



FOWEY TOWN COUNCIL

STANDING ORDERS

Meetings of the Council

1. *Meetings of the Council* shall be held at 7:00 pm in Fowey Town Hall unless the Council otherwise decides at a previous meeting or for unforeseen reasons.
2. *The Statutory Annual Meeting* (a) in the year of ordinary election must take place on the fourth day after the date of the election or within 14 days thereafter (b) in a year that is not an election year shall be held on the third Wednesday in May.
3. *Additional meetings.* The three other statutory meetings shall be held on the third Wednesday of July, October and January. Additional meetings shall be held on the third Wednesday of June, September, November, February, March and April and on the second Wednesday of December.
4. *The person presiding* at a meeting, normally the Mayor, (or in his/her absence the Deputy Mayor), may exercise all powers and duties of the Chairman in relation to the conduct of the meeting.

Proper Officer

5. When a statute, regulation or order confers function or duties on the proper officer of the Council he/she *shall be the Town Clerk.*

Quorum

6. *Four members shall constitute a quorum.*

Voting

7. Members shall vote by a show of hands or, if at least two members so request, by signed ballot. Provision shall be made for a written vote for the election of Mayor/Deputy Mayor.
- 8.* *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 and those who abstained from voting.
- 9.* (1) Subject to (2) and (3) below the person presiding at a council meeting *may give an original vote* on any matter put to the vote, and in case of an equality

of votes ***must give casting vote*** even though he/she gave no original vote.
(2) If a 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/she ***may not give an original vote*** in an election of Mayor but (3) the person presiding ***must give a casting vote*** whenever there is an equality of votes in the election for Mayor.

Order of Business

- 10.*** *At each Annual Meeting* the first business shall be;
- (a) To elect a Chairman (Mayor)
 - (b) To receive the Mayor's declaration of acceptance of office
 - (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 that have not been received as provided by law shall be received.
 - (e) To note any deeds and trust instruments in the custody of the Council
 - (f) To elect a Deputy Mayor
 - (g) To elect members to serve on Committees
 - (h) To receive notification from the Town Clerk of the dates of statutory meetings, other known meeting dates and the date of the Civic Service.
- 11.*** *At every meeting other than the Annual Meeting* the first business shall be to appoint a Chairman if the Mayor and Deputy Mayor be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made, or if not received to decide when they shall be received.
- 12.** *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 approve the Minutes and resolve that the person presiding shall sign them as a correct record.
 - b. To deal with business expressly required by statute to be done.
 - c. To receive such communications as the person presiding may wish to be laid before the Council.
 - d. To receive and consider reports and minutes of Committees
 - e. To receive and consider reports from the Police, District and County Councillors.
 - f. To receive the Mayors Report
 - g. To authorise the sealing of documents.
 - h. To receive the accounts for approval, current assets report and budget tracking report from the Town Clerk
 - i. To consider resolutions in the order in which they have been notified.
 - j. Any other business specified in the summons.
- 13.** *A motion to vary the order of business on the grounds of urgency* may be proposed by the Mayor or by a member. If proposed by the Mayor it shall be

put to the vote without discussion and no seconder is required.

- 14.* ***Any resolution shall be seconded as well as moved.***
15. No matter, having been brought before the Council, discussed and resolved, shall be placed on the Council Agenda for discussion until six months has elapsed, from the date of its resolution.
16. No resolution may be moved unless the business to which it relates has been put on the agenda by the Town Clerk or the mover has delivered notice to the Town Clerk in writing of its terms at least seven clear days before the meeting at which it is to be considered.
17. The ***proposer*** of a motion may speak for no longer than ***five minutes*** and all other speeches shall be no longer than ***three minutes***.
18. ***Members shall stand*** to speak at Council meetings unless permitted to sit by the Mayor/person presiding. ***The Town Clerk*** shall stand to deliver his/her report but shall otherwise be permitted to remain seated.
19. A period of time shall be allowed at each meeting when the person presiding will invite members of the public to put questions to the council.

Disorderly Conduct

20. (a) No member shall at a meeting ***persistently disregard the ruling of the Mayor***, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
(b) If, in the opinion of the Mayor, a member has broken the provisions of paragraph (a) of this Order, the Mayor 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 Mayor may suspend the meeting*** or take such further steps as may reasonably be necessary to enforce them.

Questions from Members

21. (a) Questions unconnected with the business under discussion shall not be asked except during parts of the meeting set aside for questions. A member may ask any question that is relevant to the business of the council but, where practicable, prior notice should be given.
(b) Every such question shall be put and answered without discussion.
(c) The addressee may decline to answer or choose to postpone answering.

Discussion and Resolutions affecting Employees of the Council

22. 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 press and public shall be excluded.

