

BARNSTAPLE TOWN COUNCIL

# STANDING ORDERS

Revised February 2018

## INTRODUCTION

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them.

Meetings of Full Council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in **bold type** in this document contain statutory requirements. The National Association of Local Councils, which publishes the model on which the document is based, recommends that they should be adopted without change. Other standing orders not in bold are designed to help the council operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit the council's needs.

## INTERPRETATION

Members cannot challenge the ruling of the Chairman of any Council meeting during that meeting. This covers both the use and interpretation of these Standing Orders, and any proceedings of the Council.

In the case of a dispute over a ruling of the Chairman at a meeting, a member may, subsequent to the meeting and within seven days of the meeting, write to the Town Clerk setting out a case for review of the ruling. The matter will then be referred to the Finance & General Purposes Committee for consideration.

In these Standing Orders words importing one gender shall include all genders and the singular includes the plural and vice versa.

Reference to the "council" shall mean the council or relevant committee, except where the term "full council" is used, which shall mean the Full Town Council only.

References to matters submitted "in writing" or "written" shall include submission by email, except where there is specific reference to the need for a signature.

For convenience, the word "councillor" is used in these standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

## **PART A - FULL COUNCIL**

### **MEETINGS**

1. Meetings of the Full Town Council shall be held in the Guildhall at seven o'clock in the evening unless the Council otherwise decides at a previous meeting.
2. **The statutory Annual Meeting of the Town Council:-**
  - a) In an election year shall be held on the fourth day after the election or within fourteen days thereafter
  - b) In other years, shall be on such a day in May as the Council may decide.
3. The number of ordinary meetings shall be no less than three in any year.
4. An extraordinary meeting of the Town Council may be called by the Mayor (or Deputy Mayor in his absence) at any time; should any two members sign a request for an Extraordinary Meeting and the Mayor (or Deputy Mayor in his absence) refuses or neglects to call a meeting within seven days, then any two members may convene (the two convening members not necessarily being the requisitioning members).

### **ROLE OF THE CHAIRMAN**

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

### **QUORUM**

6.
  - a) **At least one third of the members shall constitute a quorum**
  - b) If during any meeting of the Council the Chairman, after counting the number of members present, declares that there is not a quorum (i.e. less than one third of members are present) the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or if he does not fix a time, to the next ordinary meeting of the Council.

- c) A Motion to suspend a Standing Order or discuss a matter affecting an employee of the Council shall not be moved without notice unless at least two thirds of the Members are present.

### **VOTING**

- 7.
  - a) The method of voting at meeting of the Council shall, subject to (c) below, be by show of hands, and on the request of any member of the Council made before the vote is taken, the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question or abstained from voting. Any member may request that his or her vote is recorded, and this request will be granted.
  - b) In any case of equality of votes the Chairman shall have a casting vote.
  - c) If at least two members so request, voting on any issue shall be by secret ballot.
  - d) **If the person presiding shall cease to be a member of the Council after the election of a Chairman, he/she may not vote in the election but has a casting vote in the event of an equality of votes. The casting vote must be used in the Election of the Chairman.**

### **VOTING ON APPOINTMENTS**

- 8. Where there are more than two persons nominated for any position to be filled by the Council, the election shall be decided by a simple overall majority following a process of elimination in which the candidate securing the lowest number of votes shall be eliminated, and a further vote taken.

### **ORDER OF BUSINESS**

- 9. At the Annual Meeting of the Full Town Council the first business shall be
  - a) **In an election year to receive Members' Declarations of Acceptance of Office**
  - b) **To elect a Chairman, as required by the Local Government Act 1972, who will also serve as Mayor for the coming municipal year.**
  - c) To elect a Vice Chairman of Town Council who will also serve as Deputy Mayor for the coming municipal year.

