

# COWES TOWN COUNCIL

## STANDING ORDERS

### **1 MEETINGS**

- 1.1 Ordinary meetings of the Council shall be held at 7.00pm on the first Thursday of every month, except August & January when there will not be a meeting; and July & December when meetings shall be held on the middle Thursday of those months, unless the Council otherwise decides at a previous meeting.
- 1.2 **The Statutory Annual Meeting (a) in an election year shall be held on the fourth day after the day of the election or within fourteen days thereafter; and (b) in a year, which is not an election year, shall be held on any day in May.**
- 1.3 **At least three other statutory meetings shall be held.**
- 1.4 The Town Mayor and Deputy Town Mayor should be present, wherever possible, at any meetings in addition to the Town Council, Committee or Working Group meetings.

### **2 CHAIRMAN OF MEETING**

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

### **3 MAXIMUM TERM OF OFFICE OF TOWN MAYOR AND DEPUTY MAYOR**

- 3.1 The office of Town Mayor and Deputy Town Mayor shall not be held by the same Councillor for more than two consecutive municipal years.

### **4 PROPER OFFICER**

- 4.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he or she shall be the Clerk:
- 4.1.1 To receive declarations of acceptance of office.
- 4.1.2 To receive and record notices disclosing pecuniary interests.
- 4.1.3 To receive and retain plans and documents.
- 4.1.4 To sign notices and other documents on behalf of the Town Council.
- 4.1.5 To receive copies of bye-laws made by the Isle of Wight Council.
- 4.1.6 To certify copies of bye-laws made by the Town Council.
- 4.1.7 To sign summonses to attend meetings of the Town Council.
- 4.2 In any other case, the proper officer shall be the person nominated by the Town Council and in default of nominations, the Clerk.

### **5 QUORUM**

- 5.1 **Six Members shall constitute a Quorum, but a motion to suspend Standing Orders shall not be moved without notice unless at least two thirds of the Members are present.**

5.2 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 Mayor may decide.

## **6 VOTING**

6.1 Voting for the position of Town Mayor and Deputy Town Mayor shall be by a show of hands or, if one member so requests, by secret ballot.

6.2 **If a Member so requires, the Clerk shall record the names of the Members who vote on any question so as to show whether they voted for or against it or abstained, such request to be made before the commencement of next business.**

6.2.1 **Subject to (6.2.2) and (6.2.3) below, the Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes, may give a casting vote whether or not they gave an original vote.**

6.2.2 **If the person presiding at the Annual Meeting would have ceased to be a Member of the Council, but for statutory provisions that preserve the membership of the Chairman and Vice Chairman until the end of their term in office, he/she may not give an original vote in an election for Chairman.**

6.2.3 **The Mayor or Deputy Mayor shall preside over the meetings to appoint Committee Chairmen and in the event of an equal vote, shall have the casting vote.**

## **7 ORDER OF BUSINESS**

*(In an election year Councillors should execute Declarations of Acceptance of Office in the presence of the proper officer previously authorised by the Council to take such declaration before the annual meeting commences.)*

7.1 **At the Annual Meeting of the Council, the first business shall be:**

7.1.1 **To elect a Town Mayor.**

7.1.2 **To receive the Town Mayor's Declaration of Acceptance of Office.**

7.1.3 To elect a Deputy Town Mayor.

7.1.4 To receive the Deputy Town Mayor's Declaration of Acceptance of Office.

7.1.5 To receive any apologies for absence.

7.1.6 To receive any Declarations of Pecuniary and Non-Pecuniary Interests.

7.1.7 To appoint Representatives to Committees.

7.1.8 To appoint Representatives to Working Groups

7.1.9 To appoint representatives to outside bodies.

7.1.10 To review and approve Standing Orders, Financial Regulations, Code of Conduct and Policies, Procedures & Risk Assessments.

