

**MENWITH with DARLEY PARISH COUNCIL – STANDING ORDERS**

(adopted 27 April 2009 &amp; reviewed on )

**1. Meetings**

- a. Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct. There shall normally be 10 meetings held each year.

**2. The Statutory Annual Meeting**

- a. **In an election year the Annual Meeting of the Parish Council shall be held on or within 14 days following the day on which the councillors elected take office and**
- b. **In a year which is not an election year the Annual Meeting of the Parish Council shall be held on such day in May as the Council may direct.**

**3. Annual Meetings**

- a. **In addition to the Statutory Annual Meeting of the Parish Council at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**
- b. An Annual Parish Meeting (normally known as the Parish Assembly) must be held between 1<sup>st</sup> March and 31<sup>st</sup> May each year (normally in April). The purpose of the meeting is to report the activities of the Parish Council to the people of the parish and to give parishioners the opportunity to speak and to question Councillors.

**4. Chairman of the Meeting**

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

**5. Proper Officer**

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk : -

- To receive declarations of acceptance of office.
- To receive and record notices disclosing interests at meetings.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- To receive copies of bylaws made by another local authority.
- To certify copies of bylaws made by the Council.
- To sign and issue the summons to attend meetings of the Council.
- To keep proper records for all Council meetings.

The following authorities shall be delegated to the Proper Officer

- Authorisation of emergency expenditure up to £250 (Cheque to be signed by 2 Councillors, and expenditure to be authorised at next meeting)
- Liaison with Highways and Footpaths authorities
- Liaison with planning authorities to secure additional time for consultation or to secure additional information

**6. Quorum of the Council**

- a. **Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**
- b. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

## 7. Voting

- a. Members shall vote by show of hands or, if at least two members so request, by signed ballot or secret ballot.
- b. **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. Such a request must be made before moving on to the next business.**
- c. **Subject to (i) and (ii) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
  - (i) **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.**
  - (ii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

## 8. Order of Business

- a. **At each Annual Meeting of the Parish Council the first business shall be:-**
  - i. **To elect a Chairman of the Council**

This will be followed by items including:
  - ii. To receive any declarations of acceptance of office which have not been received.
  - iii. To receive undertakings of Compliance with Model Code of Conduct following the election of a new Council
  - iv. To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - v. In the ordinary year of election of the Council to make efforts to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - vi. To elect a Vice-Chairman of the Council.
  - vii. To appoint representatives to outside bodies, where appropriate.
  - viii. To appoint committees and sub-committees, where appropriate.
  - ix. To review if required Internal Audit Procedures, Risk Assessment Strategy, Financial Regulations and Standing Orders
  - x. To review annual insurance policy to ensure adequate coverand shall thereafter follow the order set out in the paragraph d) below.
- b. At every meeting, other than the Annual Meeting of the Parish Council, the first business shall be to appoint a Chairman if the **Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- c. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 20 must be read in conjunction with this requirement.
- d. After the first business has been completed, the order of business shall be as laid down in the Agenda, unless the Council otherwise decides on the ground of urgency. Business shall normally include:
  - To declare Public Open Time to allow parishioners to address the Council
  - To note any apologies for absences received from Councillors
  - **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - **To deal with business expressly required by statute to be done.**

- If necessary, to authorise the signing of orders for payment, and discuss any other matters relating to financial issues.
- To receive and discuss correspondence received by the Council.  
Correspondence that requires no action or that which does not specifically relate to this Council will be circulated to Members in the Circulation Papers
- To receive updates on on-going matters
- To receive information on planning decisions and consider planning applications.
- To receive reports and minutes from local organisations where appropriate
- To confirm the date of the next Council meeting.
- To discuss and consider other topics that have been placed on the agenda

9. Urgent Business

A motion to vary the order of business on the ground of urgency:

- 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
- Shall be put to the vote without discussion.

10. Resolutions Moved On Notice

- a. 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 of its terms and has delivered the notice to the Clerk at least ten clear days before the next meeting of the Council.
- b. The Clerk shall date every notice of resolution or recommendation when received by him and shall number each notice in the order in which it was received.
- c. 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.
- d. 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.
- e. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- f. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

11. Resolutions Moved Without Notice

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 motion.
- l. To give leave to withdraw a resolution or amendment.
- m. To extend the time limit for speeches.
- n. To exclude the press and public. (see Standing Order 36)
- o. To silence or eject from the meeting a member named for misconduct. (see Standing Order 15)
- p. To give the consent of the Council where such consent is required by these Standing Orders.
- q. To suspend any Standing Order. (see Standing Order 42)
- r. To adjourn the meeting.

## 12. Questions

- a. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided ten clear days notice of the question has been given to the person to whom it is addressed.
- b. Questions not connected with business under discussion shall not be asked.
- c. Every question shall be put and may be answered without discussion.
- d. A person to whom a question has been put may decline to answer.

## 13. Rules of Debate

- a. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- b. 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.
- c. 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 of the debate.
- d. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- e. No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed two minutes except by consent of the Council.
- f. An amendment shall be either:-
  - To leave out words.
  - To leave out words and insert others.
  - To insert or add words.
- g. An amendment shall not have the effect of negating the resolution before the Council.
- h. 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.
- i. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- j. The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.
- k. A member, other than the mover of a resolution, shall not, without leave of the Council, 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 a closure.

