

BROOKTHORPE-with-WHADDON PARISH COUNCIL

STANDING ORDERS

These Standing Orders were adopted at a meeting of the Council

held on: - Tuesday 17th April 2018

1. Meetings

- (a) Meetings of the Council will be held in the Brookthorpe Village Hall on the first Tuesday of the month at 8 o'clock in the evening unless the Council otherwise decides at a previous meeting. The exception will be the months of January and August unless urgent business requires a meeting to be called.
- (b) Smoking is not permitted at any meeting of the Council.

2. The Statutory Annual Meeting

- (a) **In an election year the Annual Parish Meeting 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 Parish Council Meeting shall be held on the first Tuesday in May or another day in May as the Council may direct.**
3. **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held each year at such dates and times and places as the Council may direct.**

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 functions or duties on the Proper Officer of the Council in the following cases he shall be the Clerk to the Council: -

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing interests at meetings.
- (c) To receive and retain plans and documents.
- (d) To sign notices or other documents on behalf of the Council.
- (e) To receive copies of byelaws made by another authority.
- (f) To certify copies of byelaws made by the Council.
- (g) To sign and issue summons to attend meetings of the Council.
- (h) To keep proper records for all Council meetings.

6. Quorum of the Council

Three members of the Council shall constitute a quorum.

7. 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.

8. Voting

Members shall vote by a show of hands or, if at least two members so request, by a signed ballot.

9. **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.**

10. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter to the vote, and in any case of an equality of votes may give a casting vote whether or not he has given an original vote.**

(2) 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 or Vice-Chairman until the end of their term of office he may not give a casting vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

11. Order of Business

At each Annual Parish Council Meeting the first business shall be: -

(a) **To elect a Chairman of the Council.**

(b) **To receive the Chairman's declaration of acceptance of office or, if not then received to decide when it shall be received.**

(c) **In the ordinary year of election to the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**

(d) **To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.**

(e) To elect a Vice-Chairman of the Council.

(f) To elect representatives to outside bodies.

(g) To appoint members to the Finance Advisory Group.

(h) To consider the payment of any subscription to be paid annually.

(i) To inspect any deeds and trust investments in the custody of the Council as required:

And shall thereafter follow the order set out in Standing Order 14

12. **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declaration 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.**

13. 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 35 must be read in conjunction with this requirement.

14. After the first business has been completed, the order of business, unless the Council otherwise decides on urgency, shall be as follows: -

(a) To read and consider the Minutes; 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.

- (b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- (c) **To deal with business expressly required by statute to be done.**
- (d) To dispose of business, if any, remaining from the last meeting.
- (e) To receive such communications as the person presiding may wish to lay before the Council.
- (f) To answer questions from Councillors.
- (g) To receive and consider reports and minutes of any advisory group.
- (h) To receive and consider resolutions or recommendations in the order in which they have been notified.
- (i) To authorise the sealing of documents.
- (j) If necessary, to authorise the signing of orders for payment.

15. Urgent Business

A motion to vary the order of business on the grounds of urgency: -

- (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.

16. Resolutions Moved on Notice

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 3 clear days before the next meeting of the Council.

- 17. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each in the order in which it was received and shall enter it in a book which shall be open to every member of the Council.
- 18. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order 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.
- 19. 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.
- 20. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

21. 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 an advisory group.
- (h) To appoint an advisory group 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 Order 53 below).
- (o) To silence or eject from the meeting a member named for misconduct. (see Order 30 below).
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order. (see Order 65 below).
- (r) To adjourn the meeting.

22. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting has commenced.

- 23. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 24. Every question shall be put and answered without discussion.
- 25. A person to whom a question has been put may decline to answer.

26. Rules of Debate

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. The following etiquette is to be observed during debate: -

- (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 declares 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 by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
- (e) An amendment shall be either: -
 - (i) To leave out words.