- d) **To receive the Chairman's Declaration of Acceptance of Office**
  - e) **In a year other than an election year, to receive such Declarations of Acceptance of Office (if any) as are required by law to be made.**
  - f) To appoint representatives to outside bodies
  - g) To appoint statutory or standing committees of Town Council
  - h) Any other business as defined in the summons and Agenda
10. **At every meeting other than the Annual Meeting of the Town Council, the first business shall be the appointment of a Chairman if the Chairman and Vice Chairman (Mayor and Deputy Mayor) be absent.** This appointment to be made from the senior councillors present, in the first instance
11. Thereafter the order of business shall be as follows:
- a) **To approve as a correct record and sign the Minutes of the last Meeting of the Town Council**
  - b) **To deal with any business required by statute to be done.**
  - c) Mayor's announcements
  - d) To dispose of business (if any) remaining from the last meeting
  - e) To receive reports (if any) from Devon & Cornwall Constabulary, County and District Councillors.
  - f) To receive and adopt the Minutes of Committees and the Resolutions contained therein, and to answer questions asked under SO 24
  - g) To consider motions submitted under SO 19 in the order in which notice has been received
  - h) Other business as specified in the summons
  - i) To answer questions asked under SO 25 and 85
12. Items of business shown in **bold** lettering may not be displaced as these are matters governed by statute, but subject thereto the foregoing order of business may be varied:
- a) By the Mayor at his/her discretion
  - b) By resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## **AGENDA AND SUMMONS**

13. No item of business may be considered at a meeting unless it has been included on the Agenda for the meeting, which Agenda shall have been available for inspection at least three clear working days prior to the meeting, unless the meeting is convened at shorter notice when the Agenda shall then be available from the time the Meeting is convened.
14. The Summons and Agenda shall be sent out at least three working days before a programmed meeting of the Full Council.

## **MINUTES**

15. No discussion shall take place upon the Minutes except upon their accuracy, and any question of their accuracy shall be raised by motion.
16. All Minutes presented for signature shall be serially numbered and all pages consecutively numbered.
17. Minutes of the proceedings of each Committee shall be printed and, except in the cases of urgency, forwarded to each member of the Council with the summons for the meeting of the Council at which time such Minutes and the Resolutions contained therein shall be submitted for adoption.

## **MOTIONS**

18. Every motion shall:
  - a) Be relevant to some matter in relation to which the Council has powers or duties or which concerns the dignity, administration or development of the Town
  - b) Not be so drafted as to bind the Council or a Committee in the future in the exercise of its powers statutory or otherwise
  - c) Be so drafted as to deal with one principal issue

## **MOTIONS MOVED ON NOTICE**

19. a) Except as provided by these Standing Orders, notice of every motion, other than a motion under SO 23, shall be given in writing by the member or members of the Council giving the notice, and delivered to the office of the Town Clerk by 4.30pm,

at least seven clear working days (excluding the day of delivery and the day of the meeting) before the next meeting of the Council.

- b) The Town Clerk will number and date each motion in the order in which they are received, and enter the same in a book which shall be open to the inspection of every member of the Council
  - c) If notice be given of any motion, which in the opinion of the Town Clerk is out of order, illegal or irrelevant, the Town Clerk shall forthwith submit such notice to the Mayor and shall not place it on the Agenda paper without his sanction. In the event of such non-acceptance the Town Clerk shall so inform the member giving notice and such member shall have a right of appeal to the Finance and General Purposes Committee
20. The Town Clerk shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing, when giving it, that he proposed to move it at some later meeting, or has since withdrawn it in writing
21. If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
22. If the subject matter of a motion comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee as the Council may determine for report **providing that** the Mayor, 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.

### **MOTIONS MOVED WITHOUT NOTICE**

23. The following motions and amendments may be moved without notice:
- a) to appoint a Chairman
  - b) to correct the Minutes
  - c) to adopt the Minutes
  - d) that an item of business including a decision made on a matter of urgency, be delegated to the relevant Committee for action

- e) appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting
- f) that leave be given to withdraw a motion
- g) to extend the time limit for speeches
- h) to amend a motion, or to negate the effect of a motion (see SO 31)
- i) that Council proceed to the next business (see also SO 37 and 38)
- j) that the question now be put (see also SO 37 and 38)
- k) that the debate be now adjourned (see also SO 37 and 38)
- l) that the Council do now adjourn (see also SO 37 and 38)
- m) that Standing Orders be suspended
- n) exclusion of Press and Public (see also SO 82)
- o) that a member named under SO 44 be not further heard or do leave the meeting
- p) giving consent of the Council where consent is required by these standing orders
- q) that the order of business be varied

## **QUESTIONS**

24. A member of the Council may ask the Chairman of a Committee any question upon an item on the report of the committee when that item is under consideration by the Council
25. A member of the Council may:-
- a) if two clear working days' notice in writing has been given to the Town Clerk, ask the Mayor or the Chairman of any committee any question on any matter in relation to which the Council has powers or duties, or which concerns the administration or development of the Town.
  - b) With the permission of the Mayor, to put to him or the Chairman of any committee any question relating to urgent business (providing it is a matter in relation to which the Council has powers or duties or which concerns the administration or development of the Town) of which such notice has not been given. A copy of any such questions shall be delivered to the Town Clerk not later than noon of the day of the meeting.

