

YARMOUTH TOWN COUNCIL STANDING ORDERS

BASED ON THE NALC MODEL APPROVED BY THE COUNCIL ON 6/9/22

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SECTION A

FULL COUNCIL MEETING

1. Meetings of the Council shall be held in Yarmouth or in Thorley at 6.30pm according to the schedule agreed by the Council.
2. (a) In a year which is a year of ordinary elections of Town Councillors, the Annual Meeting of the Town Council shall be held on or within fourteen days after the day on which the Councillors elected at that election take office and in any other year the Annual Meeting shall be held on such day in May as the Town Council may determine.
(b) Three other statutory meetings shall be held in the months of July, November and March on days to be determined at the preceding Annual Meeting.
3. (a) Additional meetings shall be held, the timing and frequency of which shall be determined by the Council.
(b) The Council or the Mayor in consultation with the Town Clerk may make any adjustment to the date, time or place of a meeting considered necessary or desirable in the interests of the Council.

CHAIRMAN OF MEETING

4. The person presiding at a meeting may exercise all the powers and duties of the Chairman 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 Town Clerk:-
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing 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 bylaws made by the Unitary Council.
 - (f) To sign summonses to attend meetings of the Council.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Town Clerk.

QUORUM

6. No business shall be transacted at a meeting of the Council unless at least three Members are present, subject to the provisions of Paragraph 45, Schedule 12 of the Local Government Act 1972 (more than one third of the whole number disqualified at the same time).
7. If a quorum is not present when the Council meets or if during a meeting the numbers of Councillors present 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 Chairman may fix.

VOTING

8. Members of the Council vote by show of hands or, if at least two members so request by paper ballot.
9. (i) Subject to (ii) and (iii) below the Chairman may give an original vote on any matter put to vote.
(ii) Subject to (iii) below the Chairman may not give an original vote in the election of the Chairman on any occasion when he himself immediately after such election retires from the Council.
(iii) In any case of equality of votes, the Chairman may give a casting vote. (Local Government Act 1972, Schedule 12, Paragraph 39(2).
10. At the request, made before the vote is taken, of any Member of Council the Town Clerk shall record the votes so as to show whether each Member present and voting gave the vote for or against the question and also which Members present did not vote.

CODE OF CONDUCT

11. The code of conduct adopted by the Council shall apply to Councillors in respect of any entire meeting held.

ORDER OF BUSINESS

12. At each Annual Meeting the order of 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 Declarations of Interest
 - (e) To appoint Council representatives on Standing Committees and Outside Bodies
 - (f) To approve a calendar of meetings for the ensuing municipal year

and shall thereafter follow the order set out in Standing Order 14 except that preceding the order of business set out in S.O. No. 14 a period of 10 minutes will be allowed at the beginning of each meeting to deal with public questions.

The tenure of office of Town Mayor appointees should be ideally limited to a maximum of two consecutive periods, following which the appointment of a new Mayor should be encouraged.

13. At every meeting other than the Annual Meeting the first business shall be the appointment of a Chairman if the Town Mayor and Deputy Mayor are absent.
14. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-
- (a) To receive Declarations of Interest
 - (b) 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.
 - (c) After consideration to approve the signing of the Minutes by the presiding Chairman as a correct record.
 - (d) To deal with business expressly required by statute to be done.
 - (e) To dispose of business, if any, remaining from the last meeting.
 - (f) To receive and consider reports from Officers of the Council.
 - (g) To receive reports from representatives on outside bodies.
 - (h) To receive the report of the Isle of Wight Councillor.
 - (i) To authorise the signing of documents.
 - (j) To consider motions in the order in which they have been notified.
 - (k) Other items as specified on the summons.
 - (l) Except as provided in S.O. 21 (Motions moved without notice) determination of the business specified on the notice, summons or agenda shall terminate the meeting. Subject to the provision of paragraphs 10(2) and (3) of the Local Government Act 1972, Schedule 12, matters requiring consideration where a statutory time limitation prevents deferment to the next ordinary meeting of the Council shall be excepted.
- NB: All reports should be in writing and should be circulated with the agenda.

