

HYTHE TOWN COUNCIL

TOWN MEETING

STANDING ORDERS

STANDING ORDERS WITH RESPECT TO TOWN MEETINGS

STATUTORY PROVISIONS

Some matters concerning which a Council would normally make a standing order have been laid down in Acts of Parliament and are therefore compulsory.

For the convenience of Councillors some of the statutory provisions are incorporated herein and are printed in italic type.

The Standing Orders based on the statutory provisions have been printed in **heavy type**.

This is so that Councillors can have available in one document a complete procedural code, which includes the prescribed statutory elements and the discretionary rules adopted by Council as Standing Orders for Town Meetings properly so-called.

Statutory provisions cannot be suspended or amended, as can the Standing Orders made by Council. (See Appendix 1 (6) Variation or Revocation of Standing Orders).

NB For easy reference the appropriate statutory references are printed as sub-headings and the following abbreviation has been used for the title of the Act of Parliament:

LGA 72 – Local Government Act 1972

TOWN MEETING STANDING ORDERS

STATUTORY PROVISIONS

(LGA 72, Sch.12 Part III, Paragraphs (14)(22))

14-(1) The town meeting of a parish shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year.

14-(2) Subject to sub-paragraph (1) above town meetings shall be held on such days and at such times as may be fixed by the Town Council, by the Town Mayor.

14-(3) -----

14-(4) The proceedings at a town meeting shall not commence earlier than 6 0'clock in the evening.

14-(5) A town meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

15-(1) A town meeting may be convened by:

- (a) the Town Mayor, or*
- (b) any two Parish Councillors for the parish, or*
- (c) -----*
- (d) any six local government electors for the parish.*

15-(2) Not less than seven clear days, or, in a case falling within sub-paragraph (s) below, not less than fourteen clear days, before a town meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.

15-(3) The fourteen day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a town meeting relates to:

- (a) the establishment or dissolution of a Parish Council, or*
- (b) the grouping of the parish with other parish or parishes under a common Parish Council.*

15-(4) Public notice of a town meeting shall be given:

- (a) *by posting a notice of the meeting in some conspicuous place or places in the parish, and*
 - (b) *in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.*
- 16- *The Town Mayor shall be entitled to attend a town meeting for the parish whether or not he is a local government elector for the parish, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 18(3) below.*
- 17-(1) *In a parish having a separate Town Council the Town Mayor, if present, shall preside at a town meeting and if he is absent the Deputy Town Mayor (if any) shall, if present reside.*
- 17-(2) -----
- 17-(3) *If the Town Mayor and Deputy Town Mayor, as the case may be, are absent from an assembly of the town meeting, the town meeting may appoint a person to take the Chair, and that person shall have, for the purposes of that meeting, the powers and authority of the Chairman of the meeting.*
- 18-(1) *Subject to the provisions of this Act, each local government elector may, at a town meeting or at a poll consequent thereon, give one vote and no more on any question.*
- 18-(2) *A question to be decided by a town meeting shall, in the first instance, be decided by the majority of those present and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.*
- 18-(3) *In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.*
- 18-(4) *A poll may be demanded before the conclusion of a town meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, which ever is the less.*
- 18-(5) *A poll consequent on a town meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to the election of Parish Councillors under section 36 of the Representation of the People Act 1983 and the enactments mentioned in section 18 7(1) of that Act shall, subject to any adaptations, alterations or exceptions*

made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of Parish Councillors.

18-(6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

19-(1) Minutes of the proceedings of a town meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the town meeting, or, as the case may be, meeting of the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.

19-(2) Until the contrary is proved, a town meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed shall as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

20-(1) Subject to the provisions of this Act, in a parish having a separated Town Council the town Council may make, vary and revoke Standing Orders for the regulation of proceedings and business at town meetings for the parish.

20-(2) -----

21-(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a town meeting on such terms and conditions as the Treasury may determine.

21-(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.

22- If any person, in a poll consequent on a town meeting:

- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or*
- (b) without due authority supplies a ballot paper to any person; or*
- (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or*
- (d) fraudulently takes out of the polling station any ballot paper; or*

- (e) *without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;*

he shall:

- (i) *if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and*
- (ii) *in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £2000 or both.*