Every question shall be put and answered without discussion.

An answer may take the form of:

- a) a direct oral answer
- b) where the desired information is contained in a publication of the Council, a reference to that publication
- c) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Council.



## **RULES OF DEBATE**

26. A motion or amendment shall not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with SO 19), it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.
27. A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate
28. A member when speaking shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising on a point of order or by way of personal explanation.
29. A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed 10 minutes except by the consent of the Council.
30. A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - a) To speak once on an amendment moved by another member
  - b) If the motion has been amended since he last spoke, to move a further amendment
  - c) If his first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried
  - d) In exercise of a right of reply given by this standing order
  - e) On a point of order
  - f) By way of personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
  - g) On a point of information
31. The provisions of SO 30 shall have effect to any amendment as they have effect to a substantive motion, and any amendment shall be relevant to the motion and shall be one or more of the following:-
  - a) To refer a subject of debate to a committee for consideration
  - b) To leave out words
  - c) To leave out words and insert or add others
  - d) To insert or add words

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council. Such omission, insertion or addition shall be treated as a separate motion to be considered if the substantive motion falls when voted on.

32. Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been decided, unless the Mayor feels this course would facilitate the conduct of the Council's business, in which case the amendments may be discussed together but will be voted on in the order in which they were proposed.
33. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
34. A member may, with the consent of the Council, signified without discussion:
  - a) Alter a motion of which he had given notice
  - b) With the further consent of his seconder alter a motion, which he has moved. If (in either case) the alteration is one which could be made as an amendment thereto.
35. A motion or amendment may be withdrawn by the mover with the consent of his seconder and of the Council, which shall be signified without discussion and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
36. The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right to reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have a right of reply to the debate of his amendment.
37. When a motion is under debate no other motion shall be moved except the following:-
  - a) To amend the motion
  - b) To adjourn the meeting
  - c) To adjourn the debate
  - d) To proceed to next business
  - e) That the question now be put
  - f) That a member be not further heard (see also SO 44)
  - g) That a member do leave the meeting (see also SO 44)
  - h) That the Press and Public be excluded from the discussion

38. A member may move without comment at the conclusion of a speech of another member, “that the Council proceed to the next business”, “that the question be now put”, “that the debate be now adjourned”, or “that the Council do now adjourn”, on the seconding of which the Mayor shall proceed as follows:
- a) On a motion that the question be now put: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under this standing order before putting his motion to the vote
  - b) On a motion to proceed to next business – unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business
  - c) On a motion to adjourn the debate or the meeting: if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonable be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.
39. The ruling of the Mayor on a point of order on the admissibility of a personal explanation shall not be open to discussion.
40. Whenever the Mayor rises during a debate a member then standing shall resume his seat and the Council shall be silent.

#### **MOTIONS ON EXPENDITURE**

41. Any proposed and seconded motion, that if carried would result in an increase of 10% or more in a Council committee’s annual budgeted expenditure, shall be adjourned without discussion. The proposal shall be referred to the Finance & General Purposes Committee and any other affected committee for comment, after which the proposal will be tabled for discussion at a Full Council meeting.

#### **VARIATION OR RESCISSION OF PREVIOUS RESOLUTION**

42. No motion to rescind or vary a decision of the Council taken within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in accordance with these Standing Orders bears the names of at least eight members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

## **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL.**

43. If any question arises at a meeting of the Council or a committee or sub-committee, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or the conduct of any person employed by the Council, such questions shall not be the subject of discussion until the Council, or committee, or sub-committee as the case may be, has decided whether or not the power of exclusion of the public shall be exercised under Local Government Act 1972 Sch 12a Part 1.

## **DISORDERLY CONDUCT**

44. If at a meeting any member of the Council, in the opinion of the Mayor notified to the Council, misconducts himself by persistently disregarding the ruling of the Chair, or behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, the Mayor or any other member may move "that the member be not further heard" and the motion, if seconded, shall be put and determined without discussion. If the member named continues his misconduct after a motion under the foregoing paragraph has been carried, the Mayor shall either:
- a) Move "that the member named do leave the meeting" in which case the motion shall be put and determined without seconding or discussion; or
  - b) Adjourn the meeting of the Council for such a period, as he in his discretion shall consider expedient.

