

Fleetwood Town Council

Onward to a Better Future



Standing Orders

Revised by order of council 24/4/18 item
2674 (part 3)

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Author:	Clerk to the Council (RFO)
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Council Business and Meetings

1.1 Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct. Meetings should not be more than two hours long. If a meeting exceeds this limit the Chairman may consider an adjournment.
- b) Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- c) The required minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- ~~d) The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.~~
- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

1.2 The Statutory Annual Meeting

- a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office.

- b) In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.
- c) In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

3. Chairman of the Meeting

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

4. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk or nominated officer: -

- a. To receive declarations of acceptance of office.
- b. To receive and record notices disclosing interests at meetings.
- c. To receive and retain plans and documents.
- d. To sign notices or other documents on behalf of the Council.
- e. To receive copies of bylaws made by another local authority.
- f. To certify copies of bylaws made by the Council.
- g. To sign and issue the summons to attend meetings of the Council.
- h. To keep proper records for all Council meetings.

5. Quorum of the Council

- a) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
- b) If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

- c) For a quorum relating to a committee or sub-committee, please refer to Standing Order 16.

6 Voting

- a) Members shall vote by show of hands or, if at least two members so request, **by secret signed ballot, conducted by the Clerk.**
- b) If a member so requires, the Clerk shall record the names of the members who voted on any question to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- c) Subject to (d) and (e) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote, whether **he/she** gave an original vote or not.
- d) 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 **he/she** may not give an original vote in an election for Chairman but shall give a casting vote in the event of an equality of votes.
- e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

7. Order of Business

At each Annual Parish/**Town** Council Meeting the first business shall be:-

- a) To elect a Chairman of the Council
- b) To receive the Chairman'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 which have not been received as provided by law shall be received.
- e) To elect a Vice-Chairman of the Council.
- f) To appoint representatives to outside bodies.
- g) To appoint committees and sub-committees
- h) Thereafter follow the order set out in the Standing Order 15.

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.

In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees.

After the first business has been completed, the order of business will be conducted in numerical order. It 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,

After consideration to approve the signature of the Minutes by the person presiding as a correct record. Provided that 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.

8. Resolutions Moved On Notice

- a. 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 7 clear days before the next meeting of the Council.
- b. 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.
- c. The Clerk shall date every notice of resolution or recommendation when received by him, 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.
- d. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.
- e. 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.

9. Resolutions Moved Without Notice

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 amend a motion.
- i) To give leave to withdraw a resolution or amendment.
- j) To extend the time limit for speeches.
- k) To exclude the press and public. (see Order 55 below)
- l) To silence or eject from the meeting a member named for misconduct. (see order 27 below)
- m) To give the consent of the Council where such consent is required by these Standing Orders.
- n) To suspend any Standing Order. (see Order 65 below)

10. Questions

- a. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 5 clear days' notice of the question has been given to the person to whom it is addressed.
- b. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- c. Every question shall be put and answered without discussion.
- d. A person to whom a question has been put may decline to answer or advise they will report back after further research.

- e. 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. Adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

11. Disorderly Conduct

- a) All members must observe the Code of Conduct adopted by the council.
- 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. NB: This standing order can only be invoked in relation to the described behaviour at the meeting in question, and not at any other time or location (amended on order of council 24/4/18).**
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, 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 forth with 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 Committee.**
- d) If either of the motions 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.

12. Alteration of Resolution

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

13. Rescission of Previous Resolution

- 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 3 members of the Council, or by 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 a further six months.

14. Voting On Appointments

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.

15. Discussions and Resolutions Affecting Employees of the Council

- a) 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. The press and public shall be excluded.
- b) Orders for the payment of money shall be authorised by resolution of the Council.**

16 Committees and Sub Committees

The Council may ~~at its Annual Meeting~~ appoint standing committees or other committees ~~and may at any other time appoint such other committees, as are necessary, but subject to any statutory provision in that behalf:~~ and:

- a. Shall determine their Terms of Reference (ToR).
- b. May appoint non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c. May dissolve or alter the membership of committee.
- d. The Chairman and Vice-Chairman shall be voting members of every committee.
- e. 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, and shall settle its programme of meetings for the year.
- f. Unless the Council determines otherwise, a committee may appoint a sub-committee whose Terms of Reference and members shall be determined by the committee.

17. Extra-ordinary Meetings

- a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.
- c) The Chairman of a Committee, or a Sub-Committee, may convene an extraordinary meeting of the Committee, or the Sub-Committee, at any time.

- d) If the Chairman of a Committee or Sub-Committee does not or refuses to call an extraordinary meeting within seven days of having been requested in writing to do so by two Members of that Committee, or Sub-Committee, any two Members may convene an extraordinary meeting of that Committee or Sub-Committee.
- e) The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- f) 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.
- g) 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.

18. Advisory Committees

- a) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) An advisory committee may consist wholly of persons who are not members of the Council.

19. Voting in Committees

- a) Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- b) Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

20. Accounts and Financial Statement

- a. Except as provided in b) below, by approved delegation 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 Chairman or Vice-Chairman of the Council.

- c. All payments ratified shall be separately included in the next schedule of payments before the Council.
- d. The Responsible Financial Officer shall make available to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or 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 following month of September.

21. Estimates / Precepts

Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than September.

22. Interests (ENGLAND)

- a) If a member has a personal interest as defined by the adopted Code of Conduct he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- b) 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.
- c) The Clerk is required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute. This information will be notified to the public via the Councils website.
- d) 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 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 a relationship to a member is disclosed, Standing Order 23 shall apply as appropriate.
- e) The Clerk shall make known the purpose of Standing Order 22 to every candidate.

23. Canvassing of and Recommendations by Members

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

24. Inspection of Documents

- a) A member may for the purpose of his duty as such inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b) All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council

25. Unauthorised Activities

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, instructions or directions.

Unless authorised to do so by the Council or the relevant committee or sub-committee.

26. Admission of The Public and Press to Meetings

- a) The public and press 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 resolutions: -
 - "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".
 - The Council shall state the special reason for exclusion.

b) At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

[On 6 August 2014, the 1960 Act was amended by the Openness of Local Government Bodies Regulations 2014 (“the 2014 Regulations”). The amended 1960 Act provides that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:

- a) film, photograph or make an audio recording of a meeting;
- b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.]

c) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

27 Confidential Business

- 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.
- b) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

28. Planning Applications

The Clerk shall refer every planning application received to all councillors via email as soon as is practical.

29. Financial Matters

a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. Such Regulations shall include detailed arrangements for the following:

- the accounting records and systems of internal control;
- the assessment and management of risks faced by the Council;
- the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
- the financial reporting requirements of members and local electors and
- procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £30,000.

b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value more than [£30,000] shall be procured based on a formal tender as summarised in (3) below.

c) Any formal tender process shall comprise the following steps:

- a public notice of intention to place a contract to be placed in a local newspaper;
- a specification of the goods, materials, services and the execution of works shall be drawn up;
- tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

d) The Council, nor any Committee, is not bound to accept the lowest tender, estimate, or quote. Any tender notice shall contain a reference to the Standing Orders 23 and 25 regarding improper activity.

e) 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 more than £140,000 and advice should be sought at this level}

(Note: Some Standing Order must be made for contracts for the supply of goods or the execution of works)

30. Code of Conduct on Complaints

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 Committee.

31. Variation, Revocation and Suspension of Standing Orders

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.

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.

32. Standing Orders to be Given to Members

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 and written undertaking to observe the Code of Conduct adopted by the Council.