

NEWTON ABBOT TOWN COUNCIL



Standing Orders



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STANDING ORDERS

MEETINGS

1. Meetings of the Council shall be held on Wednesdays at 7.00 p.m. as set out in the annual calendar unless the Council otherwise decided at a previous meeting.

CHAIRMAN OF MEETING

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

PROPER OFFICER

3. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, they shall be the Town Clerk:-
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing pecuniary interests.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To receive copies of byelaws made by a district council.
 - (f) To certify copies of byelaws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.
 - (h) To, at least three clear days before a meeting of the Council, a committee and a sub-committee, serve on councillors, by delivery, post or by email, at their residences, a signed summons confirming the time, place and the agenda (provided that if served electronically any such email contains the electronic signature and title of the Proper Officer).

QUORUM

4.
 - (a) 6 members shall constitute a quorum of the Council.
 - (b) Except where ordered by the Council in case of a committee or by the Council or by the appropriate committee in case of a sub-committee, the quorum of a committee or sub-committee shall be one third of its Members.
 - (c) If a quorum is not present when the Council or committee, or sub-committee meets or if during a meeting the number of councillors present falls below the quorum, the business not transacted at the meeting shall be transacted at the next meeting or on such other day the Chairperson may fix; except in the case of the Planning Committee where the Town Clerk may in consultation with the Chairperson of the Planning Committee and ward members make recommendations but only on individual applications which would otherwise fall outside the Planning Authority's time limit for a response.

VOTING

- 5 (a) Members shall vote by show of hands, or, if at least two members so request, by ballot.
- (b) The mode of voting at meetings of the Council shall be by show of hands: provided that on the requisition of any member of the Council made before the vote is taken and supported by four other members who signify their support by rising in their places the voting on any question shall be by roll-call and shall be recorded so as to show how each member present and voting gave their vote. The name of any member present and not voting shall also be recorded.
- (c) (1) Subject to (2) and (3) below the Chairperson may give an original vote on any matter put to the vote.
(2) Subject to (3) below the Chairperson may not give an original vote in the election of the Chairperson on any occasion when they will themselves immediately after such election retire from the Council.
(3) In any case of an equality of votes, the Chairperson may give a casting vote, in Council, committee or sub-committee.

ORDER OF BUSINESS – ANNUAL MEETING OF THE COUNCIL

- 6 At each Annual Meeting the first business shall be
- (a) To elect a Town Mayor.
- (b) To receive the Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- (c) To elect a Deputy Mayor.
- (d) To receive the Deputy Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- (e) To appoint Standing Committees and sub-committees.
- (f) To consider the payment of any subscriptions falling to be paid annually.
- (g) To inspect any deeds and trust instruments in the custody of the Council; and shall thereafter follow the order set out in Standing Orders.

At every meeting other than the Annual Meeting the first business shall be to appoint a Chairperson if the Chairperson and Vice-Chairperson be absent and to receive such declarations of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.

ORDER OF BUSINESS - COUNCIL MEETINGS

- 7 (i) Except as otherwise provided by paragraph (ii) of this standing order, the order of business at every meeting of the Council shall be:-
- (a) To choose a person to preside if the Mayor and Deputy Mayor be absent.
- (b) Apologies.

- (c) To deal with any business required by statute to be done before any other business.
 - (d) To approve as a correct record and sign the minutes of the last meeting of the Council.
 - (e) To deal with any business expressly required by statute to be done.
 - (f) Mayor's announcements
 - (g) The Council will set aside a short period at the commencement of each meeting when members of the public can ask questions or make statements.
 - (h) To dispose of business (if any) remaining from the last meeting.
 - (i) To receive and consider reports, minutes and recommendations of committees.
 - (j) To answer questions asked under standing order No.11.
 - (k) To authorise the sealing of documents.
 - (l) To consider motions in the order in which notice has been received.
 - (m) Other business, if any, specified in the summons.
- (ii) Variation of Order of Business.

Business falling under items (a), (c) or (d) of paragraph (i), shall not be displaced, but subject thereto the foregoing order of business may be varied.

- (a) by the Chairperson at their discretion.
- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded which shall be moved and put without discussion.

NOTICE OF MOTION

- 8 Except as provided by these Standing Orders, no motion may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.

The Clerk shall date every notice of motion or recommendation when received by them, 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.

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

If a motion or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

If the subject matter of a motion comes within a 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 Mayor considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 9 The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, however, the Council, a committee or sub-committee may, by resolution under the Public Bodies Admission to Meetings Act 1960 , exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed, this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies. Such meetings may exclude the public or the press or both by means of the following resolution:

RESOLVED that the press and public be excluded from the meeting during the discussion for the following item, on the grounds that the publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

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

If a member of the public interrupts the proceedings at any meeting, the Chairperson may, after warning, order that they be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

MOTIONS AND AMENDMENTS

- 10 The following motions and amendments may be moved without notice:
- (1) Appointment of a Chairperson of the meeting at which the motion is made.
 - (2) Motions relating to the accuracy of the minutes.
 - (3) That an item of business specified in the summons have precedence.
 - (4) Remission to a committee.
 - (5) Appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
 - (6) Adoption of reports and recommendations of committees or officers and any consequent resolutions.
 - (7) That leave be given to withdraw a motion.
 - (8) Extending the time limit for speeches.