In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in him may, adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

## **DISTURBANCES BY MEMBERS OF THE PUBLIC**

45. If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him. If he continues the interruption the Mayor shall order his removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public the Mayor shall order that part to be cleared.

## **PART B – TOWN COUNCIL COMMITTEES AND SUB-COMMITTEES**

46. The Council may at the Annual Meeting of the Full Town Council appoint statutory and standing Committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision on that behalf. The following Standing Orders shall apply to Committee and Sub-committee meetings insofar as they are appropriate viz., Standing Orders relating to order of business, rules of debate (except those parts relating to speaking more than once), conduct, matters of urgency and exclusion of Press and Public. The Town Council delegates its powers to such committees as it chooses to appoint, in accordance with Appendix A
47. The Full Town Council shall not appoint any member of a committee so as to hold office later than the next Annual Meeting of the Full Town Council and may at any time dissolve or alter the membership of a committee
48. The Mayor and Deputy Mayor shall be ex-officio members of every Committee except the Staff Committee. Only the Mayor shall be an ex-officio member of the Staff Committee
49. At the first meeting of every municipal year, the first business shall be to elect the chairman and vice- chairman from the members of the committee.
50. The Chairman and Vice Chairman of Committee shall hold office until the next Annual Meeting of the Full Town Council
51. Should the Chairman and Vice Chairman of Committee be absent from any meeting, the first business shall be to elect a Chairman, from amongst the senior councillors, in the first instance.
52. The Chairman of a Committee or the Mayor may summon a special meeting on a Committee at any time. A special Meeting shall also be summoned on the requisition in writing of two members of the Committee. The Summons for such a special meeting shall set out the business to be considered at the Special Meeting and no other business shall be transacted at that Meeting.
53. No Councillor shall hold more than one Chairmanship or Vice Chairmanship of any Standing Committee
54. Every Committee may appoint sub-committees or working parties for purposes to be specified by the Committee and the Chairman and Vice Chairman of Committee shall be members of every sub-committee or working party unless they signify that they do not wish to serve
55. Meetings of Standing Committees shall terminate at 10.30 p.m.

## **QUORUM OF COMMITTEE OR SUB-COMMITTEE**

56. 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, with the exception of Planning Committee, whose quorum shall be three.

## **APOLOGIES FOR ABSENCE**

57. If a Councillor is unable to attend a meeting, he/she should submit apologies for absence to the relevant Committee Clerk by 12 noon on the day of the meeting, where possible. However, if a Councillor is unaware of any problem which might result in non-attendance until after 12 noon, he/she should still notify the relevant Committee Clerk as soon as possible either by contacting the Town Council Office, or, if a last minute delay, by email to the Town Clerk at [townclerk@barnstapletowncouncil.co.uk](mailto:townclerk@barnstapletowncouncil.co.uk).

## **FAILURE TO ATTEND MEETINGS**

58. If a member of any Committee, Sub-committee or Working Party fails to attend meetings of the Committee, Sub-Committee or Working Party for three consecutive meetings, or in the case of the Planning & Transportation Committee five consecutive meetings, they shall automatically cease to be a member of the Committee Sub-committee or Working Party, unless either the member has a "statutory excuse" or their failure is due to a reason approved by the Committee, Sub-committee or Working Party and recorded as such in the Minutes of that body. A member who is disqualified shall not rejoin the Committee Sub-committee or Working Party for the remainder of the municipal year.

This Standing Order shall not apply to the Mayor and Deputy Mayor during their term of office.

A dispensation from the requirements of this Standing Order may be granted by a Committee, Sub-Committee or Working Party to a councillor whose work pattern changes frequently/regularly to evening work.

## **MEMBERSHIP OF COMMITTEES**

59. Nomination to all Committees except the Buildings Review Committee shall be open to all members of the Council who must notify the Town Clerk of their wish to serve at the start of the municipal year.

60. Members wishing to serve on, or leave, a Standing Committee during the municipal year must give notice in writing to the Town Clerk at least two weeks before a programmed meeting of the Full Council so that the request may be considered by the Full Council.
61. The Staff Committee shall be comprised of six members. The Mayor and Leader of the majority political group shall be ex-officio members. The four remaining members shall be appointed, as above, but in the event of there being more nominations than places, the membership shall be determined at the Annual Meeting of the Council. The Deputy Mayor may, at the discretion of the Staff Committee, be co-opted onto the Committee in order to ensure continuity of governance relating to a specific issue. In the event of resignation from the Staff Committee, the filling of vacancies shall be dealt with at the next ordinary meeting of the Council.
62. The Buildings Review Committee shall be comprised of the Mayor, Deputy Mayor, Chairmen of committees, Vice-Chairmen of committees, and one Council member from a non-majority party.

