

Wisbech Town Council



Standing Orders

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INTRODUCTION

Part One of Standing Orders is a procedural guide for those Chairing meetings of Wisbech Town Council.

Part Two are the Council's Standing Orders.

Although not a legal requirement, it is recommended practice that all councils have Standing Orders. Those parts of the Standing Orders in **bold type** cannot be amended except by legislation. All other Standing Orders are the result of custom and practice; good practice; and guidance from other organisations such as the National Association for Local Government and the Society of Local Council Clerks.

The Town Clerk for Wisbech (as the Council's Proper Officer in law) is the custodian of these Standing Orders but it is the responsibility of each elected member to acquaint themselves with Standing Orders and to show a proper regard for them at all times.

As the Council's Responsible Financial Officer, the Town Clerk is also responsible for this Council's finances. Members should refer to the Council's Financial Regulations for more detailed Guidance.

Throughout these Standing Orders the word 'Council' means Wisbech Town Council, unless otherwise stated.

The title of Chairman is used in the context of Standing Orders whether the Chairman is male or female.

TOWN MAYOR

The Chairman of Wisbech Town Council is entitled to use the title 'Town Mayor'.

For a detailed guidance on Mayoral responsibilities, members should refer to the Council's Members' Guidance Handbook.

(In the following pages the word 'Chairman' includes 'Town Mayor' and the words 'Vice-Chairman' include 'Deputy Town Mayor')

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PART ONE – CHAIRMANSHIP

(Note: In this part the word 'Chairman' means the person actually presiding at a meeting and 'Council' includes 'committee' where any function has been delegated. The Standing Orders in Part Two may be applied or modified accordingly).

BASIC PRINCIPLES

1. The officers and agents of the Council must act as the Council's executives and carry out its decisions. They cannot do this properly unless they have instructions that they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action is such an instruction.
3. The Council's instructions are conveyed by decisions and it is the purpose of the Council's proceedings to *reach without unreasonable delay an intelligible and lawful decision for the right reasons*. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end s/he must
 - a) protect the Council against *outside interference*;
 - b) ensure that everything to be discussed is *lawful*;
 - c) ensure that the Council is invited to deal with *clear issues*;
 - d) ensure that as far as possible *information is complete*;
 - e) permit every point of view to have *a fair hearing*;
 - f) ensure that opinions expressed are *relevant* to the matter in hand;
 - g) ensure that business is transacted with *reasonable speed*;
 - h) ensure as far as possible that proceedings are *friendly and free from personalities*;
 - i) co-operate with the officers and councillors.

THE AUTHORITY OF THE CHAIR

Origin

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of their authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

Nature and Limitations

5. Irrespective of the content of the council's Standing Orders, the Chairman's procedural authority is derived from the Council as a whole and the Chairman's rulings must be obeyed by an individual councillor because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.
6. The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases a right (in comparison with other members) to discuss the merits of a particular case. It is one of his/her most difficult tasks to remember that while the Chair has authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy, which are not possessed by other members.

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PRELIMINARY

7. Before any meeting the Chairman should study the subjects for the agenda with the Clerk or any other officers and should in effect ask in respect of each item the following questions:-
- What does it mean?
 - Is it lawful?
 - Do we know enough about it?
 - Has any member special knowledge of this problem?
 - Is there any member who may have a pecuniary interest?

OUTSIDE INTERFERENCE

Public Disturbances

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and although perhaps not wishing to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence the Chairman may need to warn the person that he or she will be turned out if the disruption continues. If the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he/she fails to leave, the person should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police but may be necessary.
9. The Chairman should never argue or allow argument with an interrupter. If the public become disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. Members of the Press are in a privileged position in as much as its representatives must as far as possible be given facilities for taking their reports.

Members' Interests

10. Members are required by law to declare any disclosable pecuniary interest and, unless the member has obtained a dispensation, he or she cannot discuss or vote on the matter at the meeting and must leave the room whilst the matter is being debated or voted on. If a member has a non-disclosable pecuniary interest or a non-pecuniary interest, he or she is required to declare that interest but may remain and participate in discussion and voting.

