

# **WITNEY TOWN COUNCIL**

## **STANDING ORDERS**

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## **WITNEY TOWN COUNCIL**

### **STANDING ORDERS**

#### **1. TIME OF MEETINGS**

Meetings of the Full Council shall be held at the Town Hall at 7pm on a Wednesday unless the Council otherwise decides.

#### **2. ANNUAL MEETING OF THE COUNCIL**

- (a) **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- (b) **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**

#### **3. ORDINARY MEETINGS**

**In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**

#### **4. OFFICE HOLDERS OF THE COUNCIL**

- (a) **The Chairman, known as the Town Mayor, who shall chair meetings of the Council and be an ex-officio voting member of every committee and carry out civic duties as required.**
- (b) **The Vice-Chairman, known as the Deputy Town Mayor, who shall deputise for the Mayor in all duties in the Mayor's absence.**
- (c) **The Leader of the Council, who shall be an ex-officio voting member of every committee.**
- (d) **The Deputy-Leader, who shall deputise for the Leader in all duties in the Leader's absence.**

#### **5. ELECTION OF MAYOR DESIGNATE**

**At the council meeting prior to the annual meeting of the council, the Mayor designate shall be appointed for the forthcoming year.**

#### **6. COUNCIL MEETING – CHAIRMAN**

- (a) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If**

**both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- (b) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.**

7. **EXTRAORDINARY COUNCIL MEETINGS**

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

8. **PROPER OFFICER**

- (a) **The Proper Officer shall be either the town clerk or other staff member appointed by the council to undertake the work of the Proper Officer when the Proper Officer is absent.**
- (b) **The Proper Officer shall:**
  - i. **sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a Committee and sub-Committee at least 3 clear days before the meeting;**
  - ii. **give public notice of the time, venue and agenda at least 3 clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**

Note for clarification: 3 clear days is understood to be 3 working days, which does not include weekends/bank holidays, the day of posting or the day of the meeting, i.e. In a normal week with no bank holidays, for a Monday meeting, post on the Monday before if possible or Tuesday at the latest, for a Tuesday meeting, post on the Tuesday before if possible or Wednesday at the latest, and for a Wednesday meeting, post on the Wednesday before if possible or Thursday at the latest.

- iii. include on the agenda all motions in the order received unless a councillor has given written notice before the meeting confirming withdrawal of it;
- iv. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- v. facilitate inspection of the minute book by local government electors;
- vi. receive and retain copies of byelaws made by other local authorities;
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. respond to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
- xiii. arrange or manage the prompt authorisation, approval and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. manage access to information about the council via the publication scheme;
- xv. retain custody of the seal of the council which shall not be used without a resolution to that effect.

9. **QUORUM**

- (a) **Six members shall constitute a quorum of the council**, but a motion to suspend or amend this standing order shall not be moved without written notice signed by twice as many Members as constitute the quorum.
- (b) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

10. **VOTING**

- (a) **Members shall vote by a show of hands at council**, committee and sub-committee meetings;
- (b) If a member so requires before the vote is taken, the Town Clerk shall record the names of the members who voted on any question so as to show whether or not they voted for or against it. Such record shall also show members present but abstaining from voting.
- (c) Any member may request immediately after a vote has been taken that the minutes record the way he or she cast his or her vote.
- (d) Subject to (e) and (f) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.
- (e) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office, he/she may not give an original vote in an election for the Mayor.
- (f) The person presiding must give a casting vote whenever there is an equality of votes in an election for the Mayor.