- (9) Amendments to motions.
- (10) That the Council proceed to the next business.
- (11) That the question now be put.
- (12) That the debate be now adjourned.
- (13) That the Council do now adjourn.
- (14) Authorising the sealing of documents.
- (15) Suspending standing orders, in accordance with standing order 34.
- (16) Motion under section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, to exclude the public.
- (17) That a member named under standing order No.12 be not further heard or do leave the Meeting.
- (18) Giving consent of the Council where the consent of the Council is required by these standing orders.

QUESTIONS

- 11 A member may ask the Mayor any questions concerning business of the Council.

A member with or without notice may ask the Chairperson of a committee any question upon the proceedings of the committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.

Every question shall be put and answered without discussion.

A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 12 (Where there is a **RESOLVED** decision by a Committee or Sub-Committee then there is no further discussion at the Council Meeting but where a proposal is **RECOMMENDED** then it may be further discussed).

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairperson.

A resolution or amendment shall not be discussed unless it has been proposed (and seconded) and unless proper notice has already been given, it shall, if required by the Chairperson be reduced to writing and handed to them before it is further discussed or put to the meeting.

A member when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

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

No speech shall exceed 3 minutes, except by consent of the Council except in exceptional circumstances, upon the agreement of the Chairperson or the meeting. (This shall not apply to the submission of a report).

A member may, with the consent of the seconder, move amendments to their own resolution.

An amendment shall be either -

- (i) To leave out words.
- (ii) To leave out words and insert or add others.
- (iii) To insert or add words.
- (iv) An amendment shall not have the effect of altering the meaning of the resolution.
- (v) An amendment shall not have the effect of negating the motion before the Council.

If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

The mover of a motion shall have a right to reply.

A member, other than the mover of a resolution, shall not, without leave of the Council speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order or a personal explanation or to move the closure.

A member may rise to make a point of order or a personal explanation.

A motion or amendment may be withdrawn by the proposer with the consent of the seconder of the motion.

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

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a member be not further heard;
- (g) by the Chairperson under S.O.10 that a member do leave a meeting;

- (f) a motion under section 1 (2) of the Public Bodies (Admission to Meetings) Act, 1960, to exclude the public.

RIGHT OF REPLY

- 13 The mover of a motion has right to reply at the close of the debate on the motion immediately before it is put to the vote. 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. The mover of the amendment shall have no right of reply to the debate on his amendment. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

CONDUCT DURING DEBATE

- 14 A member shall stand when speaking unless permitted by the Mayor to sit on account of infirmity. This shall apply to all Council Meetings but not normally to Meetings of committees and sub-committees.

The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be discussed.

Members shall address the Mayor at Council Meetings and the Chairperson at committee and sub-committee Meetings.

If two or more members rise, the Mayor shall call upon one of them to speak and the others shall resume their seats.

Whenever the Chairman rises during a debate all other members shall be seated and silent.

RESCISSION OF PRECEDING RESOLUTION

- 15 No motion to rescind any resolution passed within the preceding six months, nor motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of standing order No.8 bears the names of at least one third of the members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

Provided that this standing order shall not apply to motions moved in pursuance of a recommendation of a committee or sub-committee.

CLOSURE

- 16 At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned", or "that the Council do now adjourn". If such motion is seconded and if the Chairperson is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), they shall forthwith put the motion. If the motion "that the question be now put" is carried, they shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

DISORDERLY CONDUCT

- 17 (a) No member shall misconduct themselves at a meeting by persistently disregarding the ruling of the Chairperson, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairperson, a member has so misconducted themselves, the Chairperson shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairperson may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

VOTING ON APPOINTMENTS

- 18 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 19 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall be considered by the Council or committee in private.

EXPENDITURE

- 20 The Council shall decide upon the expenditure powers for each standing committee and no expenditure outside of the amount agreed by the meeting shall be caused without having first been considered by the Council.

FINANCIAL REGULATIONS

- 21 Standing Orders relating to Signing of Cheques, Accounts, Financial Statement, Estimates and Standing Order on Contracts are contained in the Council's adopted Financial Regulations.

SEALING OF DOCUMENTS

- 22 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council.
- (a) as stated,
- (b) Subject to Standing Order 22 (a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.
- (c) the Council's common seal shall be used to confirm an individual's living status following satisfactory determination of the incumbent's identity via at least two forms of valid identification one at least being photographic ID.

RECORD OF ATTENDANCE

- 23 Every member of the Council attending a meeting of the Council, or any of its committees of which they are a member, shall sign their name in the attendance book or sheet provided for that purpose.