The Chairman should before a meeting consider whether any member (including himself) may have any such interest, and may draw the individual member's attention to the possibility before it starts. However, ultimately it is for the member to decide whether or not to disclose any relevant interest.

Rulings on notices

11. The Chairman must be satisfied that the meeting is lawful, although not needing personal knowledge that the proper notices and summonses have been issued. If complaints are made, the Chairman must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone had not received a notice to which they were entitled but where an irregularity appears to be intentional or important, the meeting should be adjourned until it had been corrected.

Quorum

12. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such cases the Chairman should adjourn the matter until it can be next dealt with. Those members with a pecuniary interest should consider making an application for dispensation to the Council's Proper Officer where appropriate.

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Ultra Vires proposals

13. The Chairman should be satisfied that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The Section 137 power (contained in the Local Government Act 1972) is not a 'long stop' in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

A CLEAR ISSUE

14. Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including where necessary the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple 'Yes' or 'No'. From this there follow certain practical consequences:-
 - a) All motions should be affirmative in form: it is never necessary to move that a proposal be rejected;
 - b) Where there is more than one solution to a problem each solution must be separately put to the vote.

The affirmative form

15. The most exact method of putting a question to the vote is by the use of the following formula:-'The proposal is as follows:-

(e.g.) 'That the Clerk's Salary be raised to £50,000 a year.'

'The motion is that this proposal be agreed to.'

(Note: A proposal describes the action intended to be taken: for example 'That the Council buy a mower'. A *motion* is the procedural formula by which the Council disposes of business: for example 'The motion is that the proposal be amended by 'or' 'The motion is that the Council do now adjourn'.)

Separating the issues

16. In attempting to reach a decision the Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.
17. Where alternatives are mutually exclusive it may be desirable in the first instance to discuss the proposals embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance: if the Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore the proposal on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

'If the Council is to spend its money, would it prefer a swimming pool or a playing field?'

In more formal language the issue is put to the vote by substantive proposal and amendment:-

'The proposal is that the swimming pool be provided. To this the following amendment had been moved:-
leave out the words 'swimming pool' and substitute the words 'new playing field.'

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The motion is that this amendment be agreed to.'

18. A vote on an amendment does not end the matter; it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the proposal as amended to the vote (see also paragraph 35 below.)*

METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information which it is usually the duty of the Clerk to supply. The Chairman should consider before the meeting whether enough information is available or likely to be made available, and at the meeting should make a point of asking a member with special knowledge to give their opinion. If it appears at the meeting that information is still insufficient, the Chairman should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the Clerk to obtain the answers by a specified date.

IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including their own if they have one. It is not a duty as Chairman to suppress their own convictions or a privilege to impose their opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and, if the Chairman wishes to speak, to avoid speaking first or last.
22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak are undesirable and the Chairman should have some latitude in applying them, especially in a Council with a small membership

RELEVANCE

General Rule

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state but not always easy to apply fairly because the relevance of what is being said is often understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for 'barracking from the chair', it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to 'clear the air'. Too harsh suppression can breed ill will and a sense of grievance.

Personalities

24. The Chairman should do his or her best to prevent observations in discussion; the custom whereby speeches are in form addressed to the Chairman only should be observed because it forces members to employ impersonal modes of expression. If a member makes an offensive personal observation, the Chairman should intervene immediately to seek immediate apology to an offended member.

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Methods of Enforcement

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him/her to return to the point. Where the irrelevance is not quite so obvious, the Chairman may often find it convenient to ask the speaker to explain how the remarks relate to the issue.

Revival of Decided Issues

26. The Chairman should not allow a matter which has been decided to be reported at the same meeting. An attempt to 'hark back' to a previous agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion, even if the member who raises it was not present when the item was considered.

Minutes

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the Minutes on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the Minutes record accurately the events at the meeting of which they are a record.

Other Problems

28. a) If any substantial issue arises on a matter dealt with in the Minutes it should have a separate agenda item, not be discussed under 'Matters Arising'.
- b) Letters received by the Council should not be read out verbatim; this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor, the Clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example 'Mrs Smith of has written asking the Council to get the pile of rubbish removed from outside 48....Lane'.

