

STANDING ORDERS FOR GAINSBOROUGH TOWN COUNCIL



MEETINGS:

1. (a) Meetings of the Council shall be held at a nominated venue at 7.00pm in the evening unless the Council otherwise decides at a previous meeting.
- (b) Smoking is not permitted at any meeting of the Council.

THE STATUTORY ANNUAL MEETING:

2. (a) **In an election year shall be held on the Tuesday next following the fourth day after the ordinary day of elections to the Council and:**
- (b) **In a year which is not an election year shall be held on the first Tuesday in May.**
3. **The three other statutory meetings shall be held on the first Tuesday/Wednesday in the months of July, October, January.**
4. All additional meetings shall be held on the first Tuesday/Wednesday in the months of June, September, November, December, February, March, April and May.

CHAIRPERSON OF MEETING:

5. **The person presiding at a meeting may exercise all the powers and duties of the Mayor in relation to the conduct of the meeting with due regard to the rules of debate.**

PROPER OFFICER:

6. 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
 - (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 Council
 - (f) to certify copies of byelaws made by the Council
 - (g) 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 Clerk.

QUORUM:

7. **Six members shall constitute a quorum or one third of the total membership.**
8. 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 the meeting shall be transacted at the next meeting or on such day as the Mayor may fix.

VOTING:

9. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.

10. **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.**
11. (a) **Subject to (b) and (c) below the 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 Mayor and Deputy Mayor until the end of their term of office he may not give an original vote in an election for Mayor.**
 - (c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Mayor.**

ORDER OF BUSINESS:

12. At each Annual Meeting the first business shall be:

- (a) **to elect a 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) **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-Mayor**
- (f) **to appoint representatives to outside bodies.**
- (g) **to appoint Committees**
- (h) **to consider the payment of any subscriptions falling to be paid annually**
- (i) **to inspect any deeds and trust instruments in the custody of the Council:**
and shall thereafter follow the order set out in the Standing Order 15.

13. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman 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 the next year are settled the Council shall review the pay and conditions of service of existing employees (see Standing Order 38).

15. After the first business has been completed, the order of business, unless the Council otherwise decides on grounds of urgency or expediency, shall be as follows:

- (a) **to read and consider the Minutes: provided that a copy has been circulated to each member not later than the day of issue of 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**

- (g) to receive and consider reports and minutes of Committees
- (h) to receive and consider reports from officers of the Council
- (i) to authorise the sealing of documents
- (j) to authorise the signing of orders of payment. (This will be unnecessary if there is a Finance Committee).
- (k) to consider resolutions or recommendations in the order in which they have been notified
- (l) any other business specified in the summons.
- (m) to have a Public Forum prior to the meeting which is minuted but not subject to Standing Orders.

16. A motion to vary the order of business on the grounds of urgency or expediency:

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

RESOLUTIONS MOVED ON NOTICE:

- 17. 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 at least seven clear days before the next meeting of the Council.
- 18. The Clerk shall date every notice of resolution or recommendation when received by him/her, 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.
- 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.
- 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 it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 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 Mayor, if he or she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 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 Chairperson 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 a report.

- (j) To authorise the sealing of documents.
- (k) To amend a resolution.
- (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 67 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 77 below).
- (r) To adjourn the meeting.

QUESTIONS:

- 24. A member may ask the Chairperson or the Clerk any question concerning the business of the Council, provided written notice of the question has been given to whom it is addressed five clear days before the meeting begins.
- 25. No questions not connected with the 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.

RULES OF DEBATE:

- 28. 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.
- 29. (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 Chairperson, be reduced to writing and handed to him or her before it is further discussed or put to the meeting.
- (b) A member when seconding a resolution or amendment may, if he or she then declare his/her intention to do so, reserve his or her speech until a later period of the debate.
- (c) A member shall direct his or her 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 7 minutes, and no other speech shall exceed 5 minutes except by consent of the Council.
- (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.
- (i) The mover of the resolution or an amendment shall have a right to reply, not exceeding 5 minutes.
- (j) A member, other than the mover of the resolution, shall not, without leave of the Council, speak more than once on any resolution except to move on an amendment or further amendment, or on an amendment, or on a point of order, or in a personal explanation, or to move a closure.

- (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes 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.
- (l) 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.
- (m) 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 shall not be heard further.
 - vi. That a member named do leave the building.
 - vii. That the resolution be referred to a committee.
 - viii. To exclude the public and press.
 - ix. To adjourn the meeting.

30. At the Chairpersons discretion the Chairperson for the year shall, at the Annual Meeting, decide whether he/she requires councillors to sit or stand when speaking.

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

(b) Members shall address the Chairperson.