#### **NON-MEMBERS OF COMMITTEE**

63. A member who has proposed a motion, which has been referred to any Committee of which he is not a member, shall be entitled to explain his motion to the Committee but shall not vote.
64. Members of the Town Council may attend any meeting of any Standing Committee of which they are not members, except for the Staff Committee. Such a member wishing to speak on a specific item on the Agenda shall give at least 24 hours' notice of his intention, either to the Chairman of the Committee or to the Town Clerk. Having been granted permission to so speak, the Member concerned shall not take any further part in the Meeting unless specifically permitted to do so by the Chairman, nor shall he/she vote.

## PART C – GENERAL ORDERS

### MEMBERS' CONDUCT

65. Members will observe and abide by the conditions of the Barnstaple Town Council's Code of Conduct as adopted on 30<sup>th</sup> July 2012 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (**SI 2012/1464**) together with such other codes of practice or protocols e.g. acceptable behaviour protocol, as the Town Council or statutory requirements, shall decide.

66. If any member because of kinship, friendship, membership (of an association, society or trade union) trusteeship or other kind of relationship could be influenced, or appear to be influenced, by personal motive in making a judgement in any contract, proposed contract or other matter, he shall declare such as a disclosable pecuniary interest and, while the subject is under consideration, shall withdraw from the Meeting unless he has received a dispensation from the Town Clerk or subject to the following condition

A Member, having declared a disclosable pecuniary Interest, may make a statement or representation on behalf of a group or individual or answer questions, prior to leaving the meeting providing that a member of the public would also be allowed to attend the meeting and make a statement, representation or answer questions on the same matter.

67. In the case of a personal, but not prejudicial interest, the Member may elect to remain in the meeting. The Member must decide, and declare, whether he intends to participate in the discussion or whether he will abstain.

68. **The Town Clerk shall maintain a register with all members' interests, and the book shall be open during reasonable hours of the day for inspection by any member, or member of the public.** Members' interests will also be published on the Council's web-site.

69. **A member must within 28 days of becoming aware of any change to the interests specified in the Register of Interests, provide written notice of change to be included in the Register and notified to the Monitoring Officer** (currently the Head of Legal Services at North Devon District Council).

### INTEREST OF OFFICERS

70. The Town Clerk shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under Section 96 (2) of the Local Government Act 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.



## **INFLUENCING DECISIONS ON APPOINTMENTS**

71. Canvassing of members of the Council or any committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment
72. 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 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 disclosures. Where relationship to a member is disclosed the Standing Orders on Interest of Members and other matters shall apply. The Town Clerk shall make known the purpose of this Standing Order to every candidate.
73. A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
74. Standing Orders 71, 72 and 73 shall apply to contract tenders as if the person making the contract tender bid was a candidate for an appointment

## **AUTHENTICATION OF DOCUMENTS**

75. Any act of the Town Council which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the Council

## **INSPECTION OF DOCUMENTS**

76. Members shall be permitted access to all information/papers other than exempt information as defined by the Local Government Act 1972.
77. A Member of the Council, if it is required for the purpose of carrying out a specific duty (but not otherwise), may inspect any document in possession of the Council or a Committee including exempt information as defined by Local Government Act 1972, and if copies are available, shall, on request, be supplied for the like purpose with a copy.
78. **All Minutes kept by the Council, and by any Committee, shall be open for the inspection of any member of the Council and any elector during reasonable hours of the day.** Minutes of Council and committee meetings will be published on the Council's website.

## **DELEGATION OF POWERS**

79. When the Council is in recess or there are cogent reasons for an immediate decision to be taken in the period between meetings, the Town Clerk, or the duly authorised Deputy, solely or together with the Mayor or the Deputy Mayor, the Chairman of Finance and General Purposes, or his appointed Vice Chairman, and the Chairman of the spending committee, or his appointed Vice Chairman, shall have executive power.

## **AUTHORISATION OF WORKS AND INSPECTION OF LAND AND PREMISES**

80. A member of the Council shall not:-
- a) Issue any order in respect of any works to be carried out by or on behalf of the Council, nor issue any instruction to any member of staff. Such instruction must be given by the Town Clerk.
  - b) Claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or to enter
  - c) Negotiate any agreements or contracts or give any undertakings in respect of Council matters, staff or property
  - d) Purchase any goods for any use by the Council without the authorisation of the Town Clerk, or duly appointed deputy.
  - e) Discuss or give undertakings to any other authority on any matter, which is a policy issue for the Full Town Council, or its Committees, without the written authorisation or by resolution of the Full Town Council or the relevant Committee. In the first instance, authority to discuss Town Council policy rests with the Mayor and Town Clerk.