COMMITTEES AND SUB-COMMITTEES

- 24 The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- (a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
 - (b) May at any time dissolve or alter the membership of a committee.
 - (c) The Mayor and Deputy Mayor shall be ex-officio members of every committee.
 - (d) Every committee shall at its first meeting before proceeding to any other business, elect Chairperson and appoint a Vice Chairperson who shall hold office until the next Annual Meeting of the Council. No Member of the Council shall normally be appointed Chairperson of more than one Committee nor may any member of the District or County Development Control Committees be elected as Chairperson or Vice-Chairperson of the Planning Committee.
 - (e) Meetings of Committees will be held according to the agreed schedule. Any changes cannot be made unless fourteen days notice has been given.
 - (f) The Chairperson of a committee may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
 - (g) Every committee may appoint sub-committees for purposes to be specified by the committee.
 - (h) The Chairperson and Vice-Chairperson of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

RULES OF DEBATE

- 25 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.

DURATION OF MEETING

- 26 If during a meeting in the opinion of the Chairperson the business of the meeting will not be concluded by 9.00 p.m., and an item is under consideration the Chairperson must interrupt the meeting and call for a vote immediately without further discussion as to whether the meeting will continue to conclude the current business or for 30 minutes

whichever is the shorter. The remaining business should there be any will be referred to an adjourned meeting on a date to be fixed by the Chairperson or otherwise dealt with at the next ordinary meeting.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 27 (a) A member who has proposed a motion which has been referred to any committee or sub-committee of which they are not a member, may explain their motion to the committee but shall not vote.
- (b) Any Council member shall, unless the Council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee of which he is not a member but may not vote. A member may speak on any matter which affects their ward and may raise any issue having given notice and with the consent of the Chairperson.

INTERESTS

- 28 (a) If a member has a personal interest as defined by the Code of Conduct then they shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- (b) If a member who has declared a personal interest then considers the interest to be prejudicial, they must withdraw from the room or chamber during consideration of the item to which the interest relates.
- (a) All declarations of interest shall be recorded in the minutes of the meeting.

CANVASSING OF AND RECOMMENDATION BY MEMBERS

- 29 (a) Canvassing of members or of any committee, directly or indirectly, for any officer appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of his sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council shall not solicit for any person, any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

Standing Orders Nos. 31 and 32 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

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

- (c) The Minutes of the Council and its committees/sub-committees shall be open to inspection by any elector.

UNAUTHORISED ACTIVITIES

- 31 No member of the Council or any committee or sub-committee shall in the name of or on behalf of the Council

(a) Inspect any lands or premises which the Council has a right or duty to inspect;
or

(b) Issue orders;

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

CONFIDENTIAL BUSINESS

- 32 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.

PLANNING APPLICATIONS

- 33 (a) The Clerk or delegated officer shall, record the following particulars of every planning application notified to the Council:-

- (i) the place to which it relates;
- (ii) a summary of the nature of the application;
- (iii) the planning application number.
- (iv) the consultation deadline.

(b) Meetings of the Planning Committee to consider planning applications shall be held on a three weekly cycle to coincide with meetings of the District Planning Committee.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDER

- 34 Any part of the Standing Orders except those numbered:- 1, 2, 5, 6, 7 (i), (c), (d), (e), (g), 9 and 24 may be suspended by resolution in relation to any specific item of business.

A motion permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 35 A printed copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

GENERAL POWER OF COMPETENCE

- 36 (a) Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council;

(b) The Council's period of eligibility begins on the date that the resolution under Standing Order 36 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections;

(c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 36 (b) above.

GRANT OF THE TITLE OF FREEMEN OF NEWTON ABBOT

- 37 The Council has formally adopted Section 29 of the Local Democracy, Economic Development and Construction Act 2009 allowing it to grant the title of Honorary Freeman of Newton Abbot (minute 387/03/10).

A decision to bestow such an honour is required to be made at a meeting of the Council specifically called for that purpose. Additionally, at least two thirds of the Council must vote in favour of the proposal.

The rights attached to the honorary position are not stipulated in legislation and accordingly, this Council will invite its Honorary Freeman/Woman to all town and civic events and offer an open invitation to attend meetings of the Council and to speak (but not vote). A scroll and badge of honour will be presented to the Honorary Freeman/Woman.

38. REPORTS OF REPRESENTATIVES OF COUNTY AND DISTRICT COUNCILS

If at a meeting of the Council arising from a report by a representative of the County and/or District Council a Member of the Town Council wishes to ask a question of the representative, it shall be permitted if:-

- (a) The question relates to a matter affecting Newton Abbot directly; and
- (b) The person presiding at the meeting is of the opinion the Council as a whole would benefit.

If the person presiding at the meeting is of the view the matter is of such importance as to require a full debate, the issue be deferred to a future meeting of the Council or referred to an appropriate committee or sub-committee.

G I V E N under the Common Seal of the NEWTON ABBOT TOWN COUNCIL

this 12th day of March 2008

Mayor

Town Clerk

GLOSSARY

For ease of reference the Annual Meeting of the Council is the Meeting held annually normally in May each year when the Town Mayor, Deputy Mayor and other appointments are made.

The Annual Town Meeting is a Meeting for the benefit of members of the public and is normally held at the end of April/May each year.