TOWN MEETING STANDING ORDERS

1. **Proceedings shall not begin before 6.00 pm.**
2. **The Town Mayor (if present) shall be the Chairman of the meeting.**
3. **If the Town Mayor is absent the Deputy Town Mayor shall be the Chairman of the meeting.**
4. **If both the Mayor and Deputy Town Mayor are absent the meeting shall appoint a chairman before it proceeds to any other business.** The person appointed shall have, for the purposes of the meeting, the Town Mayor's powers and authority as Chairman of the meeting. The person so appointed need not be a Town Councillor.
5. The Town Clerk shall be called upon to record the proceedings of the Annual Town Meeting.
6. In all other cases the person presiding at the meeting may record the proceedings or may appoint another to do so. The callers of a Town Meeting shall be entirely responsible for the administration of the meeting, including the preparation and publication of the Notice of Meeting.
7. In relation to the Annual Town Meeting, as soon as the chair has been filled and provision made for the recording of the proceedings the minutes of the previous meetings shall be read, considered, **and if correct signed by the person presiding at the meeting.** Minutes of extra-Town Meetings held during the course of the year shall be brought before the Annual Town Meeting for such consideration.
8. After the minutes have been signed the order of business of the Annual Town Meeting shall be as follows:
 - (1) To receive the Annual Report of the Town Council. To include any presentations of Mayor Charity Fund bequests.
 - (2) To receive a statement of the Town Council's accounts for the year ended the previous 31st March.
 - (3) To receive the Council's observations on its finances for the current year.
 - (4) To receive the Report of the Kent County Councillor and a nominated Shepway District Councillor for the Town.

- (5) To receive the Report of the delegates to the County Association of Parish Councils.
- (6) To receive statements and reports from representatives of the voluntary organisations in the Town.
- (7) To consider resolutions of which written notice has been given.

APPENDIX 1

PROCEDURE AT TOWN MEETINGS

1. Discussion and Voting – Entitlement

Only those persons registered in the current Register of Electors are entitled to discuss and vote upon matters brought before the Town Meeting. Facilities should be made available for those attending to record their names and addresses by those persons calling the meeting.

2. Rules of Procedure
 - (1) The Chairman may vary the order of business, as set out in the Agenda, at his / her discretion.
 - (2) An elector wishing to speak shall, when invited so to do, stand and give his name and address before speaking.
 - (3) Every motion shall be relevant to some matter in relation to which the Town Council has powers or duties, or which otherwise affects its area.
 - (4) Motions or amendments shall not be discussed until proposed and seconded and, if required by the Chairman, shall be put into writing.
 - (5) No speaker may address the meeting on any motion or amendment for a period of more than five minutes, but the meeting, by a majority vote, may agree that he may continue for one further period of two minutes which shall be the maximum period (seven minutes) allowed for any speaker, with the exception of the Chairman. This arrangement to be without prejudice to the right of the Chairman, at any time, to accept and put to the vote a motion “that the speaker be not further heard”, which, if carried, shall be immediately effective to bar the speaker from speaking further.
 - (6) Only one amendment shall be moved and discussed at a time and, if carried, the motion, as amended, shall become the motion upon which further amendments may be moved.
 - (7) The mover of a motion or amendment may, with the consent of his seconder, alter or withdraw any such motion or amendment.
 - (8) An elector may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech made by him at the same meeting which may have been misunderstood. An elector so rising shall, if the Chairman so decides, be entitled to be heard forthwith.

3. Disorderly Conduct
 - (1) No person shall at a Town Meeting disregard the ruling of the Chairman or willfully obstruct business, or behave irregularly, offensively, or improperly.
 - (2) If, in the opinion of the Chairman a person has broken the provisions of paragraph (1) of this Order, the Chairman shall express that opinion to the meeting and thereafter any person may either move –

“that the person named be no longer heard”, or

“that the person named do leave the meeting”

and the motion, if seconded, shall be put forthwith and without discussion.

- (3) If either of the motions mentioned in paragraph (2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
- (4) In the event of general disturbance which, in the opinion of the Chairman, renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him, may, without question put, adjourn the meeting for such period as he in his discretion shall consider expedient.

4. Adjournment of Meeting

The Chairman shall have the general power to adjourn the meeting if, in his opinion, this is appropriate in the circumstances.

5. Voting

- (1) Each elector may exercise only one vote on any question.
- (2) Questions will be decided by a majority of the electors present and voting, and the decision of the Chairman as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes the Chairman shall have a casting vote in addition to any other vote he may have.

6. Variation or Revocation of Standing Orders

Any motion submitted to the Town Council to add to, vary or revoke any of these Standing Orders (insofar as they are not statutory) shall, when proposed and seconded, stand adjourned without discussion to the next ordinary or statutory meeting of the Town Council.

(Note: The power of making, amending or revoking Standing Orders for the regulation of the proceedings and business of a Town Meeting is vested in the Town Council and not the Town Meeting.)

7. Interpretation of Standing Orders

The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any other matter arising at the meeting, shall not be challenged.