

# River Yealm Harbour Authority

Harbour Office: Yealm Steps, Yealm Road, Newton Ferrers, Devon PL8 1BN. TEL. PLYMOUTH (01752) 872533

## REFERENCE

## STANDING ORDERS

## AUTHORITY

### MEETINGS

1. Meetings of the Authority shall be held at Newton Ferrers or Noss Mayo at 7.30 o'clock in the evening, unless the Authority otherwise decides.
2. The Annual Meeting shall be held in the month of April each year.
3. At least seven ordinary meetings shall be held in each year. At least 7 clear days notice shall be given of every meeting other than a special meeting.
4. The Chairman of the Authority may summon a special meeting of the Authority at any time. A special meeting shall also be summoned on the requisition in writing of not less than three of the members of the Authority. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting. At least 3 clear days notice shall be given of a special meeting.
5. The person presiding at a meeting may exercise all the powers and duties of the Chairman, in relation to the conduct of the meeting.

### QUORUM

6. Five members shall constitute a quorum, but a motion to suspend standing orders shall not be moved without notice unless at least seven members of the Authority are present.
7. If a quorum is not present when the Authority meets, or if during a meeting, the number of members present 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.
8. The proceedings of the Authority shall not be invalidated by any vacancy in their number or by any defect in the appointment or election, or qualification for appointment, or election of any person as a member.

### VOTING

9. Members of the Authority shall vote by show of hands.
10. If any member of the Authority 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.
11. In the event of an equality of votes, the Chairman shall have a second or casting vote.

### ORDER OF BUSINESS

12. At the Annual Meeting the first business shall be
  - (a) To elect a Chairman
  - (b) To elect a Vice-Chairman
  - (c) To inspect any deeds and trust instruments in the custody of the Authority; .....and shall thereafter follow the order set out in standing order 14.
13. At every meeting other than the Annual Meeting the first business shall be the appointment of a Chairman if the Chairman and Vice-Chairman be absent.
14. After the first business has been completed, the order of business unless the Authority otherwise decides on the ground of urgency, shall be as follows: -

- (a) To read and consider the Minutes of the previous 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. After approval, the Minutes shall be signed by the Presiding Chairman as a correct record.
- (b) To dispose of business, if any, remaining from the previous meeting.
- (c) To receive correspondence and consider such matters as the Presiding Chairman may wish to bring to notice.
- (d) To receive and consider reports from officers of the Authority.
- (e) To authorise the signing of orders for payment.
- (f) To consider motions in order in which they have been notified.
- (g) Any other business at the discretion of the Chairman.

15. A motion to vary the order of business

- (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 mover has given notice in writing of its terms, and has delivered the notice to the Clerk at least ten clear days before the next meeting of the Authority.
- 17. The Clerk shall date every notice of motion when received by him, shall number each notice in the order in which it is received, and shall enter it in a book, which shall be open to the inspection of every member of the Authority.
- 18. 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 such notice has stated in writing that he intends to move his resolution at some later meeting or that he withdraws it.
- 19. If the resolution specified in the summons be not moved, it shall, unless postponed by the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 20. Every resolution shall be relevant to some question over which the Authority has power or which affects the Harbour.

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

- 21. 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 members thereof;
- (i) To adopt a report;
- (j) To authorise the sealing of documents;
- (k) To amend a motion;
- (l) To give leave to withdraw a motion or an amendment;
- (m) To extend the time limit for speeches;
- (n) To consider in public a question affecting an employee of the Authority;
- (o) To suspend Standing Orders;
- (p) To exclude the press;
- (q) To exclude the public;
- (r) To silence or eject from the meeting a member named for misconduct;
- (s) To invite a member of the Authority having an interest in the subject matter under debate to remain;
- (t) To give the consent of the Authority where such consent is required by these Standing orders.

**QUESTIONS**

- 22. A member may, if two clear days notice has been given, ask the Chairman any question concerning the business of the Authority.
- 23. Every question shall be put and answered without discussion.
- 24. A person to whom a question has been put may decline to answer.
- 25. An answer may take the form of: -
  - (a) A direct oral answer;
  - (b) Where the information is contained in a publication, a reference to that publication;
  - (c) Where an oral reply cannot be given conveniently a written answer circulated to members of the Authority.

**RULES OF DEBATE**

- 26. Corrections to the Minutes shall be made only by resolution.
- 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 declare his intention to do so, reserve his speech until a later period of 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 shall exceed five minutes, except by the consent of the Authority.
  - (e) An amendment shall be either:
    - To leave out words,
    - To leave out words and insert or add others,
    - To insert or add words,
  - (f) An amendment shall not have the effect of negating the motion before the Authority.
  - (g) If an amendment be carried, the resolution, as amended shall take the place of the original resolution and shall become the substantive motion upon which any further amendment may be moved.
  - (h) A further amendment shall not be moved until the Authority has disposed of every amendment previously moved.
  - (i) The mover of a resolution or amendment shall have the right of reply.
  - (j) A member, other than the mover of the resolution, shall not speak more than once on any resolution except to move an amendment or further amendment, or on an amendment or on a point of order, or in personal explanation, or to move the closure.
  - (k) A member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
  - (l) A motion or amendment may be withdrawn by the proposer with the unanimous consent of the Authority, 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.
  - (m) 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 now be 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 or press or both.
    - (ix) To adjourn the meeting.
- 28.
- (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - (b) Members shall address the Chairman.
  - (c) If two or more members wish to speak the Chairman shall call upon one of them to speak and the other shall remain silent.
  - (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