11. **ORDER OF BUSINESS AT ANNUAL MEETING OF THE COUNCIL**

- (a) **The first business shall be to elect a Chairman** (Town Mayor, and see standing order 5) the Vice-Chairman (Deputy Town Mayor) and the Leader and Deputy Leader. **In the event that during the election year the Mayor designate (see standing order 5) should not be re-elected to the council the appointment of the Chairman (Town Mayor) shall be made at the first council meeting of the newly formed council.**
- (b) Following the elections and appointments at paragraph 11(a) above, the business at the annual meeting shall include:
  - i. **in an election year, delivery by the Town Mayor of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Town Mayor of the Council of his/her acceptance of office form unless the council resolves for this to be done at a later date;**
  - ii. to receive apologies for absence;
  - iii. to receive any declarations of interests;
  - iv. to agree a timetable of meetings for the Council year ahead;

- v. confirmation of the accuracy of the minutes of the last meeting of the council;
- vi. appointment of members to committees, working parties, advisory committees and outside organisations;
- vii. review of any delegation arrangements to committees, sub-committees, staff and other local authorities;
- viii. review of the terms of reference for committees;
- ix. appointment of any new committees in accordance with standing order 30;
- x. review and adoption of appropriate standing orders and financial regulations;
- xi. review of representation on or work with external bodies and arrangements for reporting back;
- xii. in an election year, to make arrangements for the council becoming eligible to exercise the general power of competence.

12. **ORDER OF BUSINESS AT ORDINARY MEETINGS**

- (a) **At every meeting other than the annual meeting of the council the first business shall be to appoint a person to preside if the Town Mayor and the Deputy Town Mayor may be absent.**
- (b) After the first business has been completed at meetings other than the annual meeting, the order of business, unless the Council decides otherwise on the ground of urgency, shall be as follows:
  - i. to receive apologies;
  - ii. to receive any declarations of interests;
  - iii. **to approve and adopt the minutes as a correct record in accordance with standing order 18;**
  - iv. **to deal with business expressly required by the statute to be done before any other business;**
  - v. to consider any requests for public participation in accordance with standing order 42;
  - vi. to receive and agree the Committee minutes including considering recommendations;
  - vii. to receive the Mayor's report;

- viii. to dispose of business, if any, remaining from the last meeting;
- ix. to agree the schedules of financial payments recommended by the Policy and Resources Committee;
- x. to receive such communications as the Leader of the Council may wish to bring before the Council and to consider the recommendation of the Leader on how such communications should be dealt with;
- xi. to consider motions in the order in which they have been notified;
- xii. to consider any other matters specified in the summons, including reports from officers;
- xiii. to receive correspondence for information;
- xiv. questions to the Leader of the Council in accordance with standing order 15;
- xv. to authorise the sealing of documents;
- xvi. to consider confidential and exempt matters.

**13. NOTICES OF MOTION**

- (a) Except as provided for in standing order 14 every notice of motion shall be in writing signed by the Member of the Council giving the notice, and delivered not later than Wednesday in the week before the next Meeting of the Council at the office of the Town Clerk, by whom it shall be dated and numbered in the order in which it is received and entered in a book which shall be open for inspection by any member of the Council.
- (b) The Clerk shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.
- (c) If a motion specified in the summons be not moved at the meeting, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (d) If the subject matter of a motion comes within the responsibility 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/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- (e) Every motion shall be relevant to some question over which the Council has power or which affects its area.

14. **MOTIONS MOVED WITHOUT NOTICE**

- (a) Resolutions dealing with the following matters may be moved without written notice to the proper officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to approve the minutes;
  - iii. to move to a vote;
  - iv. to defer consideration of a motion;
  - v. to refer a motion or matter to a particular committee or sub-committee;
  - vi. to appoint a person to preside at a meeting;
  - vii. to amend a motion, or to withdraw a motion or amendment;
  - viii. to change the order of business on the agenda;
  - ix. to proceed to the next business on the agenda;
  - x. to require a written report;
  - xi. to appoint a committee or sub-committee and their members;
  - xii. to extend the time limits for speaking;
  - xiii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xiv. to not hear further from a councillor or a member of the public;
  - xv. to exclude a councillor or member of the public for disorderly conduct in accordance with standing order 22;
  - xvi. to temporarily suspend the meeting;
  - xvii. to suspend a particular standing order (unless it reflects mandatory statutory requirements) to allow a free and open debate;
  - xviii. to adjourn the meeting;
  - xix. to close a meeting.