- (ii) To leave out words and insert others
- (iii) To insert or add words.
- (f) An amendment shall not have to effect of negating the resolution before the Council.
- (g) 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.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 2 minutes.
- (j) 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.
- (k) 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.
- (l) 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.
- (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 be now 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 an advisory group.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
- 27. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 28. The Chairman shall be the presiding person whilst the Council is sitting, and the following will be observed: -
 - (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. If two or more members wish to speak, the Chairman shall decide who to call upon.
 - (c) Whenever the Chairman speaks during a debate all other members shall be silent.
 - (d) Members of the public or the media who are present at meetings of the Council are to observe the ruling of the Chairman.

29. 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.

30. Disorderly Conduct

- (a) **All members must observe the Code of Conduct which was adopted by the council at its meeting held on Tuesday 4th September 2012, 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 acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be not longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forth with 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 (England).**
- (d) If the motion 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.

31. 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.

32. Alteration of Resolution

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

33. 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 4 members of the Council, or by a resolution moved in pursuance of the report or recommendation of an advisory group.
- (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.

34. 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.

35. 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 advisory group (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 53).

36. 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 the Council, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and the finance advisory group shall consider whether it desires to report thereon.

37. Expenditure

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

38. 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.

39. Advisory Groups

The council may create advisory groups, whose name, and number of members to be invited to form that group shall be appointed at the Annual Parish Council Meeting, but subject to any statutory provision in that behalf: -

- (a) Shall not appoint a member of an advisory group to hold office later than the next Annual Parish Council Meeting.
- (b) May appoint persons other than members of the Council to any advisory group.
- (c) May subject to the provisions of Order 33 above at any time dissolve or alter the membership of an advisory group.

40. Advisory groups will not have the formal powers of a committee. They will however conduct their business in accordance with proper meeting etiquette and should report back to meetings of the Council in the form of a recommendation.

41. Accounts and Financial Statement

All accounts for payment and claims upon the Council shall be made in accordance with the Parish Councils Financial Regulations as adopted at its meeting of **17th MARCH 2018**

42. The Responsible Financial Officer shall supply to each member as soon as practicable after 31st March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31st March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the month of September.

43. The Council shall approve written estimates, as presented to them from the Clerk, for the coming financial year at its meeting in the month of November.

44. **Interests**

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on Tuesday 2nd April 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

45. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room during consideration of the item to which the interest relates.

46. **The Clerk is required to compile and hold a register of Member's interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

47. 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. 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 any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

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

49. **Canvassing of and Recommendations by Members**

(a) Canvassing of members of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph 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, 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.

50. **Inspection of Documents**

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

51. **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

52. **Unauthorised Activities**

No member of the Council or of any advisory group shall in the name of or on behalf of the Council:-

(a) Inspect any lands or premises which the Council has a right or duty to inspect; or

(b) Issue orders, instructions or directions, unless authorised to do so by the Council or advisory group.

53. **Admission of the Public and Press to Meetings**

The public and press shall be admitted to all meetings of the Council and any committees, which may, however, temporarily exclude the public and press 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".

54. The Council shall state the special reason for exclusion.

55. At all meetings of the Council, 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.
56. 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.
57. 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.
58. Confidential Business
- (a) No member of the Council or any advisory group shall disclose to any person not a member of the Council any business declared to be confidential by the Council or any advisory group 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 advisory group of the Council by the Council.
59. Planning Applications
60. The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
- (a) The date on which it was received.
- (b) The name of the applicant.
- (c) The place to which it relates.
61. The Clerk shall notify the receipt of every planning application to the Chairman or in the Chairman's absence, to the Vice-Chairman within 48 hours of receipt.
62. Financial Matters and Contracts
- The Council shall observe the requirements of the Financial Regulations adopted by this Council at its meeting on Tuesday
63. Such Regulations shall include detailed arrangements for the following: -
- (a) The accounting records and systems of internal control.
- (b) The assessment and management of risks faced by the Council.
- (c) The tender process and control of contracts.
- (d) The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually.
64. 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 (England) for consideration.
65. Variation, Revocation and Suspension of Standing Orders
- 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.

66. 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.

67. 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.