## **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

81. **The Public and the Press shall be admitted to all meetings of the Committees and Sub-Committees of the Council which may however, temporarily exclude the Public and Press during a specific item of business by resolution in accordance with Standing Order 82 below.**
82. **The Public and Press may be excluded by resolution when “exempt information” as specified in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed during a specific item. The Resolution must specify which of the following categories applies:-**
- a) **Information relating to a particular employee, former employee or applicant to become an employee of the Council**

- b) Information relating to a particular applicant for, or recipient of, or former recipient of any service or financial assistance provided by the Council
- c) Information relating to the financial or business affairs of a particular person
- d) Any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or service, if and so long as disclosure to the public of the terms would prejudice the Council in those or any other negotiations
- e) Information relating to any consultations or negotiations in connection with labour relations if and so long as disclosure would prejudice the Council in those or any other consultations or negotiations
- f) Any instructions given, advice received, information obtained or action to be taken in connection with legal proceedings (commenced or contemplated) involving the Council
- g) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- h) The identity of a protected informant who gives information to the Council about a criminal offence, breach of statutory duty, breach of planning control or a nuisance

### **CONFIDENTIAL BUSINESS**

83. No member of the Council or any Committee, Sub-Committee or Working Party, shall disclose to any third party any business declared to be confidential or exempt information by the Council, the Committee, Sub-Committee or Working Party as the case may be, without the prior consent of the Council.

### **PUBLIC PARTICIPATION**

84. A member of the public may at each programmed meeting of the Full Council, except for the Annual Town Council Meeting, ask any member of the Council a question on any matter related to the powers and duties of the Council, providing that he or she has given notice to the Town Clerk by 12 noon on the day of the meeting.

A period of no more than 15 minutes will be permitted for public questions, save at the discretion of the Mayor.

The questioner must state his or her name and address and has a maximum period of 3 minutes to ask a question (making clear to whom the question is addressed), make a statement or give evidence to Council.

Where differing views are represented, a maximum period of 3 minutes will be permitted for each viewpoint to be heard. Where two or more persons wish to make a

similar statement, a spokesperson should be elected from each group to speak on behalf of the group.

The member to whom the question is addressed may:-

- a) Decline to answer
- b) Give a direct oral answer without discussion or
- c) Give a written answer when a direct oral answer is not possible. In this case a copy of the answer shall be sent by the Town Clerk to the questioner, the Press and all members of the Council.
- d) The Mayor may ask questions of the speaker(s) and may permit questions to be asked by elected members, if required.

85. A period of no more than 15 minutes shall be set aside immediately prior to the start of any Committee or Sub-Committee meeting, with the exception of the Staff Committee meeting, for any member of the public to ask a question of, make representations or give evidence to, the Chairman, providing that notice has been given to the Committee Clerk or Town Clerk by 12 noon on the day of the meeting. The same requirements in relation to time limits, election of spokesperson and the right to ask questions as apply to public participation at Full Council shall also apply to Committees and Sub-Committees. The procedure shall be as follows:-

- a) When called on by the Chairman, the questioner should stand, give his or her name and address and put the question without any preamble or pre-statement.
- b) The Chairman only will answer the question except where, at his or her discretion, the Chairman may call upon another Councillor to answer.
- c) No supplementary questions or discussions will be permitted, except at the discretion of the Chairman.
- d) Where the Chairman cannot supply a complete answer, a written answer will be provided to the questioner.
- e) Only one question per person will be allowed

#### **SUSPENSION OF STANDING ORDERS**

86. Any Standing Order with the exception of those in bold type may be suspended by resolution in respect of any specific item of business.

A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least two thirds of the whole number of the members of the Council, or Committee of the Council.

## **ANNUAL TOWN MEETING**

87. These Standing Orders in as much as they apply to the procedure of a meeting shall be used for the Annual Town Meeting.

## **QUESTIONS TO COUNTY COUNCILLORS OR POLICE**

88. Members wishing to address a question to a member of the Council or Devon and Cornwall Constabulary attending a meeting of the Council shall give notice in writing to the Town Clerk at least five days in advance of the meeting. Only questions notified in advance of the meeting may be asked at the meeting. However, the Mayor may allow other questions, which address matters reported on by the County Councillors or the Police at the meeting and also at the request of the County Councillors or Police.

