



Nantwich Town Council

Standing Orders

**For the regulation of the business and meetings of the
Town Council.**

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Meetings

1. Meetings of the Town Council shall be held at Brookfield Hall, Nantwich, at 7pm, unless the Council otherwise decides at a previous meeting.
2. *The Annual Meeting (a) in an election year shall be on a Monday on the fourth day after the election or within 14 days thereafter and (b) in a year which is not an election year shall be held on a Monday during the month of May.*
3. *All other Ordinary Meetings of the Town Council shall be held on a Monday on such dates as shall be decided and as business requires.*

Chairman of Meeting

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

Proper Officer

5. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk:-
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing pecuniary interests.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To sign summonses to attend meetings of the Council.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

Quorum

6. *Six members shall constitute a quorum of the Council and 50% of the total membership of Committees excluding the Chairman of the Council (ex officio) or in the absence thereof the Vice-Chairman.*
7. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of a declared interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

Voting

8. Members shall vote by show of hands, or, if at least 50% of the members present at the time when the vote is taken so request, by signed ballot.
9. *If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.*
10.
 - (a) *In the case of an equality of votes the Chairman may give a casting vote.*
 - (b) *If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.*
 - (c) *The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.*

Order of Business

11. *At each Annual Meeting the first business shall be:-*

- (a) *To elect a Mayor who shall act as and exercise all the powers of the Chairman (references in these Standing Orders to the Chairman elected under this sub-paragraph (a) shall mean the Mayor.)*
- (b) *To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.*
- (c) *To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.*
- (d) *To elect a Deputy Mayor who shall act as and exercise all the powers of the Vice-Chairman (references in these Standing Orders to the Vice Chairman elected under this sub-paragraph (d) shall mean the Deputy Mayor.)*

12.

- (a) In the absence of the Chairman from a Meeting of the Town Council the Vice-Chairman if present shall preside.
- (b) In the absence of both the Chairman and the Vice-Chairman from a Meeting of the Town Council, another member of the Town Council shall be appointed to preside at the Meeting.
- (c) Anything which the Chairman can or must do at a meeting of the Town Council may or shall be done by the person presiding in his absence.

13. *At all the Ordinary Meetings of the Town Council the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent.*

14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-

- (a) To hear and consider questions and comments from members of the public.
- (b) *To read and consider the Minutes for accuracy provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.*
- (c) *After consideration to approve the signature of the Minutes by the person presiding as a correct record.*
- (d) To deal with business expressly required by statute to be done.
- (e) To dispose of business, if any, remaining from the last meeting.
- (f) To receive such communications as the person presiding may wish to lay before the Council.
- (g) To answer questions.
- (h) Any other business specified in the Summons.

15. A motion to vary the order of business on the ground of urgency

- (a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) Shall be put to the vote without discussion.

Resolutions moved on notice

16. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing on its terms and has delivered the notice to the Clerk not later than Monday noon in the week before the next Meeting of the Council.

17. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

18. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it, or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
19. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

Resolutions moved without notice

20. Resolutions dealing with the following matters may be moved without notice:-

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a committee.
- (h) To appoint a committee or any members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a resolution.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To exclude the public (see Order 55 below)
- (n) To silence or eject from the meeting a member named for misconduct.
- (o) To give the consent of the Council where such consent is required by these Standing Orders.
- (p) To suspend any Standing Order.
- (q) To adjourn the meeting.

Questions

21. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
22. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
23. Every question shall be put and answered without discussion.
24. A person to whom a question has been put may decline to answer, but may answer the questioner privately in writing.

Rules of debate for Council meetings

25. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
26. (a) Respect for the Chairman:
When the Chairman rises during a debate, any Member then standing must immediately stop speaking and sit down, and the Council must be silent.
- (b) Standing when Speaking:
A Member, when speaking, must stand and address the Chairman, unless the Chairman permits otherwise.

- (c) Chairman to decide order of speaking:
If two or more Members rise or indicate their wish to speak, the Chairman will call on one to speak and the other (or others) must then sit.
 - (d) Only one Member to stand:
While a Member is speaking, all other Members must remain seated and silent UNLESS rising to a point of order or in personal explanation.
- 27.
- (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
 - (b) A Member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period in the debate.
 - (c) A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - (d) No speech by a mover of a resolution shall exceed seven minutes except by consent of the Council.
 - (e) An amendment shall be either:-
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
 - (f) An amendment shall not have the effect of negating the motion before the Council.
 - (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
 - (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
 - (j) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
 - (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.
 - (l) When a resolution is under debate no other resolution shall be moved except the following:-
 - (i) To amend the resolution.
 - (ii) To proceed to the next business.
 - (iii) To adjourn the debate.
 - (iv) That the question be now put.
 - (v) That a member named be not further heard.
 - (vi) That a member named do leave the meeting.
 - (vii) That the resolution be referred to a committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
 - (m) Other speeches to the motion shall not exceed 3 minutes

Disorderly conduct

28. (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

Right of reply

29. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

Alteration of resolution

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

Rescission of previous resolution

31. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least seven members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee, unless there is new information.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months, unless there is new information.

