



# Seaham Town Council

## Standing Orders Guidance Notes for Elected Members



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# 1 – Basic Principles

(NOTE: In this part the word "Chairman" means the person actually presiding at a meeting)

- 1.1 The Officers and Agents of the Council must act as the Council's executive and carry on its decisions. They cannot do this properly unless they have instructions which they can understand.
- 1.2 It is the primary, if not the only function of the Council to frame instructions upon which people can act; even a decision to take no action is an instruction.
- 1.3 The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to reach, without unreasonable delay, an intelligible and lawful decision for the right reasons.
- 1.4 *Authority of the Chair*

The duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-

- Protect the Council against outside interference;
- Ensure that everything to be discussed is lawful;
- Ensure that the Council is invited to deal with clear issues;
- Ensure that as far as possible information is complete;
- Permit every point of view to have a fair hearing.
- Ensure that opinions expressed are relevant to the matter in hand;
- Ensure that business is transacted with reasonable speed;
- Ensure as far as possible that proceedings are friendly and free from personalities;
- Co-operate with the Officers and Councillors.

- 1.5 The office of Chairman of a Local Authority is created by statute which has conferred upon the occupant of the Chair a second or casting vote on all occasions but one. His authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.
- 1.6 Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and his rulings must be obeyed by an individual Councillor because they are the rulings of the Council itself. It follows from this that the Chairman cannot overrule the Council and that a Councillor who is dissatisfied by the Chairman's rulings may invite the Council to disagree with it.

Such appeals against the Chair are and ought to be very rare.

- 1.7 The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases his right (in comparison with other Members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy which are not possessed by other Members.

- 1.8 Before any meeting the Chairman should study the subjects for the Agenda with the Officers and should ask in respect of each item the following questions:-
- What does it mean?
  - Is it lawful?
  - Is there any Member who may have a pecuniary interest?
  - Do we know enough about it?
  - Has any Member special knowledge of this problem?

## **2 – Outside Interference**

- 2.1 Proceedings may be deflected by public pressure or private influence. Not all such pressures or influences are improper but certain forms of them are, and a Chairman must be ready to deal with them.

## **3 – Public Disturbances**

- 3.1. No one is entitled to interrupt or obstruct the proceedings of the Council or its Committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence, he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussions, that the interrupter be excluded, and if he fails to leave he should be removed by force.

Care should be taken to use no more force than is necessary. It is essential to call in the Police.

- 3.2 The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to exclude the public from any future meeting, and the press is in a privileged position inasmuch as its representatives must, so far as possible, be given facilities for taking their reports.

## **4 – Pecuniary Interests**

- 4.1 The law requires that where a Member has a direct or indirect pecuniary interest in "any contract, proposed contract or other matter" he must disclose it and take no further part in the proceedings.
- 4.2 The Chairman should, before a meeting, consider whether any Member (including himself) may have any such pecuniary interest, and should draw the individual Member's attention to the possibility before it starts. It is the Chairman's duty to challenge a Member if he has reason to think that the latter is an interested party, but such a challenge should not as a rule be made without previous warning.

## 5 – Rulings on Notices

- 5.1 The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important he should adjourn the meeting until it has been corrected. The words of the statute should not be interpreted to support an abuse.

## 6 – Quorum

- 6.1 No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where something of importance cannot be done by the Council because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter and apply to the County Council for removal of the disqualifications: it may sometimes be desirable to obtain the support of the Town meeting for the application.

## 7 – Ultra Vires Proposals

- 7.1 The Chairman and Town Clerk should satisfy themselves that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the Agenda. The "Free Two Pence" (see Local Government Act, 1913, s. 137) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution.

## 8 – A Clear Issue

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

## 9 – The Affirmative Form

9.1 The simplest and most exact method of putting a question to the vote is by the use of the following formula:-

"The resolution is as follows:-

(e.g.) 'That a donation be given to the Sea Cadets of £-- per year'  
The motion is that this resolution be agreed to".

## 10 – Separating the Issues

10.1 In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principle.

10.2 Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them into the form of an amendment to the other; for instance, if the Council considers that it can afford a swimming pool or a new playing field but not both, a decision to provide whichever one in preference to the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

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

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

"The resolution is that a swimming pool be provided. To this the following amendment has been moved:-

Leave out the words 'swimming pool' and substitute the words 'new playing field'."

