

## **DETHICK LEA & HOLLOWAY PARISH COUNCIL**

### **STANDING ORDERS**

#### **Meetings**

1. Meetings of the Parish Council will be held in the Parish Room on the first Wednesday of each month of the year at 7.00 pm, unless otherwise decided by Resolution of the Council.
2. The Statutory Annual Meeting will be held in Election Year after the ordinary day of Election or within 14 days thereafter in a Non Election Year on the first or second Wednesday in May, unless otherwise decided by Resolution of the Council.
3. At least three other meetings must be held during the year.
4. The Parish Meeting will be held on a date between the 1<sup>st</sup> March and the 1<sup>st</sup> June each year (no meeting in August) as decided by the Parish Council.

#### **Chairman**

5. The person presiding at the Meeting of the Parish Council may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting as stipulated in Part 1 'Standing Orders and Chairmanship for Local Councils' NALC 1987.

#### **Proper Officer**

6. Where a statute, regulation or order confers functions or duties on the proper officer of the Parish Council in the following cases, he or she shall be the Clerk of the Council:
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing pecuniary interest.
  - (c) To receive and retain plans and documents.
  - (d) To sign notices or documents on behalf of the Parish Council.
  - (e) To receive copies of bylaws made by the borough Council.
  - (f) To sign summonses to attend Meetings of the Parish Council.

#### **Quorum**

7. 4 Members shall constitute a Quorum but a motion to suspend Standing Orders may be agreed by 2/3rds of the Members present at the Meeting or if submitted in writing must be signed by 2/3rds of the Members of the Council.
8. If a Quorum is not present when the Parish Council meets all business shall be deferred to the next meeting or to such a day as the Chairman may fix.  
If during a meeting the number of Members falls below the Quorum the Chairman shall decide the continuance or suspension of the Meeting.

#### **Voting**

9. Members shall vote by a show of hands or if at least two Members request by signed ballot.
10. If a Member so desires the Clerk shall record the names of the Members who voted on the question to establish whether they voted for or against it.
11.
  - (1) Subject to (2) and (3) below the Chairman may give an original vote on any subject matter put to the vote.
  - (2) Subject to (3) below the Chairman may not give an original vote in the Election of a Chairman on any occasion when he will himself immediately after such an Election retire from the Council.
  - (3) In any case of an equality of votes the Chairman may give a casting vote.

## **Order of Business**

(In an Election year Councillors should execute Declarations of Acceptance of Office in the presence of the Appointed Officer before the Annual Meeting commences)

12. At each Annual Meeting the first business shall be:
- (a) To Elect a Chairman.
  - (b) To Elect a Vice Chairman.
  - (c) To appoint any relevant Officer or sub-committee where necessary.
  - (d) If necessary to inspect and consider any deeds or trust investments vested in the Council.
  - (e) To consider payment of any Annual Subscriptions:

And shall thereafter follow the order set out as follows for an Ordinary Meeting (Standing order 14)

13. (a) Annually in January to review the pay and conditions of service of existing employees of the Parish Council.
- (b) Annually in May the Council shall consider requests for donations from external organisations.
14. At every Meeting other than the Annual Meeting the order of business shall be:
- (a) To appoint a Chairman in the absence of the Chairman and Vice Chairman.
  - (b) To read and consider the minutes: provided that 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 approved for signature by presiding Chairman as a correct record.
  - (c) To receive such communications as the Chairman may wish to lay before the Council.
  - (d) To receive and discuss all items of correspondence listed on the Agenda.
  - (e) To receive and discuss all matters relevant to the Parish Council under a prepared Agenda, receive reports of any sub-committee relating thereto and to take decisions thereon.
  - (f) To receive accounts presented for payment and to authorise the signing of cheques for the payment thereof.
  - (g) To receive any items of Urgent Business allowed by the Chairman of any relevant matter not enumerated under the prepared Agenda.
  - (h) Agenda items must be fixed fourteen days prior to the next Meeting.
  - (i) The Chair has the authority to comment on an item that is not on the Agenda.
15. A motion to vary the order of business on the grounds of urgency
- (a) may be proposed by the Chairman or any other Member and if proposed by the Chairman may be put to the vote without seconding.
  - (b) shall be put to the vote without discussion.