## **DRESS CODE FOR STAFF INTERVIEWS**

89. Members of the interview panel should be formally attired when taking part in job interview panels. Gentlemen to wear jacket, trousers, shirt and tie and ladies to wear a dress or suit (trousers or skirt).

## **PART D - CEREMONIAL**

### **PROCESSIONS**

90. In processions, the order shall be as follows:-

Police, Beadles, Sergeants at Mace, Mayor and Mayoress, Deputy Mayor and Deputy Mayoress, Town Clerk, Councillors, Civic Guests and other guests.

### **SENIORITY**

91. The seniority of the members of the Council shall be determined by total length of service on the Council and its predecessor, Barnstaple Borough Council. In the event of equality, unbroken service takes precedence over broken service, any other equality to be resolved by drawing lots.

### **ROBES**

92. Mayor and Councillors shall attend all civic events and processions in their proper robes. The six Senior Councillors shall wear red-trimmed robes.

### **CIVIC EVENTS**

93. Civic events such as the Mayor Making Ceremony, Mayors Sunday, Annual Fair Proclamation Ceremony, Remembrance Sunday and the Carol Concert shall not be considered to be a meeting of the Council as no business matters are discussed or decisions made at the event. Attendance at these Ceremonies cannot therefore be counted as attending a meeting of the Council.

### **MAYOR MAKING**

94. The following procedure shall be followed in those years when there is no election for the full Council:-

- a) The Town Clerk shall, in January of all years except an election year, invite all members of the Council to submit written nominations for the election of Mayor Elect and Deputy Mayor Elect for the coming municipal year. Such written nominations will be submitted to an ordinary meeting of Full Council in March. Oral nominations may also be made at this meeting.
- b) In all years except an election year, at the meeting of Full Council in March when nominations for Mayor Elect and Deputy Mayor Elect are received, an election shall take place by show of hands, or ballot, as Council shall decide. The election shall be

- decided by a simple overall majority following a process of elimination in which the candidate securing the lowest number of votes shall be eliminated.
- c) At the Annual Full Town Council Meeting in May the Mayor Elect shall be nominated to serve as Chairman of the Town Council and Mayor for the coming municipal year. The Deputy Mayor Elect shall be nominated to serve as Deputy Chairman of the Town Council and Deputy Mayor for the coming municipal year.
95. In the years when an election is held, the following procedure shall be adopted:-
- a) At the Annual Full Town Council Meeting following the election, oral nominations for the position of Mayor and Chairman of the Town Council will be requested by the outgoing Mayor and Chairman of the Town Council. The nominations shall then be put to the vote by show of hands or ballot, as Council shall decide. The election shall be decided by a simple overall majority following a process of elimination in which the candidate securing the lowest number of votes shall be eliminated. The person elected will then assume the Chair as Chairman of the Town Council and Mayor for the coming municipal year.
- b) The newly elected Mayor and Chairman of the Town Council, having assumed the Chair, will call for nominations for the position of Deputy Mayor and Deputy Chairman of the Town Council. The nominations shall then be put to the vote by show of hands or ballot, as Council shall decide. The election shall be decided by a simple overall majority following a process of elimination in which the candidate securing the lower number of votes shall be eliminated.
96. The Annual Mayor Making Ceremony will take place on a date to be decided after the Annual Full Town Council Meeting. The outgoing Mayor, in his/her absence, the most senior councillor present, will take the Chair until the Mayor for the coming municipal year has taken the oath of allegiance. The proposer and seconder of the Mayor's election at the Annual Full Town Council Meeting will act as sponsors at the Mayor Making Ceremony, and the proposer and seconder of the Deputy Mayor's election at the Annual Full Town Council meeting will act as sponsors for the Deputy Mayor at the Mayor Making Ceremony.

### **RAF COMMUNITY PLATE**

97. The RAF Community Plate was presented to the Town of Barnstaple in 1974 to be awarded annually, by the Full Town Council, to an individual or group deemed by the Council to have made an outstanding contribution to the wellbeing of the community during the foregoing year.

In January of each year, the Town Clerk shall circulate each member of the Council and invite nominations of individuals or organisations to receive the award. Nominations shall be in writing with a brief note in support.