REASONABLE DESPATCH

Intervals

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. The Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of local councils to be notified of planning applications makes this especially important.

Obstruction at Meetings

30. Deliberate obstruction is rare but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstructions sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such (*For points of order see paragraph 33 below*).

Repetition

31. If it is evident that nothing new can be said on either side in a particular discussion, the Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put matters to the vote.

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References

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when the council is unwilling to make a final decision.

SOME PROCEDURAL POINTS

Points of Order

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying 'On a point of order, can we afford it?' the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he/she continues his/her speech or ignore it as he/she thinks appropriate. If, however, the interruption had been 'On a point of order, have we the power to do this?' the Chairman (in consultation with the Clerk) must give a ruling, because if the answer is 'No', the Council has no power to act as proposed and the business ought not to be under discussion (See Standing Order 31 (a) below.)

Procedural Proposals

34. Procedural proposals should normally be put without discussion. The usual exceptions are proposals to (a) correct Minutes (b) alter the order of business, (c) refer to committee.

Closure Motions

35. The following are the respective effects of closure motions:
- a) On the passing of a motion to proceed to next business, proceedings on the business in hand come to a stop and no decision upon it can be taken.
 - b) On the passing of a motion that the question be now put the mover is usually entitled to reply before the matter is put to the vote. By custom the Chairman may refuse to accept such a motion until s/he thinks that the matter has been debated sufficiently.
 - c) A motion to adjourn a discussion or a meeting stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.

Amendments

36. a) An amendment which in substance negates the principle proposal should not be allowed because it is confusing and unnecessary.
- b) An amendment should always be put to the vote before the proposal, which it seeks to amend (see also paragraph 18 above.)

'Any Other Business'

37. The summons to a meeting of the Council must by law *specify* the business to be transacted; the Council cannot legally decide to take any action under the general heading of 'any other business' because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into legal situations; for example by making a contract.

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'Urgent' Business

38. The law makes no provision for dealing with 'urgent' business. If it is 'urgent' only because it was not notified in time to appear on the agenda, it should be left until the next meeting. If it is genuinely 'urgent', that is it was too late for the agenda and it will be too late for action if left until the next ordinary meeting, an additional meeting should be called or the Council should have a regular arrangement for the reference of such matters either to a committee or to the Town Clerk (Proper Officer) for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

USE OF CHAIRMAN'S VOTES

39. Save on one occasion, the Chairman has both an ordinary vote and a casting vote. There is no rule of law that requires them to give their ordinary vote at the same time as the other members are voting, but it is obviously undesirable and undignified for them to wait and then say 'the voting is 5 to 4 against; I therefore vote in favour which makes it even' and then use their casting vote.
40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since equality is not a majority, they may declare the resolution not carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for negotiations or reconsideration.

PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the Press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is reasonably of the opinion that such exclusion is in the public interest. Where the public and Press have been excluded, the decisions made in the closed session must be minuted: a record should be kept of who was present at the session; the Press should be told of any decision. Business is 'confidential' if its discussion must be kept secret; it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

MALADMINISTRATION

42. Although local councils are not subject to the jurisdiction of the Local Government Ombudsman, it is recommended that they agree a form of complaint procedure.

In any event, councils are obliged to have Financial Regulations that govern expenditure and accounting, and also a Code of Conduct.

PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (this council has 15 minutes before each meeting) when members of the public are permitted to raise issue with the Council or to make observations.

LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea as a Standing Order. This has not been done here, but councillors may well find it advantageous to establish a custom.

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STANDING ORDERS

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.
- b) Smoking is not permitted at any meeting of the Council.

2. The Statutory Annual Meeting

- a) **In an election year the Annual Town Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office; and**
- b) **In a year which is not an election year the Annual Town Council Meeting shall be held on such day in May as the Council may direct.**

3. **In addition to the Statutory Annual Town Council Meeting at least three other statutory (Full Town Council) meetings shall be held in each year on such dates and times and at such places as the Council may direct.**

- a) **The Wisbech Town Annual Assembly (Annual Town Meeting) shall be held between the 1 March and 1 June (inclusive). Proceedings must not begin before 6.00 pm.**

4. 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.

