing Orders Committee.

STANDING ORDERS TO BE GIVEN TO MEMBERS

81. A copy of these Standing Orders and any subsequent revisions thereto, shall be given to each member of the Council by the Town Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council or as soon as practicable thereafter.