15. **QUESTIONS**

- (a) A Member of the Council may ask the Leader of the Council any question concerning the business of the Council. Any such questions shall be put when the item “Questions to the Leader of the Council” is reached.
- (b) A Member of the Council, with or without notice, may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council’s consideration of those proceedings is finished.
- (c) Every question shall be put and answered without debate.
- (d) A person to whom a question has been put may decline to answer.
- (e) Where the desired information to a question is contained in any of the Council’s publications, it shall be deemed a sufficient reply if the publication containing the reply is indicated.
- (f) Where the reply to any question cannot be conveniently given orally it shall be deemed a sufficient reply if the answer is circulated to the members of the Council with the minutes of the Meeting at which the question has been asked.

16. **RESPECT FOR THE CHAIRMAN**

- (a) A member shall stand when speaking unless permitted otherwise by the Chairman;
- (b) Whenever the Chairman rises during a debate all other members shall be seated and silent;

17. **POINT OF ORDER AND PERSONAL EXPLANATION**

- (a) A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith.
- (b) A point of order shall relate only to the alleged breach of a standing order or statutory provision and the member shall identify the standing order or statutory provision and the way in which he or she considers it has been broken.
- (c) A personal explanation shall be confined to some material part of a former speech by the member, which may appear to have been misunderstood in the present debate.
- (d) The ruling of the Chairman on a point of order and on the admissibility of a personal explanation shall not be open to discussion.

18. **MINUTES OF THE COUNCIL**

- (a) The Chairman shall propose that the minutes of the Council be approved as a correct record and seek a seconder.
- (b) The Chairman shall go through the minutes to allow members to raise any points of accuracy.
- (c) No motion or discussion shall take place upon the minutes except upon their accuracy.
- (d) The Chairman shall sign the minutes.
- (e) The Chairman shall then page through the minutes for questions to the Leader of the Council as to the progress of any item.

19. **PRESENTATION OF COMMITTEE MINUTES**

- (a) At each ordinary meeting of the council every standing committee shall present reports and recommendations in the form of draft minutes of any meeting held since the previous ordinary meeting of the council.
- (b) The Committee Chairman, or the member presenting the minutes, shall page through the minutes, and members may ask questions for answering.
- (d) The Committee Chairman, or member, shall then propose that the minutes be adopted, and once seconded shall be discussed and dealt with by the council.
- (e) Where an amendment is proposed prior to the adoption of the minutes by the council, the subject of any such amendment shall be discussed and disposed of before the adoption of the minutes are considered by the council.
- (f) In moving the adoption of the minutes, the mover is deemed to have moved the minutes in their entirety and all paragraphs and recommendations contained therein shall be deemed to have been adopted unless any amendment thereto has been moved.
- (g) Paragraphs which do not contain recommendations, or which relate to matters specifically and fully delegated to standing committees, may be discussed but no motion shall be considered other than a motion as to the future work of a committee in such matters.

20. **RULES OF DEBATE**

Motions and Amendments

- (a) A motion or amendment shall be proposed and seconded before it is debated and if the Chairman so requires it shall be put into writing.

Secunder's Speech

- (b) A member when seconding a motion or amendment may, if he or she then declares his or her intention to do so, reserve his or her speech until a later period of debate.

Only one member to stand at a time

- (c) A member when speaking shall stand and address the Chairman. If two or more members rise, the Chairman shall call on one to speak; the other or others shall then sit. While the member is speaking the other member shall remain seated, unless rising to a point of order or in a personal explanation.

Content and length of speeches

- (d) A member shall direct his or her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council.

When a Member may speak again

- (e) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - i. to speak once on an amendment proposed by another member;
  - ii. if the motion has been amended since he or she last spoke, to propose a further amendment;
  - iii. subject to paragraph (k) below, a member may not speak further in respect of any one motion except to speak once on an amendment proposed by another member or to make a point of order or to give a personal explanation;
  - iv. in exercise of a right of reply given by paragraph (k) or (l) below;
  - v. on a point of order;
  - vi. by way of personal explanation.