15. A motion to vary the order of business:

- (a) may be proposed by the Chairman or by any Member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) shall be put to the vote without discussion.

MOTIONS MOVED ON NOTICE

- 16. Except as provided by these Standing Orders, no motion may be moved unless it is included in the agenda and the mover has given written notice of its wording to the Town Clerk at least seven clear days before the next meeting of the Council.
- 17. The Town Clerk shall date every notice of motion when received by him, shall number each notice in the order in which it was received and shall enter in a book which shall be open to the inspection of every Member of the Council.
- 18. (a) The Town Clerk shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received unless the Member giving such a notice has stated in writing that he intends to move his motion at some later meeting or that he withdraws it.

(b) The Town Clerk may, after consultation with the member (if possible) who submitted the motion, amend its wording for clarification or if the motion is framed in improper or unbecoming language, the Mayor, in consultation with the Town Clerk and, if possible, the member concerned, direct an amendment or that it be not included on the Summons.
- 19. If a motion 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.
- 20. Every motion shall be relevant to some matter over which the Council has power or which affects the Town.

MOTIONS MOVED WITHOUT NOTICE

- 21. Motions dealing with the following matters may be moved without notice:-
 - (a) To elect 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 appoint a Committee or Working Group for a specific purpose or any Members thereof.
 - (h) To adopt a report.
 - (i) To amend a motion.
 - (j) To give leave to withdraw a motion or an amendment.
 - (k) To extend the time limit for speeches.
 - (l) To suspend Standing Orders (see S.O. No. 52)
 - (m) To exclude the public and press (see S.O.No. 42)
 - (n) To silence or eject from the meeting a Member named for misconduct (see S.O. No. 27)
 - (o) To give the consent of the Council where such consent is required by these Standing Orders.
 - (p) To adjourn the meeting.

QUESTIONS

- 22. A Member may ask the Chairman any question concerning the business of the Council which shall be put and answered without discussion. The Chairman may decline to answer or nominate another person to answer or refer to a relevant document or provide a written reply where a reply cannot conveniently be given orally.

MINUTES

23. (a) No discussion shall take place upon the Minutes except upon their accuracy and any question of the accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it is disposed of the Chairman shall sign the Minutes.
- (b) Corrections of the Minutes shall only be made by resolution.

RULES OF DEBATE

24. (a) A motion or amendment shall not be discussed unless it has been proposed and seconded and proper notice has already been given, except as provided in S.O. No. 21 with regard to proper notice. A motion or amendment will be deemed to have failed on that occasion if it is not seconded.
- (b) 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) 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.
- (d) A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (e) No speech shall exceed three minutes except by consent of the Council.
- (f) An amendment shall not have the effect of negating the motion before the Council.
- (g) An amendment shall be put to the vote first. If it 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. If it is rejected other amendments may be moved on the original motion.
- (h) No further amendment shall be moved until the Council has disposed of the amendment previously moved.
- (i) The mover of a motion shall have a right to reply immediately before the motion 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.
- (j) A Member, other than the mover of a motion, shall not speak more than once on any motion except to move an amendment or on an amendment or to move the closure.
- (k) A Member may rise to make a point of order relating to an alleged breach of Standing Orders or Statutory Provision which shall be specified by the member or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A Member rising for these purposes shall be heard forthwith.
- (l) A motion or amendment may be withdrawn by the proposer subject to the agreement of the seconder, if it has been seconded and no member may speak upon it after its withdrawal.
- (m) A Member may, with the consent of his seconder, move amendments to his own motion.
- (n) When a motion is under debate no other motion shall be moved except the following:-
- (i) To amend the motion
 - (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) To exclude the public and press or

(viii) To adjourn the meeting

25. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman.
- (c) Members shall be called upon to speak by the Chairman.
- (d) Whenever the Chairman rises during a meeting all other Members shall be seated and silent.

CLOSURE

26. 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 Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. 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 meeting shall not prejudice the mover's right of reply at the resumption.

