



## STANDING ORDERS FOR BODMIN TOWN COUNCIL

### MEETINGS

- 1 Meetings of the Council shall be held at Shire House at 6.30 o'clock in the afternoon unless the Council otherwise decides at a previous meeting.
- 2 The Statutory Annual Meeting (a) in an election year shall be held on the 10<sup>th</sup> day 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 3<sup>rd</sup> Thursday in May.
- 3 All other Council Meetings will be as per list circulated.

### 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, s/he shall be the Clerk:
  - a) To receive declarations of acceptance of office.
  - b) To receive and record notices disclosing pecuniary interests
  - c) To receive and retain plans and documents.
  - d) To sign notices or other documents on behalf of the Council.
  - e) To receive copies of byelaws made by a 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

- 6 Six members shall constitute a quorum for Council meetings, five members for Finance, Staffing and General Purposes Committee meetings and three for all other committees or sub-committees.
- 7 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 transacted at the meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

### VOTING

- 8 Members shall vote by show of hands, or, if at least two members so request, by ballot or roll call.

- 9 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.
- 10
  - i) Subject to (ii) and (iii) below the Chairman 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.
  - ii) 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 Chairman and Vice-Chairman until the end of their term of office s/he may not give an original vote in an election for Chairman.
  - iii) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

#### ORDER OF BUSINESS

*(In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the council to take such declaration, before the annual meeting commences.)*

- 11 **At each Annual Meeting the first business shall be:-**
  - a) **To elect a Chairman**
  - b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - c) To elect a Vice-Chairman
  - d) To appoint statutory or standing committees and delegates.
- 12 **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman be 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.**
- 13 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
  - a) 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.
  - b) After consideration to approve the signature of the Minutes by the presiding Chairman as a correct record.
  - c) To deal with business expressly required by statute to be done.
  - d) Matters arising.
  - e) To receive such communications as the presiding Chairman may wish to lay before the Council.
  - f) To dispose of business, if any, remaining from the last meeting.
  - g) To receive and consider reports and minutes of committees and advisory 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 for payment.
  - k) To consider motions or recommendations in the order in which they have been notified.
  - l) Any other business specified in the summons.
  - m) Questions to Chairman.
- 14 A motion to vary the order of business on the grounds of urgency.
- 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.

#### RESOLUTIONS MOVED ON NOTICE

- 15 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 Thursday in the week before the next meeting of the Council.
- 16 The Clerk shall date every notice of motion or recommendation when received by him/her, shall number each notice in the order in which it was received.
- 17 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 s/he intends to move at some later meeting or that s/he withdraws it.
- 18 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.
- 19 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 s/he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 20 Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

#### RESOLUTION MOVED WITHOUT NOTICE

- 21 Resolutions dealing with the following matters may be moved without notice:-
- a) To appoint a Chairman of the meeting.
  - b) To correct the Minutes.
  - c) To approve the Minutes.
  - d) To alter the order of business.
  - e) To proceed to the next business.

- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or an amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public.

*(The next resolution is governed by the Standing Order on Disorderly Conduct)*

- o) To silence or eject from the meeting a member named for misconduct.

*(The next resolution is governed by the Standing Order on members interested in contracts and other matters.)*

- p) To give the consent of Council where such consent is required by these Standing Orders.
- q) To suspend Standing Orders.

#### QUESTIONS

- 22 A member may ask the chairman any question concerning the business of the Council.
- 23 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.
- 24 Every question shall be put and answered without discussion.
- 25 A person to whom a question has been put may decline to answer.

#### RULES OF DEBATE

- 26 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.
- 27
  - 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 Chairman, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
  - b) A member when seconding a resolution or amendment may, if s/he then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
  - c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
  - d) *No speech shall exceed five minutes, except by consent of the Chairman.*

- 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 motion before the Council.

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.

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

The mover of a resolution or of an amendment shall have a right of reply.

*A member, other than the mover of a resolution, shall not, without leave of the Chairman, 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 the closure*

Any member rising to make a point of order or a personal explanation should quote the standing order to which s/he is referring. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A member rising for these purposes shall be heard forthwith.

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.
- lii) 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 to leave the meeting.
- vii) That the resolution be referred to a committee.
- viii) To exclude the public and press.
- ix) To adjourn the meeting.

28 A member may stand when speaking.

- 29 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) If two or more members wish to speak, the Chairman shall call upon all of them to speak in turn.
- d) Whenever the Chairman speaks during a debate all other members shall be silent.

- e) The Chairman shall be empowered to divide into two or more distinct motions any motion which, in his/her opinion, is so complicated in its form that confusion or inconvenience is likely to be caused by its being kept as one motion.

#### CLOSURE

- 30 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, s/he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

#### DISORDERLY CONDUCT

- 31 a) No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it 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 paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

#### RIGHT OF REPLY

- 32 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

- 33 A member may, with the consent of his/her seconder, move amendments to his/her own resolution.

#### RESCISSION OF PREVIOUS RESOLUTION

- 34 (a) 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 nine members of the Council.
- (b) When special resolution has been disposed of, no similar resolution may be moved within a further six months, ending on the appropriate meeting date.
- (c) This Order shall not apply to rescinding resolutions moved in pursuance of the report or recommendation of a committee.

#### VOTING ON APPOINTMENTS

- 35 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

- 36 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (*See Standing Order No. 61.*)

#### RESOLUTION ON EXPENDITURE

- 37 Any motion which, if carried, would, in the opinion of the Chairman, 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

- 38 Orders for the payment of money shall be authorised by resolution of the Council and signed by two members and by the Town Clerk or the authorised member of staff in the Clerk's absence.

