



# **Standing Orders**

**Adopted by Council 3rd February 2009**

*Please note that in all instances in these Standing Orders and Appendices, where the word "he" is used, it should be taken to mean "he or she"*

## MEETINGS OF THE TOWN COUNCIL

### 1. 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 day in May as the Council may direct.

### 2. In addition to the Statutory Annual Meeting, at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

3. The Town Mayor, after consultation with the Leader, may convene such other Meetings of the Council as he thinks fit by reason of the urgency of business, but such Meetings shall not be held unless at least three clear and preferably 7 days' notice has been given to all Members of the Council. The agenda shall consist only of items that cannot be held over until the next normal meeting. Meetings of the Council shall be held in each year on such dates and times and at such places as the Council may direct, a timetable shall be agreed at the annual meeting but may be varied by resolution of Council

## CHAIRMAN OF MEETING

4. (a) **The person presiding at a Meeting of the Council may exercise all the powers and duties of the Town Mayor in relation to the conduct of the Meeting.**
- (b) The Town Mayor shall normally be appointed by Council to serve for one year renewable for one further year only if special circumstances make it prudent.

## 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 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 the District or County 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 of all Council meetings

In the event of the absence of the Clerk the Assistant Town Clerk shall perform such of these functions as cannot wait until the Clerk returns.

## 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 pecuniary 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.

For a quorum relating to a committee, please refer to Standing Order 44.

## VOTING

8. Members shall vote by show of hands, or, if at least two Members so request, by signed ballot.
9. **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.**
10. (a) **Subject to paragraphs (b) and (c) 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 even though he gave no original vote.**  
(b) **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.**  
(c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Town Mayor.**

## ORDER OF BUSINESS

(In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a Proper Officer previously authorised by the Council to take such Declaration, before the Annual Meeting commences).

### **11. At each Annual Meeting the first business shall be**

- (a) **To elect the Town Mayor who shall be the Chairman.**
- (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 which have not been received as provided by law shall be received.**
- (e) To elect the Deputy Town Mayor who shall be the Vice-Chairman.
- (f) To appoint Lead Members according to the current structure and remits.
- (g) To appoint Standing Committees, Chairs and Vice Chairs.
- (h) To appoint representatives on outside bodies.
- (i) To appoint membership of Task and Finish Committees and Working Groups.  
All persons so appointed to hold office until the next Annual Meeting of the Council or until by resolution of Council, the Committee or Working Group is dissolved.
- (j) To consider the payment of any subscriptions falling to be paid annually.
- (l) To appoint signatories to the Council's bank accounts.

and shall, thereafter, follow the order set out in Standing Order No. 14 below.

### **12. 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 undertakings 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.**

13. Ordinary meetings of the Council shall follow the set order set out in Standing Order 14.

14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follow and as set out in the summons, agenda and reports circulated at least three clear days in advance of the meeting date.

(a) Apologies for absence, (a brief reason should be given).

(b) Public questions or petitions.

(c) 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. After consideration to approve the signature of the Minutes by the person presiding as a correct record.

(d) Declarations of interest.

**(e) To deal with business expressly required by statute to be done.**

(f) To consider how to deal with urgent items (that is items that cannot wait until the next proper meeting of the council) that have been agreed with the mayor and the relevant lead member in advance of the meeting. (This may be by adding the item to the agenda or by delegation to any lead member, or group of members, or to the Clerk.)

(g) To dispose of business, if any, remaining from the last Meeting.

(h) To consider agenda items which may include (not necessarily in this order):

- Reports from outside bodies and from other agencies working in Newhaven. (The meeting may resolve to adjourn for a specified time to allow a more informal discussion with those present.)
- To receive and consider reports from Lead Members, Councillors and Officers of the Council.
- To authorise the sealing of documents.
- To consider resolutions or recommendations in the order in which they have been notified.
- To receive and note significant responses made to other bodies on behalf of the Council if timing has required a response from a lead member, another councillor with relevant knowledge or the Clerk.
- To receive and note the progress report on previous decisions.
- To publish with the agenda a list of Mayor's Engagements.
- To receive and note the final minutes of committees which have been dissolved.
- Any other business specified in the summons.
- To receive minutes from Committees and reports from Working Groups.

15. A motion to vary the order of business on the grounds of urgency

(a) May be proposed by any Member and seconded or, 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.

## RESOLUTIONS MOVED ON NOTICE

16. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than 10 working days before the next Meeting of the Council.
17. 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 file it for reference, and the file shall be available for the inspection of every Member of the Council.
18. 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.
19. If a resolution or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
20. The Council shall first decide how to deal with the notice of motion, with options to discuss it at the meeting, or refer it to any committee, working group or ad hoc group of members to consider and act upon or report back as appropriate.
21. 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

22. 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.
- j) To adopt a report.
- k) To authorise the sealing of documents.
- m) To amend a motion.
- n) To give leave to withdraw a resolution or an amendment.
- p) To extend the time limit for speeches.
- q) To exclude the public and press (*see Standing Order No. 58 below*).
- r) To silence or eject from the Meeting a Member named for misconduct (*see Standing Order No. 29 below*).
- s) To give the consent of the Council where such consent is required by these Standing Orders.
- t) To consider otherwise than in Committee a question affecting an employee of the Council (*see Standing Order No. 34 below*).