7.1.11 To receive dates of Council & Committee meetings for the forthcoming municipal year.

7.1.12 To receive details of Councillor attendances at meetings for the previous municipal year.

7.2 **At every meeting other than the Annual Meeting, the first business shall be the appointment of a Chairman if the Mayor and Deputy Mayor be absent.**

7.3 Each October, before the meeting at which the budget for the next year is approved, staff appraisals will be held and the Council shall review the pay and conditions of service for existing employees.

- 7.4 At other meetings of the Council, the order of business shall be:
- 7.4.1 Any pre-arranged presentations at the start of meetings will be allowed no longer than fifteen minutes, with fifteen minutes for questions and answers, subject to revision by the Chairman at the outset of the meeting.
  - 7.4.2 To receive any apologies for absence.
  - 7.4.3 To receive any Declarations of Pecuniary & Non-Pecuniary Interests.
  - 7.4.4 To receive a report from the local Safer Neighbourhood Officer, plus an opportunity to discuss local policing priorities.
  - 7.4.5 **To read and consider the minutes of the last meeting 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 and if approved, be signed by the presiding Chairman as a correct record.**
  - 7.4.6 Questions from members of the public.
  - 7.4.7 Reports by Isle of Wight Councillors.
  - 7.4.8 To receive and consider reports and minutes of Committees, Working Groups & meetings.
  - 7.4.9 To receive miscellaneous items submitted by Councillors, as specified in the summons.
  - 7.4.10 To receive miscellaneous items submitted by the Town Clerk, as specified in the summons.
  - 7.4.11 To receive any items for inclusion on a future agenda.
- 7.5 The order of business may be varied at the discretion of the Chairman.
- 7.6 If the business to be transacted at any meeting is not completed within two and a half hours from the commencement of the meeting, such business will stand adjourned to the next meeting.

## **8 RESOLUTIONS MOVED ON NOTICE**

- 8.1 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 Town Clerk.
- 8.2 The Town 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 /she intends to move at some later meeting or that he / she withdraws it.
- 8.3 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.
- 8.4 Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

## **9 RESOLUTIONS MOVED WITHOUT NOTICE**

- 9.1 Resolutions dealing with the following matters may be moved without notice.
  - 9.1.1 To appoint a Chairman of the meeting.
  - 9.1.2 To correct the minutes.
  - 9.1.3 To proceed to the next business.

- 9.1.4 To close or adjourn any debate.
- 9.1.5 To amend a motion.
- 9.1.6 To give leave to withdraw a motion or amendment.
- 9.1.7 To suspend Standing Orders.
- 9.1.8 To exclude the press and/or public. *(See Standing Order 20.)*
- 9.1.9 Any recommendation from a Committee or Working Group
- 9.1.10 To refer a matter to a Committee or Working Group.
- 9.1.11 To appoint a Committee, Working Group or any Members thereof.
- 9.1.12 To silence or eject from the meeting a Member named for misconduct. *(See Standing Order 12 below.)*

## **10 RECISION OF A PREVIOUS RESOLUTION**

- 10.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least four Members of the Council, unless the Town Clerk and Chairman agree that the information upon which the resolution was made has fundamentally changed.
- 10.2 Where a special resolution has been disposed of, no similar resolution may be moved within a further six months.

## **11 CORRECTIONS TO MINUTES**

- 11.1 No discussion shall take place upon the minutes except their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.

## **12 DISORDERLY CONDUCT**

- 12.1 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 or to undertake personal attacks.
- 12.2 If in the opinion of the Chairman, a Member has broken the provision of item (12.1) of this Order, the Chairman shall express the 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.
- 12.3 If either of the motions mentioned in item (12.2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.
- 12.4 If any employees, officials, council members, contractors, visitors to the Council or members of the public from the community which we serve consider that they have been subjected to bullying or harassment they can invoke the Town Council's "Dignity at Work – Bullying and Harassment Policy".
- 12.5 Where the "Dignity at Work – Bullying and Harassment Policy" has been invoked a committee will be formed called "The Complaints Committee" which will have representation from four councillor members of the Town Council which is to include the Mayor, Deputy Mayor and two others of which no councillor is the complainant or that person against whom the complaint has been raised. It will be with that committee to ensure that the "Dignity at Work – Bullying and Harassment Policy" is properly applied. This committee is to convene within two weeks of the receipt of any complaint. The recommendations of this committee are to be put to the full Town Council within one month of their final sitting.