5. Proper Officer

Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases this shall be the Town Clerk or officer nominated by him/her:-

- 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 another local authority.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.

6. Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

7. 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.

8. For a quorum relating to a committee or sub-committee, please refer to Standing Order 49.

9. Voting

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

10. If a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.

11. (1) Subject to (2) and (3) below, the Chairman may give an original vote on any matter put to the vote.

(2) 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 may not give an original vote in an election for Chairman.

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

12. Order of Business

At each Annual Council Meeting the first business shall be:-

a) To elect a Chairman of the Council. To be known as Town Mayor.

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 by the council which have not been received as provided by law, shall be received.

e) To elect a Vice-Chairman of the Council. To be known as Deputy Town Mayor

f) To appoint representatives to outside bodies where possible.

g) To appoint committees and sub-committees where possible.

h) To inspect any deeds and trust investments in the custody of the Council as required; and shall thereafter follow the order set out in the Standing Order 15.

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13. **At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
14. In every year, not later than the meeting at which the estimates for next year are settled (budget making), the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.
15. 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 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 person presiding as a correct record.**
 - c) To deal with business expressly required by statute to be done.**
 - d) To dispose of business, if any, remaining from the last meeting.
 - e) To receive such communications as the person presiding may wish to lay before the Council (Agenda items only)
 - f) To answer questions from Councillors.
 - g) To receive and consider reports and Minutes of committees.
 - h) To receive and consider proposals or recommendations in the order in which they have been notified.
 - i) To authorise the sealing of documents.
 - j) If necessary, to authorise the signing of orders for payment (refer to the Council's Financial Regulations).
16. Urgent Business

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.
17. Proposals Moved On Notice

Except as provided by these Standing Orders, no proposal may be moved unless the business to which it relates had been put on the Agenda by the Town Clerk or the mover

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had given notice in writing of its terms and has delivered the notice to the Town Clerk at least 9 clear days before the next meeting of the Council.

18. The Clerk shall date every notice of proposal or recommendation when received by him/her; shall number each notice in the order in which it was received; and shall enter it in a book which shall be open to the inspection of every member of the Council.
19. The Clerk shall insert in the summons for every meeting all notices of proposal or recommendation properly given in the order in which they have been received unless the member giving a notice of the proposal has stated in writing that s/he intends to move at some later meeting or that s/he withdraws it.
20. If a proposal or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
21. If the subject matter of a proposal 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.
22. Every proposal or recommendation shall be relevant to some subject over which the Council had power or duties which affects its area.
23. Proposals Moved Without Notice

Proposals 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 proposal.
- l) To give leave to withdraw a proposal or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public (see Order 67 below).
- o) To silence or eject from the meeting a member named for misconduct (see order 33 below).
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order (see Order 79 below).
- r) To adjourn the meeting.

24. Questions

A member may ask the Chairman of the Council or the Town Clerk (or his/her representative) any question concerning the business of the Council provided 3 clear days' notice prior to sending out the Agenda of the question had been given to the person to whom it is addressed.

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25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer.

28. Rules of Debate

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by proposal.

29.
 - a) A proposal 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 the Chairman before it is further discussed or put to the meeting.
 - b) A member when seconding a proposal or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
 - c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - d) No speech by a mover of a proposal shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
 - e) An amendment shall be either:-
 - i) To leave out words.
 - ii) To leave out words and insert others.
 - iii) To insert or add words.
 - f) An amendment shall not have the effect of negating the resolution before the Council.
 - g) If an amendment be carried, the proposal, as amended, shall take the place of the original proposal and shall become the proposal upon which any further amendment may be moved.
 - h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - i) The mover of a proposal or of an amendment shall have a right of reply, not exceeding 5 minutes.
 - j) A member, other than the mover of a proposal, shall not, without leave of the Council, speak more than once on any proposal 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.
 - k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by them which may have been misunderstood.