- u) To suspend any Standing Order (see *Standing Order No. 67 below*).
- v) To adjourn the Meeting.

## QUESTIONS

23. No questions not connected with the business under discussion shall be asked, except during the part of the Meeting set aside for public questions and petitions, as detailed below:-
- (a) At the start of each Meeting of the Council, and its Committees, there shall be a period of time allowed for members of the public:-
    - i) To ask questions relating to matters within the competence of the Council or that Committee.
    - ii) Similarly to present petitions, and to speak thereto provided that the petition has been signed by persons from at least ten households.
  - (b) The period of time allowed shall not exceed fifteen minutes, unless a resolution to extend the time for a further specified period has been put and agreed by the Council or Committee.
  - (c) At Council Meetings, questions shall be addressed to the presiding Chairman, who shall pass the question to the appropriate Lead Member.
  - (d) In all cases, the Lead Member concerned shall either:-
    - i) Answer the question in person;
    - ii) Pass the question to a member or Officer of the Council to answer; or
    - iii) Decline to answer the question but give an undertaking to provide a written answer in due course, giving reasons (such as the need to consult records or undertake research) for this decision.
  - (e) At all meetings of the Council, the Chair may, with the consent of the meeting, adjourn the meeting for a specified time to allow members of the public to address the meeting in relation to the business to be transacted at the meeting and to allow a more informal discussion to take place.
  - (f) A person to whom a question has been put may decline to answer.

## RULES OF DEBATE

24. 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 presiding Chairman.
25. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the presiding Chairman, be reduced to writing and handed to him before it is further discussed or put to the Meeting.
- (b) A Member when seconding a resolution or amendment may, if he then declare his intention to do so, reserve his speech until a later period of the debate.
  - (c) A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - (d) No speech by a mover of a resolution shall exceed 5 minutes except by consent of the Council and no other speech shall exceed 3 minutes except with such consent.
  - (e) An amendment shall be either:-
    - i) To leave out words.
    - ii) To leave out words and insert or add others.
    - iii) To insert or add words.

- (f) An amendment shall not have the effect of negating the resolution before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (j) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes
- (k) 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 or order, or in personal explanation, or to move a closure.
- (m) A Member may speak on a point of order or a personal explanation. A Member indicating that he wishes to make such a point shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- (n) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (p) 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 to an agreed date.
  - 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 to an agreed date.

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

27. (a) Members shall address the presiding Chairman.

(b) A member shall indicate that he wishes to speak by raising a hand and members shall be heard in the order in which they indicated.

(c) If two or more Members indicate at once, the presiding Chairman shall call upon one of them to speak before the other.

(d) Whenever the presiding Chairman speaks during a debate all other Members shall be silent.

## CLOSURE

28. 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 the presiding Chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is

carried, he shall call upon the mover to exercise or waive his 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.

*(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

- 29. (a) All members must observe the Code of Conduct which was adopted by the Council on 5 May 2007, a copy of which is annexed to these Standing Orders.**
- (b) No Member shall at a Meeting persistently disregard the ruling of the presiding Chairman, 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 presiding Chairman, a Member has broken the provisions of paragraph (b) of this Order, the presiding Chairman 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.
  - (d) If either of the motions mentioned in paragraph (c) is disobeyed, the presiding Chairman may suspend the Meeting or take such further steps as may reasonably be necessary to enforce them.

*(Note: Expulsion under paragraph (b) shall only apply for the Meeting concerned.)*

## RIGHT OF REPLY

30. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## ALTERATION OF RESOLUTION

31. A Member may, with the consent of his seconder, move amendments to his own resolution.

## RESCISSION OF PREVIOUS RESOLUTION

32. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least nine 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

33. Shall be by Single Transferable Vote.

## DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

34. If at a Meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or Conditions of Service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded (see Standing Order No. 58 below).

## RESOLUTIONS ON EXPENDITURE

35. Shall be within the framework of the financial rules and procedures from time to time agreed by Council.

## EXPENDITURE

**36. Orders for the payment of money shall be authorised by resolution of the Council and signed by two Members and the Clerk, or in the Clerk's absence, the Assistant Town Clerk.** Authorised signatories shall be appointed at the annual meeting and amended at any time by resolution of Council.

## SEALING OF DOCUMENTS

37. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) Any two Members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document by law to be issued under seal.

## COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

38. A Committee shall have delegated powers, which may be to conclude the matter referred to it or may be to progress matters to a specified point where a report to Council is required. A Committee may make decisions that are binding on the Council as empowered by its initial remit.

39. A Working Party may co-opt others to help it progress business to a point where a report is brought to Council for decision. A Working Party cannot make decisions that are binding upon the Council.

40. The Council

- (a) May at the Annual Meeting appoint Standing Committees and may at any other time appoint such other Committees or Working Parties as are agreed by Council, but subject to any statutory provision in that behalf:-
- (b) Shall not appoint any Member of a standing Committee so as to hold office later than the next Annual Meeting,

- (c) May appoint Task and Finish Committees to discharge particular business to hold office until the task is complete, subject to re-appointment at the annual meeting.
- (d) May appoint (non voting) persons other than Members of the Council to any Committee; and
- (e) May, subject to the provisions of Standing Order No. 32 above, at any time dissolve or alter the membership of a Committee.

41. Unless Council has named the Chair, every Committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice Chair.
42. The Chairman of a Committee or the Town Mayor or Deputy Town Mayor of the Council may summon an additional Meeting of that Committee at any time. An additional 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 and shall give at least 3 and preferably 10 working days notice.
43. Every Committee may appoint Sub-Committees and Working Parties for purposes to be specified by the Committee.
- (Note: The regulations and parameters for Sub-Committees and Working Parties must be drawn up at the time of conception. Where a variation of Standing Orders is required for the work of a Sub-Committee or Working Party, a resolution must be made and approved by the Council or Standing Committee responsible for this matter.)*
44. Except where ordered by the Council the quorum of the Planning Advisory Committee shall be one third of its membership and for any other Committee at least one half of its membership.
45. (a) The Standing Orders on rules of debate (except those parts relating 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.
- (b) Members of Committees wishing to submit items for inclusion on the Agenda shall consult the Chairman of the Committee concerned who will instruct the Clerk accordingly at least 14 clear days before the next Meeting of the Committee.

## VOTING IN COMMITTEES

46. Members of Committees and Sub-Committees entitled to vote shall vote by show of hands, or, if at least two Members so request, by signed ballot.
- 47. Chairman 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

48. (a) A Member who has proposed a resolution which has been referred to any Committee of which he is not a Member, may explain his resolution to the Committee but shall not vote.

- (b) Any Member shall, unless the Council otherwise orders, be entitled to be present as a spectator at any Committee, Sub-Committee Meeting or working group of which he is not a Member.

## INTERESTS

- 49. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 5 May 2007, then he shall declare such an interest as soon as it is apparent, disclosing the existence and nature of that interest as required.**
- 50. 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.**
51. 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 Standing Order No. 50 above shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

## CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

52. (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 purport of this paragraph of this 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.
53. Standing Orders Nos. 51 and 52 above shall apply to tenders as if the person making the tender were a candidate for an appointment.

## INSPECTION OF DOCUMENTS

54. A Member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy within two working days.
- 55. All Minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.**
- 56 Except for those items considered in closed session under Standing Order 58 all minutes of Council or Committees shall be available to interested members of the

public.

## UNAUTHORISED ACTIVITIES

57. No Member of the Council or of any Committee or Sub-Committee shall in the name of or on behalf of the Council

- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) Issue orders, instructions or directions.

unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

## ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

**58. The public and press shall be admitted to all Meetings of the Council and its Committees, Sub-Committees and working parties which may, however, temporarily exclude the public, press or both 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 (public) (press) (public and press) be temporarily excluded and they are instructed to withdraw.”

*(Note: The special reasons should be stated. If a person’s advice or assistance is needed they may be invited [by name] to remain after the exclusion is passed.)*

**59. 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 meetings without the express approval of the Council which shall be automatically granted for recordings made discreetly by persons with sensory disabilities for their own personal use.

60. If a member of the public interrupts the proceedings at any Meeting, the presiding Chairman may, after warning, order that he be removed from the Council Chamber.

## CONFIDENTIAL BUSINESS

61. (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 Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

*(Note: Expulsion under paragraph (b) will apply for the remainder of the Municipal Year.)*

## LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

62. 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.

63. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County 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

64. The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council:-

- i) The date on which it was received
- ii) The LDC reference number
- iii) The place to which it relates

65. The Clerk shall refer every planning application received to the planning advisory committee. Details of plans shall be available to members and the public at the Council's offices during normal opening hours.

## CODE OF CONDUCT ON COMPLAINTS

66. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any Officer or Member in the manner recommended in Legal Topic Note No. 56 (July 2003) issued by the National Association of Local Councils.

## VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

67. 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.

68. Any proposal to permanently add, vary or revoke a Standing Order shall be published as an item for decision in the Council agenda.

## STANDING ORDERS TO BE GIVEN TO MEMBERS

69. A 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.