Amendments to motions

- (f) An amendment shall be relevant to the motion and shall be:
  - i. to refer a subject of debate to a committee for consideration or reconsideration;
  - ii. to omit words;
  - iii. to omit words and insert or add others;

- iv. to insert or add words;

But such omission, insertion or addition of words shall not have the effect of introducing a substantially new proposal, or of negating the motion before the council.

- (g) Only one amendment may be proposed and discussed at a time and no further amendment shall be proposed until the amendment under discussion has been disposed of, providing that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the council's business.
- (h) If an amendment be lost, other amendments may be proposed 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 proposed.
- (i) A member may, with the consent of his seconder, move amendments to his or her own motion.

#### Alteration of Motion

- (j) The proposer of a motion may, with the consent of his or her seconder, and of the council signified without discussion:
  - i. alter a motion of which he or she has given notice;
  - or
  - ii. alter a motion, which he or she has proposed;if (in either case) the alteration is one which could be made as an amendment thereto.

#### Withdrawal of motion

- (k) A motion or amendment may be withdrawn by the proposer with the consent of the council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

#### Right to reply

- (l) The proposer of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed, the proposer 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 proposer of the amendment shall not have a right of reply to the debate on

his or her amendment. A member exercising a right of reply shall not introduce new matter.

Motions which may be proposed during debate

- (m) When a motion is under debate no other motion shall be proposed except the following:
- i. to amend the motion;
  - ii. to adjourn the meeting;
  - iii. to adjourn the debate;
  - iv. to remit a matter to a committee;
  - v. to proceed to the next business;
  - vi. that the question be now put;
  - vii. that a member be not further heard;
  - viii. by a member under standing order 22, disorderly conduct;
  - ix. a motion under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 or standing order 41, to exclude the public and press;
  - x. that the subject of debate be referred back to a committee.

21. **CLOSURE MOTIONS**

- (a) A member may propose 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 Chairman shall proceed as follows:
- i. on a motion to proceed to the next business; unless in the Chairman’s opinion the matter before the meeting has been insufficiently discussed, he or she shall first give the proposer of the original motion the right to reply, and then put to the vote the motion to proceed to the next business;
  - ii. on a motion that the question be now put; unless in the Chairman’s opinion the matter before the meeting has been insufficiently discussed, he or she shall first put to the vote the motion that the question be now put, and if it is passed then give the proposer of the original motion his or her right of reply under paragraph (l) of standing order 20 before putting his or her motion to the vote;

- iii. on a motion to adjourn the debate or the meeting; if in the Chairman's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he or she shall put the adjournment motion to the vote without giving the proposer of the original motion his or her right of reply on that occasion.

22. **DISORDERLY CONDUCT**

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- (b) If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- (c) If a resolution made under paragraph (b) above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

23. **RESCISSION OF PREVIOUS RESOLUTION**

- (a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least four members of the council to be given to the Proper Officer in accordance with standing order 13 above, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- (b) When a motion moved pursuant to standing order 23(a) above has been disposed of, no similar motion may be moved within a further six months.

24. **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. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

25. **DISCUSSIONS AND RESOLUTIONS 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) has decided whether or not the public and press shall be excluded.

26. **DELEGATION OF URGENT AND ROUTINE MATTERS**

- (a) There shall be delegated to the Town Clerk the authority to act in respect of any function of the council on a matter, which in his or her opinion does not admit of delay. This delegated authority shall only be exercised in consultation with the Leader or Deputy Leader.
- (b) There shall be delegated to the Town Clerk the authority to act in respect of any function of a committee or sub-committee, which in his or her opinion either does not admit of delay or is routine. This delegated authority shall only be exercised in consultation with the Chairman or Vice-Chairman of the committee or sub-committee within whose terms of reference the particular function lies.
- (c) Each exercise of delegated authority under this standing order shall be reported for information to the next meeting of the committee or sub-committee within whose terms of reference the particular function lies and to Council.
- (d) The Town Clerk shall notify all members of any action taken under this standing order.
- (e) The delegations in this standing order are in addition to and without prejudice to the powers of the council or its committees to arrange for the discharge of any of its functions by a sub-committee or an officer.