### **13 VOTING ON APPOINTMENTS**

- 13.1 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.

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

- 14.1 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. *(See Standing Order 20.1)*

### **15 COMMITTEES, SUB COMMITTEES & WORKING GROUPS**

- 15.1 The Council may at the Annual Meeting appoint Standing Committees and Working Groups and at any other time appoint such other Committees as are necessary.
- 15.2 All Committee and Working Group meetings shall start at 6.15pm.
- 15.3 Any Committee of the Town Council shall consist of the Mayor and Deputy Mayor 'ex officio', together with seven other Members of the Council as shall have been duly elected normally at the Annual Meeting of the Town Council.
- 15.4 Each Committee and Working Group shall adhere to the current Terms of Reference for the Committee or Working Group.
- 15.5 Each Committee and Working Group thus constituted shall at its first meeting following the Annual Meeting of the Council, elect from among its Members, a Chairman who shall hold office for the ensuing year.
- 15.5.1 A Chairman of a Committee, sub-committee or Working Group cannot be a Chairman of any other Committee, sub-committee or Working Group.
- 15.6 Each Committee and Working Group will, through its Chairman, be responsible to the Town Council. Minutes of its proceedings shall be kept, shall be circulated to all Members of the Council and at each successive meeting of that Committee or Working Group, shall be submitted for approval and the signature of the Chairman.
- 15.7 Each Committee shall meet at least once in every quarter, providing there is sufficient or urgent business to warrant a meeting being called.
- 15.8 Minutes of each Committee and Working Group meeting shall be submitted to the next following meeting of the Council for acceptance.
- 15.9 All Members are entitled to attend any Committee or Working Group meeting, but unless they are Members of such Committee or Working Group, they may not participate except at the invitation of the Committee or Working Group Chairman. They may not vote under any circumstances.
- 15.10 **Committees and Working Groups of the Town Council will be advisory and able to submit recommendations, but not empowered to take action unless by the specific direction of the Town Council, except for Planning & Licensing Committee where delegated powers have been granted.**
- 15.11 **Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.**
- 15.12 The quorum of a Committee, Sub-Committee or Working Group shall be one third of its Members.
- 15.13 The Standing Orders relating to the Council apply equally to Committees, Sub-Committees and Working Groups.

## **16 INTERESTS**

**16.1 Members must observe the Code of Conduct.**

**16.2 If a Member has a personal interest, as defined by the Code of Conduct, then he / she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

**16.3 Dispensation requests shall be in writing and submitted to the Proper Officer.**

**16.4 The Clerk shall record in a book kept by the Clerk for the purpose of recording particulars of any notice given by any Member or any Officer of the Council of a personal or prejudicial interest and the book shall be open during reasonable hours of the day for the inspection of any member of the public.**

16.5 If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or holder of any office under the Council as defined in the Code of Conduct, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment and if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where a relationship to a Member is disclosed the Member may be asked to withdraw from the meeting. The Clerk shall make known the purport of this Standing Order to every candidate.

## **17 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

17.1 Canvassing for oneself for any Committee appointment or position shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph to every candidate.

17.2 Enquiring of Members as to their willingness to stand for consideration of any post is deemed acceptable.

17.3 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 for submission to the Council with an application for appointment.

17.4 Contravention of any of the above must be addressed by the Mayor and Town Clerk.

17.5 Standing Order numbers (16.3) and (17.1) shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **18 INSPECTION OF DOCUMENTS**

18.1 A Member may for any purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a Committee and if copies are available shall on request, be supplied for the like purpose with a copy.