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- l) A proposal 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 had been asked for its withdrawal unless permission has been refused.
 - m) When a proposal is under debate no other proposal shall be moved except the following:-
 - i) To amend the proposal.
 - ii) To proceed to the next business.
 - iii) 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 do leave the meeting.
 - vii) That the proposal be referred to a committee.
 - viii) To exclude the public and press.
 - ix) To adjourn the meeting.
30. a) A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
- b) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.
- c) Whenever the Chairman rises during the debate all other members shall be seated and silent.
31. a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

32. Closure

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, the Chairman shall put the motion but, in the case of a motion 'that the question be now put', only if of the opinion that the question before the Council has been sufficiently debated. If the motion 'that the question be now put' is carried, the Chairman shall call upon the mover to exercise or waive the 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.

33. Disorderly Conduct

- a) **All members must observe the Council's Code of Conduct and Financial Regulations**, and pay proper regard for the Council's Members' Guidance Handbook.
- 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 or the office of the Town Clerk into disrepute.**
- c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Town Clerk.**

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

34. Right of Reply

The mover of a proposal shall have a right to reply immediately before the proposal 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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

35. Alteration of Proposal

A member may, with the consent of his/her seconder, move amendments to their own proposal.

36. Rescission of Previous Proposal

- 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 9 members of the Council, or by a proposal moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other proposal moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution or proposal may be moved within a further six months.

37. 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.

38. Discussion and Proposals Affecting Employees of the Council

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) had decided whether or not the press and public shall be excluded. (See Standing Order No. 67).

39. Proposals on Expenditure

Any proposal which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service that is under the management of the Council 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.

40. Expenditure

Orders for the payment of money shall be authorised and signed as directed by the Financial Regulations of this Council.

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41. Sealing of Documents

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

42. Committees and Sub-Committees

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such 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; and
- c) May subject to the provisions of Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman and Vice-Chairman of the Council shall have the right to serve as a member of any committee of the council if he or she so wishes.

44. Committees of Wisbech Town Council shall comprise a maximum of nine members of the council, to be allocated on the basis of political proportionality (each minority group on the council shall be entitled to at least one seat on each committee).

45. 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.

46. Special Meeting

The Town Clerk, the Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

47. Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

48. 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.

49. 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.

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50. 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.
51. Working Parties (Advisory Committees)
- 1) The Council may create working parties, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
 - 2) The Town Clerk shall inform the members of each working party of the terms of reference of the working party.
 - 3) A working party may make recommendations and give notice thereof to the Council.
 - 4) A working party may consist wholly of persons who are not members of the Council.
52. Voting in Committees
- 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.
53. **Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**
54. Presence of Non-Members of Committees at Committee Meetings
- A member who has moved a proposal, which has been referred to any committee of which s/he is not a member, may explain his/her resolution to the committee but shall not vote.
55. Accounts and Financial Statement
- a. Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
 - b. All expenditure is governed by the Council's Financial Regulations.
 - c. All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
56. The Town Clerk, as the Council's Responsible Financial Officer, shall supply 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 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 May.

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57. Estimates/Precepts

- a. The Council's Policy and Resources Committee shall approve written estimates for the forthcoming financial year at its meeting before the end of the month of November.
- b. Any committee desiring to incur expenditure shall give the Town Clerk a written estimate of the expenditure recommended for the coming year no later than October.

58. Interests

Members are required to declare any disclosable pecuniary interest and, unless the member has obtained a dispensation, he or she cannot discuss or vote on the matter at the meeting and must leave the room whilst the matter is being debated or voted on.

If a member has a non-disclosable pecuniary interest or a non-pecuniary interest, he or she is required to declare that interest but may remain and participate in discussion and voting.

- a. Dispensations to enable speaking or voting or both can be granted on the following grounds:
 - i. that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - ii. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - iii. that granting the dispensation is in the interests of persons living in the authority's area, or
 - iv. that it is otherwise appropriate to grant a dispensation.
- b. A dispensation can be granted for a specific meeting or for any period of up to 4 years (within the term of the current Council).
- c. Dispensations will be dealt with locally within the Town Council. Dispensations are not transferable between bodies, so dual or triple hatted members will potentially need two or three dispensations.
- d. All dispensations must be applied for in writing, in time for the relevant meeting, to the nominated proper officer (The Town Clerk), who will have delegated authority to consider and grant dispensation before the meeting.