27. **MOTIONS ON EXPENDITURE**

If any motion proposed, would, in the opinion of the Chairman, if carried substantially increase the expenditure upon any service which is under the management of, or reduce the revenue at the disposal of any committee, or would involve capital expenditure, it shall, when proposed and seconded stand adjourned without discussion until such time as any committee affected by it and the Policy and Resources committee has reported on the matter.

28. **EXPENDITURE**

Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

29. **SEALING OF DOCUMENTS**

- (a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- (b) Subject to standing order 29(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of the Chairman who shall sign the deed as witness.

30. **COMMITTEES AND SUB-COMMITTEES**

- (a) The council may, at its annual meeting, appoint members to standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. shall appoint the Chairman of a committee;
  - v. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer before the meeting that they are unable to attend;
  - vi. an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vii. may dissolve a committee at any time.

31. **EX-OFFICIO MEMBERS OF COMMITTEES**

The Mayor and Leader of the Council shall be an ex-officio member with voting rights on all committees.

32. **STANDING COMMITTEES**

- (a) The following provisions shall apply to standing committees:
  - i. standing order 42, public participation;

- ii. the agenda for committee meetings shall be sent to all Council members, such members of the press who request notification of meetings, and advertised on public notice boards or otherwise in such a way as to draw it to the attention of the public, although failure to comply with this standing order shall not invalidate the proceedings of the committee;
- iii. may appoint sub-committees for purposes to be specified by the committee but such sub-committee shall submit all recommendations to the committee unless power to act has been granted by the council for a specified purpose;
- iv. the Chairman of the committee shall be a member of every sub-committee appointed by it unless wishing not to serve and such is recorded in the minutes of the committee appointing the sub-committee;
- v. 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 4 and 3 members respectively;
- vi. every committee shall at its first meeting elect a Vice-Chairman, who shall hold office until the next annual meeting of the council;
- vii. the standing orders on rules of debate (except those parts relating to standing and to speaking more than once), voting and the standing order on interests of members and the code of conduct shall apply to committee and sub-committee meetings in so far as they are appropriate.

**33. SPECIAL COMMITTEE MEETINGS**

- (a) The Chairman of a committee or a sub-committee may convene a special meeting of the committee or the sub-committee at any time.
- (b) If the Chairman of a committee or a sub-committee does not or refuses to call a special meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee and the sub-committee may convene a special meeting of that committee and a sub-committee.

**34. WORKING PARTIES & WORKING GROUPS**

- (a) The Council may from time to time appoint working parties or groups to deal with a specific function or project.
- (b) Membership and terms of reference of such working parties or groups, including the number required for a quorum, shall be determined at their formation.

- (c) The provisions relating to committees and sub-committees in standing orders will apply, with the exception of standing order 4(a) and 4(b) which provides for the Mayor and Leader being ex-officio voting members of every committee.

35. **PRESENCE OF NON-MEMBERS OF COMMITTEES AND SUB-COMMITTEES AT MEETINGS**

- (a) A Member who has proposed a motion which has been referred to any committee of which he/she is not a member, may explain his/her motion to the committee but shall not vote.
- (b) Any Member shall, unless the council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he/she is not a Member and may speak if so invited but shall not vote.

36. **REPRESENTATION ON OUTSIDE BODIES – TERMINATION OF MEMBERSHIP**

The appointment of Members of the Council to outside bodies in their capacity as a Member of the Town Council shall, subject to the rules of that body, terminate if the Member appointed ceases to be a Member of the Council.

37. **INSPECTION OF DOCUMENTS**

A Member may for the purposes of his/her duty as such (but not otherwise), inspect any document relevant to such purpose 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.