DISORDERLY CONDUCT

27. (a) No Member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by vexatiously obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to bring the Council into contempt or ridicule.
- (b) If, in the opinion of the Chairman a Member has so misconducted himself, the 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.
- (c) If either of the motions mentioned in paragraphs (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them. Standing Order 21(n) refers.

RESCISSION OF PREVIOUS RESOLUTION

28. No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been negated within the preceding six months, shall be proposed unless the notice thereof given in pursuance of S.O. 16 bears the names of at least four Members of the Council. When any such motion 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.

NOMINATIONS FOR POSITION TO BE FILLED BY THE COUNCIL

29. 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 MOTIONS AFFECTING EMPLOYEES OF THE COUNCIL

30. 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 discussed in the absence of the public and press.

MOTIONS ON EXPENDITURE

31. Any motion which, if carried, would exceed the approved budget of the Council substantially on any head of expenditure or which would involve substantial capital expenditure, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

SIGNING OF DEEDS

32. (a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- (b) In accordance with a resolution made under standing order 32(a) above, any two Members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper

Officer shall witness their signatures.

EXTRAORDINARY MEETINGS

33. The Mayor or in his absence the Deputy Mayor may convene an extraordinary meeting of the Council at any time. Any two members of the Council may sign a requisition that an extraordinary meeting of the Council be convened. If the Mayor or Deputy Mayor refuses or neglects to do so for seven days, any two members of the Council may convene the meeting. (Local Government. Act 1972 Schedule 12. Paragraphs. 9 (1) & (2)). The summons shall set out the business to be considered at the extraordinary meeting and no other business shall be transacted at that meeting.

CONFIDENTIAL BUSINESS

34. No Member of the Council shall disclose to any person not a Member of the Council any matter, fact, statement or details of any report declared to be confidential by the Council.

DELEGATED AUTHORITY

35. Except as provided in Standing Order 14(k), any matter in which this Council has the power to act and where a decision is required which by virtue of a time limitation statutory or otherwise cannot be deferred to the next ordinary meeting of the Council and because of the nature of the matter an Extraordinary meeting of the Council would not be appropriate, shall be dealt with as provided in Section 101(1) of the LGA 1972, by authority delegated to the Town Clerk, in consultation with the Mayor, Deputy Mayor, Chairman, or one other member of the Council as appropriate.

MEMBERS' INTERESTS

36. If a member has a matter due to be considered by Yarmouth Town Council that affects a matter disclosed in that member's register of interest or register of disclosable pecuniary interests then that member must declare that interest before the matter is being discussed or when that interest becomes apparent.

37. If the matter relates to an interest in a member's register of pecuniary interests then that member must take no part in its consideration and if it is being considered at a meeting of the Yarmouth Town Council that member must leave the room for that item, other than to participate as a member of the public to express his or her views where public speaking is allowed under the Council's normal procedures. In such cases once he or she has participated as a member of the public they must leave the room during the remainder of the debate.

38. The Clerk shall record particulars of any notice given by any member of an interest.

39. If a candidate for any employment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he shall disclose his relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. Every Member and Officer of the Council shall disclose to the Council any relationship known to him to exist between himself and a candidate for an appointment. The Town Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a member of the Council is disclosed, the Standing Orders on interests of Members in contracts and other matters shall apply. The purport of this Standing Order shall be stated either in the advertisement inviting applications for appointments or in any form of application supplied for use by candidates.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

40. (a) Canvassing of Members, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this sub-paragraph of this Standing Order shall be included in every advertisement inviting applications for appointment or in any form of application supplied for use by candidates.

- (b) A Member of the Council shall not solicit for any person any employment 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.

41. Standing Orders nos. 39 and 40 shall apply to tenders as if the person making the tender was a candidate for an employment.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

42. The public and press shall be admitted to all meetings of the Council except where they are, temporarily excluded after the following motion has been carried:

"That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw"

43. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the member of the public be removed from the Council Chamber.

PUBLIC SPEAKING AT MEETINGS

44. The Council may at any meeting suspend the proceedings to allow a member of the public to speak.

FINANCIAL MATTERS

45. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer which are in accordance with best practice and legislation in force for the time being.

