

ST COLUMB MAJOR TOWN COUNCIL

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COUNCIL MEETINGS

1 GENERAL

- 1.1 Meetings of the Full Council shall be held in the Council Chamber, Town Hall, St Columb Major at 19.30 hours unless the Council otherwise decides.
- 1.2 Smoking is not permitted at any Meeting of the Council.
- 1.3 Mobile phones shall be switched off, unless the Chairman decrees otherwise.
- 1.4 Otherwise than in the event of an unavoidable emergency, notice of non-attendance at Meetings shall be notified to the Clerk or Chairman by 5pm at the latest on the day of the Meeting.
- 1.5 The Statutory Annual Meeting, in an Election year, shall be held on the Monday following the fourth day after the ordinary day of Elections. In a year, which is not an Election year, it shall be held on the second Monday in May.
- 1.6 The three statutory Meetings shall be held on the second Monday in the months of February, July and November.
- 1.7 Seven additional Meetings shall be held on the second Monday in the months of January, March, April, June, September, October and December.
- 1.8 Planning meetings shall be held on the fourth Monday of the months of January, February, March, April, May, June, July, September, October and November. Additional Meetings will be arranged in the months of August and December should they be required for urgent matters.
- 1.9 All Meetings shall close at or before 22.00hrs unless the Council moves the motion to extend the meeting, by no more than two, fifteen-minute sessions. Any matters outstanding at 22.30hrs shall be carried forward to the next meeting.

2 CHAIRMAN OF MEETING

- 2.1 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.
- 2.2 The decision of the Chairman on matters of procedure and points of Order and his interpretation of these Standing Orders shall be final.

3 QUORUM

- 3.1 Five members shall constitute a Quorum, but a motion to suspend standing orders shall not be moved without written notice signed by twice as many members as constitute the Quorum.
- 3.2 If a Quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the Quorum, the business not

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transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

4 VOTING

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

4.2 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.

4.2.1 Subject to (5.2.2) and (5.2.3) below, the Chairman may give an original vote on any matter put to the vote.

4.2.2 Subject to (5.2.3) below, the Chairman may not give an original vote in the Election of the Chairman or any occasion when he will himself immediately after such Election retire from the Council.

4.2.3 In any case of an equality of votes, the Chairman may give a casting vote.

4.2.4 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

4.3 Voting on appointments:

4.3.1 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.

5 DUTIES AND POWERS OF COUNCIL

5.1 The following matters shall be reserved for decision by the Council itself:

5.1.1 Precepting a rate.

5.1.2 Borrowing money.

5.1.3 Making, amending, or revoking Standing Orders, Financial Regulations or Duties and Powers and Proper Officer provisions.

5.1.4 Making, amending or revoking Byelaws.

5.1.5 Making of Orders under any statutory powers.

5.1.6 Appointing the Chairman of a Committee.

5.1.7 Prosecution or defence in a court of law.

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6 ORDER OF BUSINESS

6.1 In an election year Councillors shall execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council for such declaration, before the Annual Meeting commences.

6.2 In addition each Councillor must undertake in writing to abide by the Council's Code of Conduct and shall be forbidden to act until he has done so.

Notes: The Acceptance of Office and the undertaking to abide by the Code of Conduct are now combined into one form.

A copy of the Code of Conduct, which forms part of these Standing Orders, shall be provided for each Councillor.

6.3 At each Annual Meeting the first business shall be:

6.3.1 To elect a Mayor.

6.3.2 To receive the Mayor's declaration of acceptance of office, or, if not then received, to decide when it shall be received.

6.3.3 To elect a Deputy Mayor.

6.3.4 To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

6.3.5 To appoint statutory or standing committees.

6.3.6 To consider the payment of any subscriptions falling to be paid annually.

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

6.5 Thereafter, unless the Council otherwise decides on the grounds of urgency, the order of business shall be as follows:

6.5.1 To consider and approve the signing of the Minutes, by the presiding Chairman, as a correct record.

6.5.2 To deal with business expressly required by statute to be done.

6.5.3 To dispose of business, if any, remaining from the last Meeting.

6.5.4 Thereafter, business shall be conducted as published on the Agenda.

6.6 Subject to point 6.4 not being displaced, a motion to vary the order of business, on the grounds of urgency:

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6.6.1 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

6.6.2 Shall be put to the vote without discussion.

7 RULES OF DEBATE

7.1 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 Chairman.

7.2 A resolution or amendment shall be properly proposed and seconded.

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

7.4 No speech shall exceed five minutes, except by consent of the Council.

7.5 An amendment shall be either:-

7.5.1 To leave out words

7.5.2 To leave out words and insert or add others.

7.5.3 To insert or add words.

7.6 An amendment shall not have the effect of negating the motion before the Council.

7.7 If an amendment is 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.

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

7.9 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 a right of reply has been exercised or waived, a vote shall be taken without further discussion.