38. **UNAUTHORISED ACTIVITIES**

- (a) No Member of the Council or of any committee or sub-committee shall in the name of, or on behalf of, the Council;
- i. inspect any land or premises which the Council has a right or duty to inspect;
  - ii. issue orders, instructions or directions.

unless authorised to do so by the council or the relevant committee or sub-committee.

39. **CANVASSING OF RECOMMENDATIONS BY, AND RELATIONSHIP TO MEMBERS**

- (a) Canvassing of Members or of any committee, directly or indirectly, for any appointment under the council shall disqualify the candidate for such

appointment. The Proper Officer shall make known this sub-paragraph to every candidate.

- (b) A Member of the Council shall not solicit for any person any appointment under the council or recommend any person for such appointment or for promotion, but, nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.
- (c) If a candidate for any appointment under the council is to his/her knowledge related to any Member of, or the holder of any office under, the council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Proper Officer. Any breach of this standing order is to be reported to the council.
- (d) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

40. **CONFIDENTIAL BUSINESS**

- (a) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- (b) Councillors and any non-councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

41. **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

Meetings shall be open to the public and press unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by the following resolution:

“that in view of the confidential nature of the business about to be transacted it is advisable that, in accordance with the public bodies (admission to meetings) act 1960, the public and press be temporarily excluded and they are instructed to withdraw.”

42. **PUBLIC PARTICIPATION**

- (a) For all meetings of the Council and its standing committees, an item entitled “public participation” shall be included on the agenda for that meeting immediately after “minutes”
- (b) Members of the public may speak for a maximum of five minutes each during the period of public participation. Matters raised shall relate to items on the agenda for that particular meeting.

- (c) Following submission by a member of the public, any Member of the Council may, through the Chairman, ask questions of the person(s) concerned for clarification purposes or on points of information.
- (d) Any question from the member of the public shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- (e) A person who speaks at a meeting shall direct his/her comments to the Chairman of the meeting.
- (f) Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking. If more than one person wants to speak on the same or a similar issue, they shall elect one person to speak on their behalf.

43. **PRESS FACILITIES**

The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

44. **GENERAL POWER OF COMPETENCE**

- (a) **Before exercising the general power of competence, a meeting of the full council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- (b) **The Council's period of eligibility begins on the date that the resolution under standing order 44(a) above was made and expires on the day of the annual meeting of the council that takes place in a year of ordinary elections.**
- (c) **After the expiry of its preceding period of eligibility, the council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the council's preceding period of eligibility referred to in standing order 44(b) above.**

45. **CODE OF CONDUCT, MEMBERS INTERESTS AND DISPENSATIONS**

- (a) A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her right to participate and vote on that matter.
- (b) All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.

- (c) Unless a dispensation has been granted, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- (d) Unless a dispensation has been granted, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- (e) Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- (f) A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- (g) A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought;
  - iv. an explanation as to why the dispensation is sought.
- (h) Subject to paragraphs (e) and (g) above, dispensations requests shall be considered at the start of the meeting for which the dispensation is required.
- (i) **A dispensation may be granted in accordance with paragraph (f) above if having regard to all relevant circumstances the following applies:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business, or**
  - ii. **granting the dispensation is in the interests of persons living in the council's area, or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

46. **CODE OF CONDUCT COMPLAINTS**

- (a) Upon notification by West Oxfordshire District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 40 above, report this to the council.
- (b) Where the notification in standing order 46(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 46(d) below.
- (c) The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- (d) **Upon notification by West Oxfordshire District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

47. **STANDING ORDERS**

- (a) All or part of a standing order, except one that incorporates mandatory statutory requirements and are in bold type, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- (b) A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 13 above.
- (c) The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- (d) The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

48. **DURATION OF MEETINGS**

- (a) No council or committee meeting shall extend beyond 2 hours unless it has been specifically agreed by that meeting.
- (b) Where it has been agreed that a meeting is to extend beyond 2 hours, there shall be an adjournment of 15 minutes after 1 hour or as soon as possible after 1 hour when it is likely that the meeting will extend beyond 2 hours.

Agreed by Council 23<sup>rd</sup> March 2016, *minute no:156*