#### SEALING OF DOCUMENTS

- 39 (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

Any two members of the Council, or the Clerk as directed by the Council, may seal, on behalf of the Council, any document required by law to be issued under seal.

## COMMITTEES AND SUB-COMMITTEES

- 40 The Council may at the Annual Meeting appoint Standing Committees which shall be made up as follows:

Finance, Staffing and Performance Management Committee – shall be 9 Members comprising the Chairmen of Standing Committees, the Mayor as ex-officio and 2 other Members with a quorum of 5;

Policy Committee – 8 Committee Members plus the Mayor as ex-officio, with a quorum of 3;

Planning Committee – 8 Committee Members plus the Mayor as ex-officio, with a quorum of 3;

Properties – 8 Committee Members plus the Mayor as ex-officio, with a quorum of 3;

Promotions – 8 Committee Members plus the Mayor as ex-officio, with a quorum of 3;

Cornwall Council Liaison Committee – 8 Committee Members plus the Mayor as ex-officio, with a quorum of 3;

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, and

(b) may subject to the provisions of Standing Order 34 above at any time dissolve or alter the membership of a committee.

- 41 The Mayor to be *Ex-Officio* of all main Council Committees.
- 42 The Finance, Staffing and Performance Management, Planning, Policy, Promotions and Properties Committee Chairmen shall be appointed by the Council at the Annual Meeting. Every other Committee shall at its first Meeting before proceeding to any business elect a Chairman and all Committees may elect a Vice-Chairman, who shall hold office until the next Annual Meeting of the Council.
- 43 The Chairman of a committee or the Mayor may summon a special meeting of that committee at any time. A special 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.
- 44 Every committee may appoint sub-committees for purposes to be specified by the committee.
- 45 The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- 46 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-third of its members with a minimum of three.

- 47 The Standing Orders on 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 insofar as they are appropriate.

#### ADVISORY COMMITTEE

- 48 1) There may be advisory committees, whose name and number of members, (and the bodies to be invited to nominate members) may be determined as appropriate.
- 2) The Clerk shall inform the members of each advisory committee of 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 in part of persons who are not members of the Council.

#### VOTING IN COMMITTEES

- 49 Members of committees and sub-committees shall vote by show of hands, or, if at least two members so request, by ballot or roll call.
- 50 **Chairman of committees and sub-committees shall have a second or casting vote.**

#### PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 51 A member who has proposed a motion which has been referred to any committee of which s/he is not a member, may explain his/her motion to the committee but shall not vote.
- 52 Any Council member shall, unless the Council otherwise orders, be entitled to attend and debate at the meetings of any committee or sub-committee of which s/he is not a member, but not vote with the exception being the Staffing Sub-Committee.

#### INTERESTS

- 53 If any Member has any personal or prejudicial interest relating to an item under consideration s/he should make the appropriate declaration in accordance with the Local Authorities (Model Code of Conduct) Order 2007 – SI 2007/1159 and any Guidance issued by the Standards Board for England or the Local Standards Board, withdrawing from the meeting where appropriate, except in so far as Standing Order 639(b) applies.
- 54 **The Clerk shall keep a record of notifications by members of financial and other interests, and the record shall be open during reasonable hours of the day for the inspection of any member.**
- 55 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, s/he and the person to whom s/he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

#### CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 56 a) Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.
- b) 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.
- 57 Standing Orders Nos. 55 and 56 shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### INSPECTION OF DOCUMENTS

- 58 In addition to any rights of inspection afforded by the Freedom of Information Act 2000, 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.
- 59 **(a) All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**
- (b) The Minutes of the Council shall be open to inspection by any local government elector of the town without charge save that with the exception of confidential minutes which the Council can decide to divulge.

#### UNAUTHORISED ACTIVITIES

- 60 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders or incur expenditure
- unless authorised to do so by the Council or the relevant committee or sub-committee.

#### ADMISSION OF THE PUBLIC TO MEETINGS

- 61 **The public shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public** by means of the following resolution, viz:

'That the press and public be excluded from the Meeting in accordance with section 1 of the Public Bodies (Admission to Meetings) Act 1960, for the following items of business on the grounds that they involve the likely disclosure of confidential and exempt information'.

*(Note: If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)*

- 62 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 63 (a) At all meetings of the Council and its Standing Committees, the Chairman may at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 19 April 2007 shall apply to Members of the Council in respect of the entire meeting. Where, however, Members of the Council exercise their rights pursuant to SO 63B, below, members of the public shall be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
- (b) At all meetings of the Council and its Standing Committees, the Chairman may permit members of the Council (including co-opted members as defined by s.49 (7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 19 April 2007 shall apply to members of the council in respect of the entire meeting.
- 64 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that s/he be removed from the Council Chamber or part of the Chamber open to the public be cleared.

#### CONFIDENTIAL BUSINESS

- 65 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 sub-committee as the case may be.

#### LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 66 A notice of meeting shall be sent together with an invitation to attend to the County Councillors for the County divisions and to the District Councillor or Councillors for the District wards.

## PLANNING APPLICATIONS

- 67 (a) The Clerk shall, as soon as it is received, enter in a file kept for the purpose the following particulars of every planning application notified to the Council:-
- (i) the date on which it was received;
  - (ii) the name of the applicant;
  - (iii) the place to which it relates;
  - (iv) a summary of the nature of the application

## CODE OF CONDUCT ON COMPLAINTS

- 68 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended by the National Association of Local Councils.

## VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 69 Any part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business by a simple majority.
- 70 A motion permanently 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

- 71 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.