59. **The Clerk may 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 Principal Authority and/or as required by statute.**

60. If a candidate for any appointment under the Council is to their knowledge related to any member of or the holder of any office under the Council, they and the person to whom they are related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

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61. The Town Clerk shall make known the purpose of this Standing Order to every candidate.
62. Canvassing of and Recommendations by Members
- 1) 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 Town Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
 - 2) 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.
63. Standing Order Nos. 60 and 62 shall apply to tenders as if the person making the tender were a candidate for an appointment.
64. Inspection of Documents
- A member may for the purpose of their duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available, shall, on request, be supplied for the like purpose with a copy.
65. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**
66. 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 sub-committee.
67. Admission of the Public and Press to Meetings
- 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 and press by means of the following resolution: "that, in accordance with the provisions of the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting for item number(s), which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) as indicated"**
68. The Council, committee or sub-committee shall state the special reason for exclusion.

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69. Any members of the public wishing to address the Members may avail themselves of the Town Council's open forum prior to any meeting.
70. Members of the public, representatives of the press and councillors may film, audio-record, take photographs and use social media to report on meetings as they are taking place and the council shall make reasonable provision for this to happen. Members of the public and representatives of the press who wish to report on meetings in this way are advised to contact the Town Clerk in advance of the meeting so that any arrangements, if necessary, can be made. Any person whose recording activities are disruptive to the meeting may be required by the Chairman to cease recording and may be removed from the meeting.
71. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
72. Confidential Business
- 1) 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.
 - 2) 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.
73. Liaison with County and District Councillors
- A Summons and Agenda for each meeting shall be sent to all Town Councillors, together with an invitation to attend, to representatives of the County, District or other authority as appropriate.**
74. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council may be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.
75. Planning Applications
- All planning applications are immediately printed into the schedule upon receipt.
76. Financial Matters
- The Council shall consider and approve Financial Regulations drawn up by the Town Clerk (Responsible Financial Officer).**
- 1) Such regulations shall include detailed arrangements for the following:
 - a) The accounting records and systems of internal control;
 - b) The assessment and management of risks faced by the Council;
 - c) The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - d) The financial reporting requirements of members and local electors and;
 - e) Procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.

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- 2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in (3) below.
- 3) Any formal tender process shall comprise the following steps:
 - a) A public notice of intention to place a contract to be placed in a local newspaper;
 - b) A specification of the goods, materials, services and the execution of works shall be drawn up;
 - c) Tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
 - d) Tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
 - e) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- 4) The Council or a committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 60 and 62, regarding improper activity.
- 5) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

77. Leader of the Council

The council shall appoint, following each ordinary election (or at some other interval that the council may determine), a Leader of the Council. The normal term of office would be for the period to the next ordinary elections (every four years in Fenland District).

The Leader of the Council is the political spokesman of the Council. The Leader works closely with the Mayor and the Town Clerk and acts as that officer's line manager. As no single member of a local council can have decision-making powers, the Leader liaises with officers of the council, via the Clerk, to ensure the efficient and effective day-to-day running of the council. He /she also seeks to ensure that elected members and officers are working together effectively to meet the Council's priorities and aims

The Leader of the Council is usually the Leader of the main political group represented on the Council; his/her appointment must be made by the full Council.

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78. Complaints

- 1) The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer in such a manner as adopted by the Council.
- 2) Complaints regarding the conduct of Wisbech Town Council members should be referred to the Monitoring Officer at Fenland District Council.

79. Allegations of breaches of the Code of Conduct

All members must adhere to the Code of Conduct adopted by the Town Council on 17 September 2012, a copy of which is provided to all members of the Council.

80. 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 special resolution in relation to any specific item of business.

81. **It shall be the duty of the Council to review the Standing Orders of the Council from time to time upon the advice of the Town Clerk (Proper Officer). The Town Clerk (Proper Officer) shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Standing Orders.** A special 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.

82. Standing Orders to be given to Members

A copy of these Standing Orders shall be given to each member by the Town Clerk, together with a copy of Financial Regulations, Code of Conduct, and Members' Guidance Handbook upon delivery to him of the member's declaration of acceptance of office.