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

7.11 A member may make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by

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- him/her which may have been misunderstood. A member speaking for these purposes shall be heard forthwith.
- 7.12 A motion or amendment may be withdrawn by the proposer with the unanimous 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.
- 7.13 A Member may, with the consent of his seconder, move amendments to his own resolution.
- 7.14 When a resolution is under debate no other resolution shall be moved except the following:-
- 7.14.1 To amend the resolution.
 - 7.14.2 To proceed to the next business.
 - 7.14.3 To adjourn the debate.
 - 7.14.4 That the question be now put.
 - 7.14.5 That a member named be not further heard.
 - 7.14.6 That a member named do leave the meeting.
 - 7.14.7 That the resolution be referred to a Committee.
 - 7.14.8 To exclude the public and the press.
 - 7.14.9 To adjourn the meeting.
- 7.15 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- 7.16 Members shall address the Chairman.
- 7.17 If two or more members seek to speak, the Chairman shall call upon one of them to speak and the others shall remain silent.
- 7.18 Whenever the Chairman rises during a debate all other members shall be silent.
- 8 RESOLUTIONS MOVED ON NOTICE**
- 8.1 Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than ten days before the next meeting of the Council.
- 8.2 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

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- unless the member giving notice of a motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 8.3 If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 8.4 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 Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 8.5 Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

9 RESOLUTIONS MOVED WITHOUT NOTICE

- 9.1 Resolutions dealing with the following matters may be moved without notice:-
- 9.1.1 To appoint a Chairman of a Meeting.
 - 9.1.2 To correct the Minutes.
 - 9.1.3 To approve the Minutes.
 - 9.1.4 To alter the order of business.
 - 9.1.5 To proceed to the next business.
 - 9.1.6 To close or adjourn the debate.
 - 9.1.7 To refer a matter to a Committee.
 - 9.1.8 To appoint a Committee or any members thereof.
 - 9.1.9 To adopt a report.
 - 9.1.10 To amend a motion.
 - 9.1.11 To give leave to withdraw a motion or an amendment.
 - 9.1.12 To extend the time limit for speeches.
 - 9.1.13 To consider otherwise than in Committee a question affecting an employee of the Council.
 - 9.1.14 To exclude the press and public
 - 9.1.15 To silence or eject from the meeting a member named for misconduct.

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9.1.16 To invite a member having an interest in the subject matter under debate to remain.

9.1.17 To give the consent of the Council where such consent is required by these Standing Orders.

10 CLOSURE

10.1 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 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 of the Council shall not prejudice the mover’s right of reply at the resumption.

11 RECISSION OF PREVIOUS RESOLUTION

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

11.2 When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

11.3 This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendation of a Committee.

12 QUESTIONS

12.1 A member may ask the Chairman any question concerning the business of the Council.

12.2 A member, with or without notice, may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council’s consideration of those proceedings is finished.

12.3 Every question shall be put and answered without discussion.

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

13 DISORDERLY CONDUCT

13.1 No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by willfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalize the Council or bring it into contempt or ridicule.

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- 13.2 If, in the opinion of the Chairman, a member has broken the provision of Standing Order (13.1), 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 without discussion.
- 13.3 If either of the motions mentioned in paragraph (12.1) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

14 ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 14.1 At all Meetings of the Council or its Standing Committee there shall be a short period allowed for questions from the Public. A question may be answered orally or in writing, which shall be circulated to all Members of the Council, but shall not be the subject of further debate.
- 14.2 The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public or the press or both by means of the following resolution, viz.:
- “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/public and press/public be temporarily excluded and they are instructed to withdraw.”
- 14.3 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 14.4 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber, or that the part of the Chamber open to the public be cleared.

15 PLANNING APPLICATIONS

- 15.1 The Clerk shall make available for the Councillors' information and observations, all planning applications received either at the monthly meetings or on the fourth Monday in each month at 18.30hrs at the Council Chamber, or at such other time and place as the Chairman shall direct subject to due notice being given to the Councillors concerned.

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COMMITTEES and SUB-COMMITTEES