Voting on appointments

32. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

Discussions and resolutions affecting employees of the Council

33. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded.

Expenditure

34. *Orders for the payment of money shall be authorised by resolution of the Council and cheques signed by two members and the Clerk.*

Sealing of documents

35. The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council. The seal shall be attested by the Chairman or Vice-Chairman or other member of the Council so designated and present at the sealing and the Proper Officer designated by the Council.

Committees and sub-committees

36. The Council may at any time appoint Committees or sub-Committees as may be necessary but
 - (a) Shall not appoint any member of a Committee or sub-Committee to hold office later than the next Annual meeting of the Council, and
 - (b) May at any time dissolve a Committee or sub-Committee or alter its constitution, membership or powers and duties.
37. The Chairman or, in the absence of the Chairman, the Vice-Chairman shall be an ex officio member of every committee, save as determined by the Council at the Annual Meeting. An ex officio member shall have the right to speak and vote.
38. Every Committee shall at its first meeting before proceeding to any other business elect a Chairman and a Vice-Chairman.
39. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to Committee and Sub-Committee meetings.

Voting in Committees

40. Members of Committees and sub-Committees shall vote by show of hands.
41. Chairman of Committees and sub-Committees shall in the case of an equality of votes have a second or casting vote.

Presence of non-Members of Committees at Committee Meetings

42. A member who has proposed a resolution which has been referred to any Committee of which he is not a member, may explain his resolution to the Committee but shall not vote.

Accounts and Financial Statement

43. A schedule of all payments made shall be laid before the Council at its next Ordinary Meeting.
44. The Clerk shall lay before the Council at the Ordinary Meeting next after the end of the Financial Year details of receipts and payments.

Estimates

45.
 - (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of November.
 - (a) Any Committee desiring to incur expenditure shall, not later than the beginning of November give to the Clerk a written estimate of the expenditure recommended for the coming year.

Interests

46. If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act 1972, in any contract, proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the Meeting unless the interest is trivial in the manner described in section 97 (b) or .
- (a) The disability imposed upon him by those sections has been removed by the District Council, or
 - (b) The Council invite him to remain, or
 - (c) The contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate.

The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.

47. (a) If a member has a personal interest as defined by the Model Code of Conduct for Parish Councils adopted by the Council then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- (b) If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
48. The Clerk may be required to compile and hold a Register of Members' interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
49. If a candidate for any appointment under the Council is to his knowledge related to any member or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 47 (b) shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

Canvassing of and recommendations by Members

50. (a) Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
51. Standing Orders nos. 47 and 49 shall apply to tenders as if the person making the tender were a candidate for appointment.

Inspection of Documents

52. A member may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
53. *All minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.*

Unauthorised Activities

54. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
 - (b) Issue orders, instructions or directions of any kind.

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

Admission of the public and press to meetings

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

That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw pursuant to Section 1 of the Public Bodies (Admission to Meetings) Act 1968.+

56. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
57. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

Confidential Business

58. (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

Planning Applications

59. (a) All planning applications shall be laid before the Council for comment and representation except that when representations are required before the date of the next meeting of the Council the clerk shall notify all members in writing of the details of the application and recommend an appropriate response.
- (b) The Clerk shall be notified in writing if any member disagrees with the recommended response and will consult with the Chairman of Vice-Chairman on appropriate action.

Financial Regulations and Contracts

60. The conduct of financial transactions, orders for work, goods and services and every Contract made by the Council shall comply with the Financial Regulations adopted by the Council from time to time.

Code of Conduct on complaints

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

Variation, revocation and suspension of Standing Orders

62. *Any or every part of the Standing Orders except those printed in italics may be suspended by resolution in relation to any specific item of business.*
63. *A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.*

Standing Orders to be given to members

64. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the members' declaration of acceptance of office.

Time limit on meetings

65. All Meetings must end at or before 10.00pm and this Standing Order cannot be suspended by a Committee. The Council will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

Note: Standing Orders printed in italics may not be suspended by resolution (see SO 62 above).

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