**18.2 All minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.**

## **19 UNAUTHORISED ACTIVITIES**

19.1 No Member of the Council or of any Committee, Sub-Committee or Working Group shall in the name of or on behalf of the Council:

19.1.1 Inspect any lands or premises that the Council has a right or duty to inspect unless authorised to do so by the Council or the relevant Committee, Sub-Committee or Working Group.

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

- 20.1 **The public and press shall be admitted to all meetings of the Council and its Committees and Sub-Committees, which may however, temporarily exclude the public and press by means of the following resolution, 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 and press be temporarily excluded and they are instructed to withdraw.”**
- 20.2 **Reasonable facilities will be afforded to the press for taking their report of any proceedings at which they are entitled to be present.**
- 20.3 If a Member of the public interrupts the proceedings at any meeting, the Chairman may after warning, order that he/she be removed from the Council Chamber.
- 20.4 At meetings of the Town Council, time will be set aside to receive questions from the public and any one member of the public shall have two minutes to deliver their question. This time limit may be varied at the discretion of the Mayor.

## **21 CONFIDENTIAL BUSINESS**

- 21.1 No Member of the Council or of any Committee, Sub-Committee or Working Group shall disclose to any person not a Member of the Council, any business declared to be confidential by the Council, the Committee, the Sub-Committee or Working Group as the case may be.
- 21.2 Any Member in breach of the provision of item (21.1) of this Standing Order shall be removed from any Committee, Sub-Committee or Working Group of the Council by the Council.

## **22 LIAISON WITH ISLE OF WIGHT COUNCILLORS**

- 22.1 A notice of meeting shall be sent to the Isle of Wight Councillors for the four wards in the town.

## **23 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- 23.1 Standing Orders 6, 7, 8, 9 and 14 may be suspended by resolution in relation to any specific item of business.
- 23.2 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.

## **24 ACCOUNTS, ESTIMATES, CONTRACTS AND INSURANCE**

- 24.1 For all financial matters, please refer to the Town Council’s Financial Regulations and to consider the terms of the Bribery Act 2010.

## **25 DELEGATION OF AUTHORITY**

- 25.1 It is normally expected that decisions taken on behalf of the Town Council will be made by the whole Town Council.
- 25.2 However, from time to time there may be a need for an urgent decision to be made before the next meeting of the Town Council is due to be held. In such circumstances, and following consultation with the Town Mayor OR Deputy Town Mayor, the Town Clerk is authorised to make decisions on behalf of the Town Council. Such action is to be reported to the Council at the earliest opportunity for information.
- 25.3 Planning & Licensing Committee has delegated powers to make decisions without reference to full Council.

## **26 DRESS CODE**

- 26.1 Councillors are to wear appropriate attire befitting their position as representatives of the townspeople when representing the Town Council at outside meetings and full Council meetings.

## **27 PUBLIC'S RIGHT TO MAKE REPRESENTATION**

- 27.1 Any member of the public wishing to make representation to the Council on an item which is considered to be the business of the Council, may speak at the start of the agenda item for a period not exceeding **two** minutes prior to Councillors formulating their comments. Members of the Council will then be allowed, at the discretion of the Chair, to ask questions of the member of the public.
- 27.2 Where a group of members of the public (*any number of persons bound together by a common interest*) wishes to make representation on an item which is considered to be the business of the Council, and is listed on the agenda, they will be required to nominate a representative from among themselves, to speak for a maximum of **two** minutes to express the views of the group.
- 27.3 The Chairman reserves the right to limit the number of speakers on any given item of business and his/her discretion will be final.
- 27.4 If, after speaking for the allotted time, any member of the public or group persistently interrupts and does not usefully contribute to the debate, the Chair after due warning to that person/s, may order that they be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order.
- 27.5 Any member of the Council, with a pecuniary interest in any item before the Council, will be entitled to attend the meeting to make representation, give evidence or answer questions in the same way as any member of the public and under the same constraints laid down by the Council in these Standing Orders, before leaving the Council Chamber.