- 16 The Council may at the Annual Meeting appoint standing Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:
- 16.1.1 Shall not appoint any member of a Committee so as to hold Office later than the next Annual Meeting.
 - 16.1.2 May appoint persons other than Members of the Council to any Committee.
 - 16.1.3 May at any time dissolve or alter the membership of a Committee.
- 16.2 The Mayor and Deputy Mayor shall be members of every Committee.
- 16.3 Every Committee shall at its first meeting, before proceeding to any other business, elect a Chairman and Vice-Chairman who must be members of the Council and who shall hold Office until the next Annual Meeting of the Council.
- 16.4 The Chairman of a Committee or the Mayor of the Council may summon a special meeting of that Committee at any time. A Special Meeting shall also be convened 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.
- 16.5 Every Committee may appoint sub-committees for purposes to be specified by the Committee.
- 16.6 The Mayor and Deputy Mayor shall be members of every sub-committee, unless they signify that they do not wish to serve.
- 16.7 Members of the Council may attend meetings of any of the committees and sub-committees but unless members thereof, shall not vote or, except with the consent of the committee or sub-committee, take part in the debate.
- 16.8 Except where ordered by the Council in the case of a committee or by the Council 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.
- 16.9 The Standing Orders on the 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 as they are appropriate.
- 16.10 Members of committees and sub-committees shall vote by show of hands.
- 16.11 Chairmen of committees and sub-committees shall have a second or casting vote.
- 16.12 Order of business:

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- 16.12.1 The order of business shall be as set out in the agenda.
- 16.12.2 No item of business shall be considered unless it is included on the Agenda.
- 16.12.3 Notice of such Meetings, together with the items to be discussed, shall be displayed at least three clear working days beforehand.
- 16.12.4 Meetings of the Committees of the Council shall be held in accordance with the calendar of Meetings, approved by the Council from time-to-time.

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CONDUCTION OF COUNCIL BUSINESS

17 STANDING ORDERS

- 17.1 Any part of the Standing Orders, except Standing Orders Nos. 1.5, 1.6, 2.1, 2.2, 3.1, 4.2, 6.3, 6.4, 6.5, 14.2, 14.3, 16.11, 24.2, 26.1, 26.2 and 26.3, may be suspended by resolution in relation to any specific item of business.
- 17.2 A motion 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.
- 17.3 A printed copy of these Standing Orders shall be given to each member, by the Clerk upon delivery to him/her of the member's declaration of acceptance of office.

18 LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 18.1 A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillors for the ward.
- 19 Where the Council 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 Councillors for the ward as the case may be.

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COUNCILLORS and CLERK

20 PROPER OFFICER

- 20.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:-
- 20.1.1 To receive declarations of acceptance of office.
 - 20.1.2 To receive and record notices disclosing pecuniary interests.
 - 20.1.3 To receive and retain plans and documents.
 - 20.1.4 To sign notices or other documents on behalf of the Council.
 - 20.1.5 To receive copies of byelaws made by the Council.
 - 20.1.6 To certify copies of byelaws made by the Council.
 - 20.1.7 To sign summonses to attend meetings of the Council.
 - 20.1.8 In any other case the Proper Officer shall be the person nominated by the Council and in default of nomination, the Clerk.

21 DELEGATION TO THE CLERK

- 21.1 The Clerk shall be empowered to exercise and perform on behalf of and in the name of, and without further reference to the appropriate Committee of the Council all powers and duties of the Council in relation to the following as described:
- 21.1.1 The day-to-day administration of services and routine inspection and control.
 - 21.1.2 To exercise such powers and duties as laid down in the Financial Regulations.

22 DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 22.1 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 Standing Order 26.1.)

23 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 23.1 Canvassing of Members or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such

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appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

- 23.2 A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 23.3 Standing Orders 21.1 and 22.1 shall apply to tenders as if the person making the tender were a candidate for an appointment.

24 INSPECTION OF DOCUMENTS

- 24.1 A member may, for the purpose of his duty (but not otherwise), inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 24.2 All Minutes and documents kept by the Council and by any committee shall be open for inspection of any member of the Council.
- 24.3 The Minutes of the Council shall be open to inspection by any local government elector of the parish without charge.

25 UNAUTHORISED ACTIVITIES and CONFIDENTIALITY

- 25.1 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
- 25.1.1 Inspect any lands or premises which the Council has a right of duty to inspect, or
- 25.1.2 Issue orders unless authorized to do so by the Council or the relevant Committee.
- 25.2 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.

26 DECLARATION OF INTERESTS

- 26.1 If any Member has a personal interest, within the meaning of the Code of Conduct as introduced by SI 2000/3335 subsequent to Part III of the Local Government Act 2000 in any matter, he must declare it.
- 26.2 If any Member has a personal interest, which is also a prejudicial interest within the meaning of the Code of Conduct as introduced by SI 2000/3335 subsequent to Part III of the Local Government Act 2000 in any matter, he must declare it and while it is under consideration by the Council, withdraw from the Meeting unless the interest is trivial in the manner described in Section 97(5), or

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- 26.2.1 The restriction imposed upon him by those sections has been removed by the District Council, or
 - 26.2.2 The Council invite him to remain, or
 - 26.2.3 The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
- 26.3 The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any Member or any officer of the Council of any pecuniary interest, and the book shall be open during reasonable hours of the day for the inspection of any Member.

These Standing Orders were revised and adopted by St Columb Major Town Council on 8th May 2006.

Signed: (Cllr. Hancock)
Mayor