- l. A member may speak on a point of order or a personal explanation. A member speaking 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.
- m. 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.
- n. 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 leave the meeting.
  - vii. That the resolution be referred to a committee.
  - viii. To exclude the public and press.
  - ix. To adjourn the meeting.
- o. A member shall remain seated when speaking unless requested to stand by the Chairman.
- p. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- q. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
  - r. Whenever the Chairman speaks during a debate all other members shall be silent.

#### 14. Closure

At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he is of the opinion that the question before the Council has been sufficiently debated. 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 Council shall not prejudice the mover's right of reply at the resumption.

#### 15. Disorderly Conduct

- a. **All members must observe the Code of Conduct which was adopted by the council on 27 April 2009, or any subsequent Code of Conduct adopted by the Council, a copy of which is annexed to these Standing Orders.**
- b. 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 bring the Council into disrepute.**
- c. If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) 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. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board.**

- d. If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

16. Right of Reply

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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

17. Alteration of Resolution

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

18. Rescission of Previous Resolution

- 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 five members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b. When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

19. Voting On Appointments

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.

20. Discussions and Resolutions Affecting Employees of the Council

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 press and public shall be excluded. (see Standing Order No. 36)

21. Resolutions on Expenditure

Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

## **22. Expenditure**

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

### 23. Sealing of Documents

- a. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b. Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

### 24. Committees and Sub Committees

- a. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
  - Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
  - May appoint persons other than members of the Council to any Committee; and
  - May subject to the provisions of Standing Order 18 above at any time dissolve or alter the membership of committee.
- b. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
- c. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

### 25. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

### 26. Sub-Committees

- a. Every committee may appoint sub-committees for purposes to be specified by the committee.
- b. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- c. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.
- d. 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.

### 27. Working Groups

- a. The Council may create working groups, whose name, purpose, and number of members and shall be specified.

- b. The Council shall inform the members of each working group of the terms of reference of the group.
- c. A working group may make recommendations and give notice thereof to the Council.
- d. A working group may include persons who are not members of the Council.

28. Voting in Committees

- a. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- b. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

29. Presence of Non-Members of Committees at Committee Meetings

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.

30. Accounts and Financial Statement

See Financial Regulations

31. Estimates / Precepts

- a. The council shall approve written estimates for the coming financial year at its meeting before the end of the month of November.
- b. Any committee desiring to incur expenditure from Council (rather than committee's) funds shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31<sup>st</sup> October.

32. Interests

- a. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 15<sup>th</sup> May 2003, or subsequent amendments, then he shall declare such interest at the commencement of each Council meeting or 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 may address the council and answer any questions before withdrawing from the room or chamber during consideration of the item to which the interest relates.**
- c. The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- d. If a candidate for any appointment under the Council is to his knowledge related to any member of 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.
- e. 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 a relationship to a member is disclosed, paragraph a & b above shall apply as appropriate.
- f. The Clerk shall make known the purpose of paragraph d & e above to every candidate.

### 33. Canvassing of And Recommendations By Members

- a. Canvassing of members of the Council 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 or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. Standing Order Nos. 32c, d & e and Standing Order 33 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### 34. Inspection of Documents

- a. 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.
- b. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council (by appointment).**

### 35. Unauthorised Activities

Unless authorised to do so by the Council or the relevant committee or sub-Committee, no member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- Inspect any lands or premises which the Council has a right or duty to inspect; or
- Issue orders, instructions or directions.

### 36. Admission of The Public and Press to Meetings

- a. The public and press shall be admitted to all meetings of the Council and its committee which may, however, temporarily exclude the public by means of the following resolutions: -**

“That in view of the special confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

- b. The Council shall state the special reason for exclusion.
- c. At each full meeting of the full Council the public will have an opportunity to address the Council; this being the only time that the public will be involved in the meeting. However, the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- d. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- e. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

37. Confidential Business

- 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.

38. Liaison with County and District Councillors

- a. Where appropriate, a summons and Agenda for a meeting will be sent, together with an invitation to attend, to the County and Borough Councillors for the local division or ward.
- b. Where agreed to be appropriate a copy of each letter ordered to be sent to the County or Borough Council shall be transmitted to the County Councillor for the division or to the Borough Councillor for the ward as the case may require.
- c. County and Borough Councillors who attend Parish Council meetings may, with the agreement of the Council, join in relevant discussions of the Council.

39. Planning Applications

- a. The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council: -
  - the date on which it was received
  - the name of the applicant
  - the place to which it relates;
- b. Planning applications shall be brought to a meeting before the response deadline  
Where this is not possible, the Clerk shall seek an extension to the deadline and/or arrange a special meeting to discuss the applications.

40. Financial Matters

See Financial Regulations

41. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration.

42. Variation, Revocation and Suspension of Standing Orders

- a. Any or every part of the Standing Orders, except those printed in **bold type**, may be suspended by resolution in relation to any specific item of business.
- b. 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.

43. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.