## **28 DOCUMENTS TO BE GIVEN TO MEMBERS**

- 28.1 A copy of these Standing Orders, the Town Council's Financial Regulations and the Code of Conduct shall be given to each Member by the Clerk upon delivery to him of the Member's declaration of acceptance of office and each time an amendment is made.

## **29 CORRESPONDENCE/INFORMATION**

- 29.1 The point of contact for the Town Council is the Clerk (or Clerks), and it is to the Clerk that all correspondence relating to the business of the Town Council should be addressed.
- 29.2 Any communications of a strategic nature, whether electronic or in writing, concerning Council business from one Councillor to another should be copied to the Clerk for recording purposes and the Clerk(s) and Council Chairman would collectively determine whether onward posting to other councillors was expedient.
- 29.3 All communications of a strategic nature concerning Town Council business with other Agencies or Bodies must be sent via the Town Council's appointed representative on that Agency or Body with a copy to the Clerk and Council Chairman.
- 29.4 All personal correspondence as a Town Councillor to the Press and other Agencies should make it clear that the views are the expression of the personal opinions of the writer and not necessarily those of the Town Council.
- 29.5 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- 29.6 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

### **30 CONDUCT AND CONTENT OF DEBATE AT MEETINGS**

- 30.1 Any Councillor wishing to debate an agenda item must go through the Chair of the meeting. The Chairmen are to take input from Councillors strictly by the show of hands in order of such demonstration.
- 30.2 The Chairmen have the discretion whether to allow a debate, through the Chair, between Councillors when deemed in the interest and progress of that debate.
- 30.3 Councillors must at all times adhere to the subject set out in the Agenda. The Chairman has the right to terminate any debate which embraces matters not the subject of the Agenda item.
- 30.4 Time expended on Agenda items will be at the discretion of the Chairmen.
- 30.5 If a motion is proposed and seconded, a Councillor, prior to the taking of the vote, can propose an amendment to that proposition or propose an alternative proposition. If such is seconded then such a proposal is taken first and, if such motion receives a majority approval, it becomes a substantive motion thus negating the first proposal. If the amendment is not carried then the first proposal stands and is voted upon.
- 30.6 Agenda items, where proposed by Councillors for future debate, must be submitted by way of a written report 7 days prior to the meeting to allow the Clerks to include such reports at the time of circulation of the Notice of Meeting and Agenda. However, where a meeting is held relating to the Agenda item between the time of the sending out of the Notice of Meeting and Agenda and the full Council meeting, then it is admissible to report verbally on such a meeting at the full Council meeting.
- 30.7 Reports from Isle of Wight Councillors to be in writing and adhered to as set out in item 30.6.

### **31 PUBLICATION OF TOWN COUNCIL DOCUMENTS / INFORMATION.**

- 31.1 Agendas for all meetings of the Town Council & Committees to be placed on the Town Council notice board giving 5 days' notice of meeting.
- 31.2 Electronic Agendas to be sent to all Town Councillors, as per the electronic agenda scheme.
- 31.3 Hard copy Agendas to be posted / hand delivered to those Town Councillors who have opted out of the electronic agenda scheme.
- 31.4 Agendas for all meetings of the Town Council & Committees to be displayed on the Town Council website giving 5 days' notice of meeting.
- 31.5 All Minutes of the Town Council & Committee meetings to be displayed on the Town Council website as soon as is practicably possible after each meeting (and in draft format prior to approval).
- 31.6 The following details to be displayed on the Town Council website and notice board:
  - Town Councillor contact details.
  - Town Councillor appointments to Committees.
  - Town Councillor appointments to outside bodies.
- 31.7 Town Councillors' Register of Interests are available for inspection as a hard copy at the Town Council Office or on the Town Council website.