Finance

23. All matters concerning finance will be dealt with in accordance with the ***Financial Regulations*** adopted by the Council on 16th April 2008, which shall be reviewed by the Finance Committee annually and recommendations made to full Council.

Sealing of Documents

24. (a) A document shall not be sealed on behalf of the Council unless its sealing has been ***authorised by a resolution***.
(b) The Council's Common Seal shall alone be used for sealing documents. It shall be ***applied by the proper officer in the presence of the members who shall sign the document as witnesses***.

Committees and Sub-Committees

25. The Council will ***at its Annual Meeting*** appoint Standing Committees ***and may at any 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 any Committee;
 - c. ***may at any time dissolve or alter the membership*** of a Committee.
26. ***The Mayor ex officio*** shall be a member of every Committee.
27. Every Committee shall ***at its first meeting*** before proceeding to any other business ***elect a Chairman*** and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council. A Committee must always operate according to its Terms of Reference laid down by the Council
28. ***Extraordinary meetings*** – The Mayor may convene an additional meeting of the council at any time, as may the Chairman of a Committee. An additional meeting shall also be convened on the requisition in writing of not less than a quarter of the members (but with a minimum of 2 members) of the Committee. The summons shall set out the business to be transacted at that meeting.
29. ***Quorum*** – Except where otherwise ordered by the Council the quorum of a Committee shall be three members.
30. If it becomes apparent because of apologies received that a committee meeting will be inquorate authority is vested in the Town Clerk to invite (in strict rotation) non-member Councillors to attend to make up the numbers.

Voting in Committee

31. Members of Committees entitled to vote shall *vote by show of hands*.
- 32.* *Chairmen* of committees shall in the case of an equality of votes have a *second or casting vote*.

Code of Conduct Interests

33. 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.
34. 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.
- 34a. Paragraph 34 will not apply in circumstances where a member may participate by virtue of the provisions of paragraph 12(2) of the Council's adopted Code of Conduct. In such circumstances the Mayor will invite the public to make representations, answer questions or give evidence relating to the matter or business in which the member, otherwise excluded, is participating.
35. The Clerk will be required to compile and hold a register of members' interests or a copy thereof in accordance with agreement reached with the monitoring officer of the responsible authority and/or as required by statute.
36. If a *candidate for any appointment* under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship to the Clerk. A candidate who fails to do so shall be disqualified for such an 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 29 shall apply.
37. Members shall, at the end of each term of office, return all hats, gowns, and keys which are the property of the Council, to the Town Clerk.
- 37a. Any Councillor who submits an article to any publication (except at the direction of the council) shall add a disclaimer as follows '*I write this article as a member of the public and not as a Town Councillor. The opinions expressed are in no way the official view of Fowey Town Council and neither should they be considered as an indication of Fowey Town Council policy.*'

Inspection of documents

38. A member may *for the purpose of his/her duty as a Councillor* (but not

otherwise) inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purposes with a copy, with the exception of records of employees of the Council.

- 39.* All Minutes kept by the Council and by any Committee shall be open for the inspection of any member of the Council.

Unauthorised Activities

40. No member of the Council or of any Committee shall in the name of or on behalf of the Council:
- a. *Inspect any lands or premises*, which the Council has right or duty to inspect, unless authorised to do so by the council or the relevant Committee.
 - b. *Issue orders, instruction or directions* unless authorised to do so by the Council or the relevant Committee.

Council Website

41. a. The council shall maintain an active website.
b. The council shall, on an annual basis, appoint a Webmaster to be responsible for maintaining the layout of the site.
c. *Only the Town Clerk shall be authorised to input council business.*
d. *Only the Webmaster and the Town Clerk shall have access to the site*

Admission of the Public and Press to Meetings

- 42.* *The Public and Press shall be admitted to all meetings* of the Council and to Committees, *which may, however, temporarily exclude the public* by means of the following resolution: “The press and public be excluded under Section1(2) of the Press and Public Bodies (Admission to Meetings) Act 1960 because of the confidential nature of the business to be transacted in connection with”
- 43.* The Clerk shall afford to the press facilities for taking their report of any proceedings at which they are entitled to be present.
44. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber.

Confidential Business

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

Code of Conduct on Complaints

46. The Council shall deal with complaints of misadministration allegedly committed by the Council or by any officer or member in the manner adopted by the Council, except for those complaints which should properly be directed to the Standards Board for England.

Variation, Revocation and Suspension of Standing Orders

47. Any or every part of the Standing Orders except those marked with an asterisk may be suspended by resolution in relation to any specific item of business.
48. A resolution permanently to add, vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Standing Orders given to Members

49. The Town Clerk shall give a copy of these Standing Orders to each member upon delivery to him/her of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

**Fowey Town Council
Reviewed July 2008**