Not be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting the resolution as amended to the vote.

## 11 – Method of Voting

11.1 The rules on the manner in which decisions are taken are pre-emptory and admit no exceptions. Appointments to employments must be decided in the same way as other questions. A quick method of eliminating numerous candidates is outlined in Standing Orders.

## **12 – Completeness of Information**

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

## **13 – Impartiality**

- 13.1 When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for an against a proposal to speak alternately and himself to avoid speaking first or last.
- 13.2 Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason, mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a Member may speak are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

## **14 – Relevance – General Rule**

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

## **15 – Personalities**

- 15.1 The Chairman should do his best to prevent personal observations in discussions; the custom whereby speeches are in form addressed to the Chairman only should be observed because it forces Members to employ an impersonal mode of expression.

## **16 – Methods of Enforcement**

- 16.1 Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious, the Chairman may often find it convenient to ask the speaker how his remarks relate to the issue.

## **17 – Revival of Decided Issues**

- 17.1 The Chairman should not allow a matter which has been decided to be re-opened at the same meeting. An attempt to "hark back" to a previous Agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion.

## **18 – Minutes**

- 18.1 One of the commonest irrelevancies is the practice of attempting to discuss the merits of what is contained in the Minutes on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the Minutes accurately record the events which they purport to describe.

## **19 – Reasonable Despatch**

- 19.1 It is important that business should be transacted with reasonable speed. Long meetings bore the Members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity.

## **20 – Intervals**

- 20.1 A Town Council cannot expect to be consulted regularly by other bodies such as the County Council if it does not answer letters reasonably promptly. For this reason it should meet regularly and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings, the more ready he should be to call them. The right of Town, Parish and Community Councils to be notified of planning applications makes this especially important.

## **21 – Obstruction at Meetings**

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

## 22 – Repetition

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

## 23 – Points of Order

- 23.1 Points of order relate to procedure and take precedence over all other business. It is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and may be answered by the speaker or ruled out of order by the Chairman as appropriate. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out as not a point of order because the answer to the question may determine which way the Members will vote, and must therefore be decided by the discussion. If, however, the interruption had been "on a point of order, have we power to do this?" the Chairman, in consultation with the Town Clerk must give a ruling on this because if the answer is "No", no effective vote can take place.

## 24 – Procedural Resolution

- 24.1 Procedural Resolutions should be put without discussion. The usual exceptions are resolutions to (a) correct Minutes, (b) alter the order of business, or (c) refer to Committee.

## 25 – Closure Motions

- 25.1 The following are the respective effects of closure motions:-
- On the passing of a resolution to proceed to next business proceedings on the business in hand come to a stop and no decision upon it can be taken.
  - On the passing of a resolution that the question be now put the mover is usually entitled to reply before the question is put. By custom the Chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
  - A resolution to adjourn a discussion or a meeting does not affect the course of discussion in progress when it was passed; therefore the discussion may later be resumed at the point where it was interrupted.

## 26 – Amendments

- 26.1 An amendment which in substance negatives the principal resolution should not be allowed because it is confusing and unnecessary.
- 26.2 An amendment should always be put to the vote before the words which it seeks to amend.

## **27 – Any Other Business**

- 27.1 The summons to a meeting of a Town Council must specify the business to be transacted; a Town Council must avoid the general heading of "any other business" because these words do not specify anything. It is a discretionary issue for the Chairman to determine the suitability of genuine urgent "any other business" items.

## **28 – Use of Chairman's Casting Vote**

- 28.1 Save on one occasion (See Standing Order 5.3 the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other Members are voting, but it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against: I therefore vote in favour which makes it even".
- 28.2 Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not a majority, he may declare the resolution not carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

## **29 – Presence of the Press and Public**

- 29.1 In principle the public is entitled to be present at all meetings of the Council and should be admitted to those of its Service Committees. The Council or a Committee however, may exclude the press and public for a particular item of business, if it thinks that such exclusion is in the public interest.

## **30 – Reasonable Despatch**

- 30.1 The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by adjourning for a short time (say 20 minutes) and permitting members of the public present to put questions to the Councillors or to make observations. Such situations are entirely for the discretion of the Council.

## **31 – Length of Meetings**

- 31.1 Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a standing order.
- 31.2 Councillors may well find it advantageous to establish a custom.