LIMITATIONS OF INDIVIDUAL MEMBERS' AUTHORITY

46. (a) No Member shall, in the name of the Council, inspect any lands or premises which the Council has the right or duty to inspect unless authorised to do so by the Council.
(b) **Prohibition** - No Member of the Council shall, unless authorised to do so by the Council:
(i) issue any order in respect of any works or other thing which are being carried out by or on behalf of the Council,
(ii) enter (either orally or in writing) into any contract on the Council's behalf; or
(iii) negotiate personally on the Council's behalf for the purchase or sale of any land, property, plant, rights or commodities or for any lease or tenancy.

INSPECTION OF DOCUMENTS

47. (a) A Member of the Council 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.
(b) **Exception** - A member shall not knowingly inspect nor call for a copy of any document relating to a matter where:
(i) he has a prejudicial interest; or
(ii) the document is or, in the event of legal proceedings, would be protected by privilege arising out of the relationship of solicitor and client or where sight of any document might be prejudicial to the interests of justice or impartiality in any legal proceedings or pending legal proceedings, including disciplinary matters.

48. All Minutes kept by the Council shall be open for the inspection of any Member of the Council and any elector of the Parish during reasonable hours of the day subject to prior appointment.

FREEDOM OF INFORMATION ACT 2000

All requests for information held by the Council shall be processed in accordance with the Model Publication Scheme (prepared and approved by the Information Commissioner) and with the Council's Information Guide 2010.

COMPLAINTS

50. Members of the Council shall in the first instance make or refer any complaints about the Council or its staff to the Town Clerk. If the matter cannot be satisfactorily resolved at that stage, the Town Clerk shall refer the matter to the Council.
51. Any complaints about the conduct of staff shall be dealt with strictly in accordance with the Council's disciplinary procedures and shall be considered in the absence of the public and press.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

52. Any part of the Standing Orders save those relating to a quorum or which are underlined may be suspended by resolution in relation to any specific item of business.

53. A motion 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

54. A printed copy of these Standing Orders and of such parts of the statutes as relate to the proceedings of Parish Councils and Parish Meetings shall be given or made available for inspection to each member of the Council by the Town Clerk upon delivery to him of the Member's declaration of acceptance of office.

55. GRANTS TO VOLUNTARY BODIES

Grants will be awarded to appropriate bodies at the Council's discretion throughout the year. Any award in excess of £250 will only be made to properly constituted bodies who do not pass on any surplus to other organisations.

SECTION B TOWN MEETINGS

ALL MEETINGS

1. Proceedings at Town Meetings shall not begin before 6 p.m.
2. The Mayor of the Town Council shall preside.
3. If the Mayor is absent the Deputy Mayor shall preside.
4. If the Mayor and Deputy Mayor are absent the meeting shall appoint a Chairman before it proceeds to any other business.
5. The Town Clerk shall record the proceedings of Town Meetings.
6. If the Town Clerk is absent the person presiding at the meeting may record the proceedings or may appoint another person to do so.

ANNUAL TOWN MEETINGS

7. As soon as the Chair has been filled and provision made for recording the proceedings, the minutes of the previous Annual Meeting and any Extraordinary Meetings held during the year shall be read, considered and, if correct, signed by the person presiding at the meeting.
8. After the Minutes have been signed the order of business at the Annual Town Meeting shall be as follows:-
 - (1) To receive the Annual Report of the Town Council.
 - (2) To receive the Council's observations on its finances for the current year.
 - (3) To receive the Annual report of the Isle of Wight Councillor
 - (4) To receive the Annual Report of the Chairman of the Town Trust
 - (5) To receive the Annual Report of the Police
 - (6) To receive reports of Council representatives on outside bodies
 - (7) To receive reports from other local organisations
 - (8) To consider resolutions of which written notice has been given.

EXTRAORDINARY MEETINGS

9. The only business at Extraordinary Town Meetings shall be to consider the items of which written notice has been given in order of date.