## **Length of Meeting**

16. The Chairman shall declare the Meeting closed at 9.00 pm unless a motion to suspend Standing Orders in order to complete the business is moved, seconded and carried by 2/3rds majority of the Members present. If this motion is carried business shall be resumed but in the event of there being evidence that the extension of the Meeting may be excessive the Chairman shall decide that the Meeting close and all business be deferred to the next Meeting or such meeting as agreed on.

## **Financial Matters**

17. The Bankers for the Parish Council finances shall be the NatWest Bank plc (or another if agreed by the Council).
18. All accounts for payment and claims upon the Parish Council shall be laid before the next meeting of the Council following receipt of such accounts and claims.

19. Where it becomes necessary to make a payment before being authorised as to its urgency and correctness by the Chairman who shall sign the cheque and so direct the Clerk to obtain the other necessary signatures thereto, one of which must be the Clerk/RFO.
20. The Clerk shall keep a record of all financial transactions of the Parish Council in the prescribed book kept for that purpose. The Clerk shall issue receipts for all payments received and deposit such payments in the bank. The Clerk shall six monthly prepare and supply Members of the Finance Committee and the Parish Council with a Statement of Accounts.
21. The Chairman, (or in his/her absence, the Vice Chair), the Clerk/RFO plus one other member of the Council shall be the signatories.
22. There shall be a budget of £500.00 annually for the Clerk to use as necessary without having to ask the Council, however receipts and explanations must be provided.

#### **Inspection of Documents**

23. A Member of the Council may for the purpose of his/her duty as such (but not otherwise) inspect any document in the possession of the Parish Council and may on request be supplied with a copy of such a document if available.
24. All minutes kept by the Council or any sub-committee thereof shall be open for inspection by any Member of the Council.
25. The minutes of the Parish Council shall be open for inspection by any Elector free of charge at any reasonable time.

#### **Planning Applications**

26. Where the time factor allows all Planning Applications shall be submitted to the Parish Council for discussion as an Agenda item.
27. Where the time factor does not allow such presentation the Clerk shall obtain a decision from the appointed Planning Committee.

#### **Admission of the Press and Public**

28. The Press and Public shall be admitted to all Meetings of the Parish Council and its Committees.
29. By means of Resolution the Press Public or both may be instructed to withdraw whilst business of a confidential or special nature is transacted.
30. Reasonable facilities shall be afforded the Press for the taking of their reports.
31. In the absence of the Press the Council shall appoint a Member or the Clerk to communicate such items of business deemed of importance to the Press.
32. In the event of public interruption during the Meeting the Chairman shall order that the person or persons committing the offence shall be removed or that the whole of the Public present be removed from the Meeting.

#### **Resolutions moved on Notice**

33. 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 seven clear days not later than the Thursday in the week before the next Meeting of the Council.
34. The Clerk shall date every notice of motion recommendation when received by him/her and shall record same in a provided for such purpose, which shall be open to inspection by every Member of the Council.

35. The Clerk shall insert in the summons for every Meeting all notices of motions or recommendations properly given in the order in which they have been received unless the Member giving the notice has stated in writing that he/she intends to move at some time later in the Meeting or withdraw it.
36. If a resolution or recommendation specified in the summons be not moved it shall be postponed by the council be treated as withdrawn and shall not be moved without fresh notice.
37. 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 which it was moved.
38. Every resolution or recommendation shall be relevant to some question over which the Council has power or which it affects its area.

**Resolution moved without Notice.**

39. 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 committee
  - (h) To appoint a committee or Member 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 consider otherwise than in committee a question affecting an employee of the Council
  - (n) To extend the time limit for speeches
  - (o) To exclude the Press or Public or both
  - (p) To silence or eject from the meeting any Member named for misconduct
  - (q) Members declaring a personal interest are required to leave
  - (r) To give the consent of the council where such consent is required by these Standing Orders

**Questions**

40. A Member may ask the Chairman any question concerning the business of the Council
41. A Member with or without notice may ask the Chairman of a committee any question on the proceedings of that committee if the question is put before the Council's consideration of those proceedings is finished.