(c) If two or more members speak, the Chairperson shall call upon one of them to speak and the others shall be silent.

(d) Whenever the Chairperson rises during the debate all others members shall remain silent.

CLOSURE:

32. At the end of any speech a member may, without comment, move or “that the question be now put” or “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded the Chairperson shall put the motion. The adjournment of a debate or of the Council shall not prejudice the movers 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:

33. (a) **All members must observe the Code of Conduct which was adopted by the council on 5th February 2002 a copy of which is annexed to these Standing Orders.**

(b) No member shall at a meeting persistently disregard the ruling of the 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 Chairman, a member has acted in a manner contrary to that required, 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.

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 (England).

- (d) If the motion mentioned in paragraph(c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY:

34. 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:

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

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 be 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 six months.

VOTING ON APPOINTMENTS:

37. 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:

38. If at a meeting there arises any questions 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 Order number 67).

RESOLUTIONS ON EXPENDITURE:

39. Any resolution which, if carried, would, in the opinion of the Chairperson, substantially increase the expenditure upon any service which is under the management of 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.

EXPENDITURE:

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

SEALING OF DOCUMENTS:

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

COMMITTEES AND SUB-COMMITTEES:

42. The Council may at its 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 appoint persons other than members of the Council to the Committee; and
- (c) may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee.
- (d) the number of members of a Committee be no more than 9 ordinary members of the Council and be no less than 7 ordinary members of the Council.
43. The Mayor and Deputy Mayor ex-officio shall be members of every committee.
44. Every committee, unless otherwise elected by Full Council, shall at its first meeting before proceeding to any other business, elect a Chairperson and may elect a Vice-Chairperson who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
45. The Chairperson of a committee or the 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.
46. Every committee may appoint sub-committees for purposes to be specified by the meeting.
47. The Chairperson and Vice-Chairperson of the committee shall be members of every sub-committee appointed by it unless they signify they do not wish to serve.
48. Except where ordered by the Council in the case of a committee, or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members.
49. The Standing Orders on the 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.

ADVISORY COMMITTEES:

50. 1) There shall be advisory committees, whose name and number of members shall be as required from time to time.

- 2) The Clerk shall inform the members of each advisory committee on the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council.
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

VOTING IN COMMITTEES:

51. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at two members so request, by signed ballot.
52. **Chairperson of committees and sub-committees shall in case of an equality of votes have second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS:

53. 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.

ACCOUNTS AND FINANCIAL STATEMENT:

54. (a) Except as provide in paragraph (b) of the 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. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Mayor or Deputy-Mayor of the Council.
 - (c) All payment ratified under sub-paragraph (b) of the Standing Order shall be separately included in the next schedule of payments laid before the Council.
55. The Responsible Financial Officer/The Clerk shall supply to each member as soon as practicable after 31 March in each year a statement of receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (income and expenditure) for a year to 31 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 month of September.

ESTIMATES/PRECEPTS:

56. (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of December.
 - (b) Any Councillor or Committee desiring to incur expenditure shall, not later than October, give to the Clerk a written estimate for the expenditure recommended for the coming year.

INTERESTS:

57. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council 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. The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

60. 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 to do so 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.

61. The Clerk shall make known the purpose of the Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS:

62. (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 or other nominated person shall make known the purport of this sub-paragraph of the 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 the candidate's ability, experience or character for submission to the Council with an application for appointment.

63. Standing Orders nos. 60 and 62 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS:

64. A member may for the purpose of his/her 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.

65. All Minutes kept by the Council and by any committee shall be open for inspection of any member of the Council.

UNAUTHORISED ACTIVITIES:

66. 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, 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:

67. **The public shall be admitted to all meetings of the Council and its committees** (and sub-committees), **which may, however temporarily exclude** the public 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”.

68. The Council committee or sub-committee shall state the special reason for exclusion.

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

70. If a member of the public interrupts the proceedings at any meeting, the Chairperson may, after warning, order that he/she be removed from the Council Chamber.

CONFIDENTIAL BUSINESS:

71. (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 the Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS:

72. A notice of 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.

73. 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:

74. (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:

- 1 the date on which it was received;
- 2 the name of the applicant;
- 3 the place to which it relates;
- 4 a summary of the nature of the application.

(b) The Clerk shall refer every application to the members of the ward to which the application relates or to the Council at a full meeting.

FINANCIAL MATTERS:

75. The Council shall consider and approve Financial 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 (£50,000) 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 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 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 59 & 61 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).

CODE OF CONDUCT ON COMPLAINTS:

76. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS:

77. 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.
78. A resolution permanently to add, vary, or evoke, 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:

79. 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.

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