**CLOSURE**

29. At the end of any speech a member may, without consent, move “that the question be now put”, “that the debate be now adjourned”, or “that the Authority do now adjourn”. If such motion is seconded and if the Chairman is of the opinion that the question before the Authority has been sufficiently debated (but not otherwise) he shall forthwith put the motion. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Authority shall not prejudice the mover’s right of reply at the resumption.

**DISORDERLY CONDUCT**

30. (a) No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving irregularly, offensively, improperly or in such manner as to scandalise the Authority or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairman, a member has so misconducted himself, the Chairman shall express that opinion to the Authority 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 steps as may be reasonably necessary to enforce it.

**RIGHT OF REPLY**

31. The mover of a resolution shall have the right of 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**

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

**RECISSION OF PREVIOUS RESOLUTION**

33. (a) A decision (whether affirmative or negative) of the Authority shall not be reversed within six months save by a resolution carried by a two-thirds majority of those present and voting.
- (b) When such resolution has been disposed of, no similar resolution may be moved during the next six months.
- (c) This standing order shall not apply to resolutions moved in pursuance of the report or recommendation of a Committee.

**VOTING ON APPOINTMENTS**

34. When more than two persons have been nominated for any position to be filled by the Authority, 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 AUTHORITY**

35. 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 Authority, it shall be considered by the Authority in private.

**EXPENDITURE**

36. (a) The payment of all routine salaries, wages and payments associated therewith, as well as other routine expenditures individually not exceeding £5,000 and in aggregate not exceeding £10,000 in any one month may be authorised by the Harbour Master and the Office Manager and they may execute orders for such payments.
- (b) The payment of all non-routine expenditures, individually not exceeding £3,000 and in aggregate not exceeding £6,000 in any one month may be authorised by any two of: the Chairman; Vice-Chairman and any other member.
- (c) All other expenditure and orders for the payment of money shall be authorised by resolution of the Authority.
- (d) To validate any such payments:  
(i) A report of payments and expenditures shall be submitted for review at the next meeting of the Authority.  
(ii) The Chairman or Vice-Chairman will review monthly bank statements.
- RYHA 53/83  
RYHA 06/02  
RYHA121/19

**SEALING OF DOCUMENTS**

37. A document shall not be sealed on behalf of the Authority, under Clause 2 of the 1981 Revision Order unless its sealing has been authorised by a resolution.

**COMMITTEES AND SUB-COMMITTEES**

38. The Authority may, at any meeting, appoint Committees, but subject to any statutory provision in that behalf: -
- (a) Shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting, and
- (b) May at any time dissolve or alter the membership of a Committee.
39. The Chairman and Vice-Chairman of the Authority shall be members of every Committee.
40. Every Committee shall, at its first meeting, before proceeding to other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Authority.
41. The quorum of a Committee shall be one half of its members.
42. The Standing Orders on rules of debate (except that relating to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to Committee meetings insofar as they are appropriate.

**VOTING IN COMMITTEES**

43. Members of Committees shall vote by show of hands.
44. Chairmen of Committees shall, in the event of an equality of votes, have a second or casting vote.

**PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

45. A member who has proposed a motion, which has been referred to any Committee of which he is not a member, shall be entitled to explain his motion to the Committee but shall not vote.
46. Every member of the Authority shall be entitled to attend the meetings of all Committees unless the Authority resolves otherwise. A member of the Authority may not vote at a meeting of a Committee of which he is not a member, and may speak only if invited to do so by the Presiding Chairman.

**ACCOUNTS AND FINAL STATEMENT**

47. (a) Except as provided in paragraph (b) of this Standing Order, all accounts for payment and claims upon the Authority shall be laid before the Authority.
- (b) Where it is necessary to make a payment in respect of an account, which has not been laid before the Authority, such payment shall be certified as to its correctness and urgency by the appropriate officer, and subsequently reported to the Authority at its next meeting.
48. The Clerk shall supply to each member at the ordinary meeting next after the end of the financial year, a statement of receipts and payments.
49. Accounts of each financial year of the Authority shall be audited by a duly appointed auditor or auditors and the audited accounts shall be at all reasonable times, be open to public inspection and transaction.

**INTERESTS OF MEMBERS, OFFICERS AND THEIR RELATIVES IN CONTRACTS AND OTHER MATTERS**

50. A member of the Authority shall declare any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and shall, while it is under consideration by the Authority, withdraw from the meeting unless: -
- (a) The Authority invites him to remain, or
- (b) 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 holding by a member of the Authority of a mooring licence granted by the Authority shall not of itself preclude him from speaking and voting on matters concerning mooring policy and charges in general. This Article shall however apply to matters affecting a member's mooring or class of moorings in particular.
51. If a candidate for any appointment under the Authority is, to his knowledge, related to any members of, or the holder of any office under the Authority, he shall disclose his 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. Every member and officer of the Authority shall disclose to the Authority any relationship known to him to exist between himself and a candidate for appointment. The Clerk shall report to the Authority or to the appropriate Committee any such disclosure. Where relationship to a member of the Authority is disclosed, the standing orders on interests of members in contracts and other matters shall apply.
52. 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 Authority 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 of the Authority.

**CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

53. (a) Canvassing of members or of any Committee, directly or indirectly, for any appointment under the Authority shall disqualify the candidate for such appointment.
- (b) A member of the Authority shall not solicit for 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 Authority with an application for appointment.

**INSPECTION OF DOCUMENTS**

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

copy.

55. All Minutes kept by the Authority and by any Committee shall be open for the inspection of any member of the Authority and the public during normal office hours.

**INSPECTION OF LANDS AND PREMISES**

56. No member shall, in the name of the Authority inspect any lands, premises, moorings or vessels, which the Authority has the right or duty to inspect, unless authorised to do so by the Authority.

**ISSUE OF ORDERS**

57. No member of the Authority or of any Committee shall issue any orders on behalf of the Authority or shall issue any orders in respect of anything being done for the Authority unless authorised to do so by the Authority.

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

58. The public and press shall be admitted to all meetings of the Authority which may, however, temporarily exclude the public or the press or both by means of the following resolution: -

“That in the view of the special nature of the business about to be transacted, it is the opinion of this Authority that it is advisable in the public interest that the

press  
public and press  
public

be temporarily excluded from the meeting.”

59. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning order, direct that he be removed from the meeting.

**CONFIDENTIAL BUSINESS**

60. No member of the Authority or of any Committee shall disclose to any person not a member of the Authority, any business declared to be confidential by the Authority or the Committee as the case may be.

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

61. Any standing order save those relating to the quorum may be suspended by resolution in relation to any specific item of business.
62. A motion to vary or revoke a standing order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

**DOCUMENTS TO BE GIVEN TO MEMBERS**

63. Copies of : The Yealm Harbour Revision Order 1981; the River Yealm Harbour Bye-laws; the Authority’s Policies; the River Yealm Harbour Authority Regulations; the Department for Transport Ports Good Governance Guidance; The Port Marine Safety Code, and the RYHA Handbook (an introduction for new members)’. These standing orders shall be given to each member of the Authority by the Clerk, upon delivery to him of the member’s declaration of acceptance of office.

RYHA 79/22

**STANDING ORDER ON CONTRACTS**

64. (a) All contracts for the supply of goods, materials or services to the Authority exceeding £3,000 shall be authorised by resolution of the Authority.  
(b) The Authority will seek at least 2 separate quotations. The decision on which quotation to select will be based on, amongst other considerations, price, quality and, where appropriate, technical capabilities.

RYHA 04/82  
RYHA 70/90  
RYHA 06/02  
RYHA121/19



**AMENDMENT LIST – DELETED/AMENDED****EXPENDITURE**

- (a) The Chairman or Vice Chairman and one other member may authorise: - RYHA 53/83
- (i) the payment of routine salaries, wages and payments associated therewith; and in addition,
  - (ii) other expenditure not exceeding £300 in any one month.
  - (iii) they may execute orders for such payments.
- (b) A report of all such payments and expenditure shall be submitted for approval at the next meeting.
- (c) All other expenditure and orders for the payment of money shall be authorised by resolution of the Authority.
- (d) All cheques shall be signed by two members.

**STANDING ORDER ON CONTRACTS**

64. (a) Where it is intended to enter into a contract exceeding £350 but not exceeding £2,000 in value for the supply of goods or materials or for the execution of works or supply of services, the Clerk shall give public notice of such intention in the same manner as public notice of meetings of the Authority is given, except in case of emergency. RYHA 04/82  
RYHA 70/90
- (b) The notice shall state the general nature of the intended contract and shall in addition state the name and address of the person to whom tenders are to be addressed, and the last date by which those tenders should reach that person in the ordinary course of post.
- (c) If no tenders are received or if all the tenders are identical, the Authority may make such arrangements for procuring the goods, materials or services or executing the works as it thinks fit.
- (d) The Authority shall ensure that any contractor carrying out work for or on behalf of the Authority shall be adequately insured.

**EXPENDITURE**

36. RYHA121/19
- (a) The Chairman or Vice Chairman and one other member may authorise: -
- (i) The payment of rent payable under leases approved by the Authority, rates, utility bills, routine salaries, wages and payments associated therewith; and in addition,
  - (ii) other expenditure not exceeding £2,000 in any one month.
  - (iii) they may execute orders for such payments.
- (b) A report of all such payments and expenditure shall be submitted for approval at the next meeting.
- (c) All other expenditure and orders for the payment of money shall be authorised by resolution of the Authority.

- (d) All cheques shall be signed by two members.

**STANDING ORDER ON CONTRACT**

64. In letting contracts the Authority shall ensure, having regard to the size of the RYHA121/19 contract, that the best price is obtained by open tender where appropriate.