**Rules of Debate**

42. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
43.
  - (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has been given, it shall if required by the chairman, be produced in 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 declares his intention to do so, reserve his/her speech until a later period of the debate.
  - (c) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
  - (d) An amendment shall be either:

- i. To leave out words
- ii. To leave out words and insert others
- iii. To insert or add words
- (e) An amendment shall not have the effect of negating the motion before the Council.
- (f) 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.
- (g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (h) The mover of the resolution or an amendment shall have a right of reply.
- (i) 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 on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (j) 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.
- (k) A motion or amendment may be withdrawn by the proposer with the unanimous consent of the Council, which shall be signified without discussion, and no Member shall speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (l) 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 may not be 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.

45. A Member can remain seated when speaking.

- 46. (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 ask to speak the chairman shall call upon one to speak first, and the others remain quiet and speak when called upon.
- (d) Whenever the Chairman speaks during a debate all the other Members shall be seated and remain silent until told to continue speaking.

### **Closure**

47. At the end of any speech a Member may, without comment, move “that the question be now put”, “that the debate is now adjourned”, or “that the Council do now adjourn”. If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he/she shall forthwith put the motion. If the motion “that the question now be put” is carried, he/she shall call upon the mover to exercise or waive his/her right of reply, and shall put the question immediately after the 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.

### **Disorderly Conduct**

- 48. (a) 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.
- (b) If, in the opinion of the Chairman, a Member has so behaved, the Chairman shall express that opinion to the Council and there after 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 the motions of paragraph (b) are disobeyed, the Chairman may suspend the Meeting to take such further steps as may reasonably be necessary to enforce them.

### **Right of Reply**

49. 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 right of reply has been exercised or waived, a vote shall be taken without further discussion.

### **Alteration of Resolution**

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

### **Rescission of Previous Resolution**

51. (a) A decision, (whether affirmative or negative) of the Council shall not be reversed within six months except either by special resolution, the written notice whereof bears the names of at least four Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

### **Voting on Appointments**

52. 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.
53. If at a Meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any employees of the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order 29)
54. Any resolution which is made by the Council authorising payment shall only be made in that part of the Meeting relating to Finance and all matters relating to expenditure raised in other parts of the meeting shall be referred thereto.

### **Interests**

55. If any Member has a pecuniary interest, direct or indirect, within the meaning of Sections 94-95 of the Local Government Act 1972, in any contract or other matter, he shall, while it is under consideration by the Council, withdraw from the Meeting unless:
- (a) The disability imposed upon him/her by those sections has been removed by the Council, or
- (b) The Council invites him to remain, or
- (c) 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.
56. The Clerk shall record in a book kept for the purpose, or in the minutes of the Council, or in both, particulars of any notice given by any Member or Officer of the Council, of a pecuniary interest in a contract, and such records shall be open for inspection by any other Member during reasonable hours, or by prior appointment made for inspection.
57. If any candidate for any appointment under the Council is to his/her knowledge related to any Member of or the holder of any Office under the Council, he/she and the person to whom he 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 relationship to a Member is disclosed Standing Order 55 re 'contracts' shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

### **Canvassing of the Recommendations by Members**

58. (a) Canvassing of Members 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 Standing Order to every candidate.
- (b) 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 of a candidate's ability, experience or character for submission to the council with an application for appointment.
59. Standing Orders 57 and 58 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **Unauthorised Activities**

60. No Member of the council or of any committee shall in the name of or on behalf of the Council:
- (a) Inspect any lands or premises which the Council has a right to inspect: or
- (b) Issue orders
- Unless authorised to do so by the Council or the relevant committee.

### **Confidential Business**

61. No Member of the Council or committee thereof shall disclose to any person not a Member of the Council any business declared to be confidential by the Council or committee.
- Items deemed to be confidential must be agreed as confidential prior to discussion.

### **Standing Orders on Contracts**

62. (a) Where it is intended to enter into a contract exceeding £750.00 for the supply of goods or materials, or for the execution of works the Clerk shall publish notice of necessary contract details in such a manner as decided by the Council.
- (b) In addition to the general nature of the contract, such notice shall state the Name and Address of the person to whom the tenders are to be submitted by post and also a closing date for submission of tenders.
- (c) If no tenders are received, or if all tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (d) All notices issued under this Standing Order shall contain a statement to the effect of Standing Orders 57, 58 and 59.

### **Issue of Standing Orders**

A printed copy of these Standing Orders shall be issued to each Member of the Council by the Clerk. In the event of each new Member Elected to the Council, the Clerk shall issue a copy of these Standing Orders upon the Member making the Declaration of Acceptance of Office.