The Mayor shall set a closing date for the receipt of nominations in relation to the programmed date for the first meeting of the New Year of the Full Council. The Town Clerk shall circulate to the Council details of the individuals or organisations nominated.

Should no nominations be received, the RAF Community Plate shall be retained by the Council until the following year.

The presentation of the RAF Community Plate shall be made at the Annual Town Meeting.

### **HONORARY BURGESS**

98. If in the life of a Council an individual is deemed worthy of the highest recognition he/she may be awarded the title of Honorary Burgess. The title will only be awarded in recognition of either of the following circumstances:-

- a) Exceptional distinguished and valuable service to the town
- b) The gaining of great distinction nationally or internationally that reflects great honour upon the town.

The procedure for conferring the title to be as follows:-

- a) Upon the Town Clerk being notified in writing that an individual should be considered for the title of Honorary Burgess the matter shall be considered by the six senior members of the Council. If a nomination applied to or has been made by one of the Senior members then their place shall be taken by the next available Senior Member of the Council.
- b) The six most senior available members shall be an advisory body and will consider, informally and confidentially, the nomination and make a recommendation upon it.
- c) If the six most senior available members consider the nominee to be unsuitable for the honour the Town Clerk will approach the nominator to see if he/she still wishes for the name of the nominee to go to the Council. In every case it is the decision of the nominator whether or not the matter goes before the Council.

The following procedure is recommended for a Councillor making a nomination:

- a) Make the nomination in writing to the Town Clerk
- b) Upon hearing that the six most senior available members support the nomination, approach the nominee for permission to put his/her name forward
- c) If an individual is nominated to the Council for the honour the recommendation of the six most senior available members shall also be given.

The following rights and privileges shall be held by the individual being appointed an Honorary Burgess.

- a) The presentation of an illuminated scroll at an Extraordinary Meeting of the Full Council. The format of the Extraordinary Meeting will be decided by Council.
- b) A standing invitation to attend all Civic events of the Town Council.



APPENDIX A  
COMMITTEE REMITS

<b>Planning and Transportation</b>	<ul style="list-style-type: none"> <li>• All planning matters, Development Control, Enforcement, Highways, Transport, Tree Preservation Orders</li> </ul>
<b>Heritage, Culture &amp; Community</b>	<ul style="list-style-type: none"> <li>• All matters relating to the use of St Anne’s Arts and Community Centre, the Albert Clock and the Guildhall, except for civic and ceremonial uses and Council meetings</li> <li>• Maintaining and promoting the heritage and culture of Barnstaple</li> <li>• Community engagement and links with community organisations – except where this is specific to a project or initiative that falls under another committee remit</li> </ul>
<b>Environment</b>	<ul style="list-style-type: none"> <li>• Maintenance of highway verge areas, The Square and other planted areas</li> <li>• Footpaths, watercourse, Litter bins and other environmental issues</li> <li>• Healthy living and associated well-being matters</li> <li>• Public realm, including seats and benches</li> <li>• Environmental volunteering and community initiatives, including sponsorship of green and planted areas</li> <li>• Floral displays, including High Street and the maintenance of Taw Garages roundabout</li> <li>• Management of allotments</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>• Recruitment and retention of staff</li> <li>• Training</li> <li>• Conditions of service including remuneration and pensions</li> <li>• Disciplinary and Grievance matters</li> <li>• Health and Safety of staff</li> </ul>
<b>Finance &amp; General Purposes</b>	<ul style="list-style-type: none"> <li>• Administration, Democracy and Corporate Governance</li> <li>• Budget monitoring, approval of payments, authorisation of expenditure beyond Committee budgets, recommendation of annual Precept</li> <li>• Ceremonial, Civic and special events.</li> <li>• All matters relating to annual Fair</li> <li>• Award of annual community grants</li> <li>• Insurance</li> <li>• Link to DALC and NALC</li> <li>• Maintenance, management and insurance of all Town Council properties, and civic and ceremonial, administrative and Council meeting uses of those properties</li> <li>• Provision of Notice Boards</li> <li>• Any matter not falling within the remit of other committees</li> </ul>
<b>Buildings Review</b>	<ul style="list-style-type: none"> <li>• Oversee the work and outcomes of the feasibility study regarding future uses of The Guildhall, St Anne’s Arts and Community Centre, The Castle Centre, Barum House and Rock Park Lodge.</li> </ul>

- Each Committee has delegated powers to act within its area of operation
- Each Committee is empowered to incur expenditure within the approved estimates for its area of operation
- Each Committee is responsible for Health and Safety matters within its area of operations