

STANDING ORDERS **MILEHAM PARISH COUNCIL**

2016/17

MEETINGS

1. Meetings of Mileham Parish Council shall be held on the 2nd Monday on alternative months throughout the year commencing at 7.30 pm unless the Council otherwise decides at a previous meeting.
2. **The Statutory Annual Meeting (a) in an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election shall be held on the 2nd Tuesday in May.**

CHAIRMAN OF MEETING

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

PROPER OFFICER

4. 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:-
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and records notices disclosing pecuniary interests.
 - (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 a District Council.
 - (f) To certify copies of byelaws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.

QUORUM

5. **Three members shall constitute a quorum.**
6. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest 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.

VOTING

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

8. 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.

9. Subject to (1) and (2) below the Chairman may give an original vote on any matter put to the vote, and in the case of equality of votes may give a casting vote even though he gave no original vote.

(1) 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.

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

ORDER OF BUSINESS

(In an election year councillors should execute declaration of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences)

10. **At each Annual Meeting the first business shall be:**

(a) To elect a Chairman.

(b) To received 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 of 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 which have not been received as provided by law shall be received.

(e) To elect a Vice-Chairman.

(f) To elect Committee Representatives: Village Hall Committee & Playing Field Committee.

11. **At every meeting other than the Annual 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) as are required by law to be made, or if not then received to decide when they shall be received.**

12. In every year not later than the meeting at which the budget for next year are settled the Council shall review the pay and conditions of service of existing employees.

13. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of 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 seven days prior to 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 stature 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 committees.
 - (h) To receive and consider reports from officers of the Council.
 - (i) To authorise the signing of orders for payment.
 - (j) To consider resolutions or recommendations in the order in which they have been notified.
14. A motion to vary the order of business on the ground 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.

RESOLUTIONS MOVED ON NOTICE

15. 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 delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.
16. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
17. The Clerk shall insert in the commons 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.
18. 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.
19. 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.
20. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTION 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 any members thereof.
- (I) To adopt a report.
- (j) To amend a motion.
- (k) To give leave to withdraw a resolution or an amendment.
- (l) To extend the time limit for speeches.
- (m) To exclude the public. (See Order 62 below).
- (n) To silence or eject from the meeting a member named for misconduct (see Order 30 below).
- (o) To invite a member having an interest in the subject matter under debate to remain. (See Order 53 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 69 below).
- (r) To adjourn the meeting.

QUESTIONS

22. A member may ask the Chairman 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 begins.
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.

RULES OF DEBATE

26. No discussion shall take place upon the minutes except upon their accuracy. Correction to the Minutes shall be made by resolution and must be initialled by the Chairman.
27. (a) A resolution or amendment shall not be discussed unless it has been proposed 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 shall direct his speech to the question under discussion or to personal explanation or to a question of order.
- a (c) No speech by a mover of a resolution shall exceed 5 minutes, and no other speech shall exceed 5 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 or add others.

(iii) To insert or add words.

(e) An amendment shall not have the effect of negating the resolution 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 a resolution or of an amendment shall have a right of reply, not exceeding 5 minutes.

(l) 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.

(j) A member may rise to make a point of order or a personal explanation. A member rising 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.

(k) 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.

(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 be now put.
- (v) That a member named be not further heard.
- (vi) That the resolution be referred to a committee.
- (vii) That a member named do leave the meeting.
- (viii) To exclude the public and press.
- (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.

CLOSURE

29. At the end of a speech a member may, without comment, move "that the question be not put", "that the debate be now adjourned" or "that the Council do not adjourn". If such motion is seconded that the Chairman shall put the motion but, in the case of a motion "to put the question", 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.

DISORDERLY CONDUCT

30. (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 broken the provisions of Paragraph (a) 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.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

31. 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 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 this own resolution.

RESCISSION OF PREVIOUS RESOLUTION

33. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least three 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 resolutions may be moved within a further six months.

VOTING ON APPOINTMENTS

34. 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 take, and so on until a majority of votes

is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

35. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service or 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 no the public shall be excluded (See Standing Order No 62).

RESOLUTIONS ON EXPENDITURE

36. Any resolution and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which under the management of 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.

EXPENDITURE

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

SEALING OF DOCUMENTS

38. (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.

COMMITTEES AND SUB-COMMITTEES

39. 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:-

(a) shall not appoint any member of a committee so as to hold office later than the next annual meeting.

(b) may appoint persons other than members of the Council to any Committee, and

(c) may subject to the provisions of Order 33 above at any time dissolve or alter the membership of a committee.

40. The Chairman and Vice-Chairman ex-officio shall be members of every committee.

41. 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.

42. 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.

43. Every committee may appoint sub-committees for purposes to be specified by the committee.

44. 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.

45. 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.

46. The Standing Orders on rules of debate (except those parts relating to standing and speaking more than once) and the Standing Order on interest of members in contracts and other matters shall apply to committee and sub-committee meetings.

VOTING IN COMMITTEES

47. 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.

48. **Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

49. 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.

ACCOUNTS AND FINANCIAL STATEMENT

50. (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

(b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the proper officer for payments with the approval of the Chairman or Vice-Chairman of the Council.

(c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

51. 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.

ESTIMATES

52. (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of January.

(b) Any committee or organisation desiring to incur expenditure shall, not later than the scheduled November meeting, give to the Clerk a written estimate of the expenditure recommended for the coming year.

INTERESTS

53. If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract proposed contract or other matter, including planning applications, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) or:-

(a) The disability imposed upon him by those sections has been removed by the District Council.

(b) The Council invite 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.

54. **The Clerk shall record in a book to be kept for the purpose, particular of any notice given by any member or any office of the Council of a pecuniary interest in a contract, and the book shall be open for inspection by any member by contacting the Clerk.**

55. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he/she shall declare it and thereupon be invited to withdraw from the meeting.

56. If a candidate for any appointment under the Council is to his knowledge related to any member 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 or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 54 shall apply.

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

CANVASSING OF AND RECOMMENDATION BY MEMBER

57. (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 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.
58. Standing Orders Nos 56 and 57 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

59. 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.
60. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

61. No member of the Council or of any committee or sub-committee 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 order, instructions or directions
- Unless authorised to do so by the Council, the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

62. **the public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public** by means of the following resolution:
- “that in view of the [special] [confidential] nature of the business about to be Transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw.”
- (Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).
63. **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**

64. 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.

CONFIDENTIAL BUSINESS

65. (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.

PLANNING APPLICATIONS

66. (a) The Clerk shall, as soon as it is received, ensure that planning applications are circulated to all Councillors for comment and returned with any comments or observations raised, within the stipulated time.

(b) the contents of Standing Order No 53 concerning the declaration of pecuniary interests of members also apply to planning applications.

STANDING ORDER ON CONTRACTS

67. (a) Where it is intended to enter into a contract exceeding £500.00 in value for the supply of goods or materials or for the execution of works, the clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.

(b) Notice of a contract exceeding £500.00 shall state the general nature of the intended contract and state the name and address of the persons 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) Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified in paragraph (b) of this Order and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.

(d) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender.

(e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

(f) A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos 56, 57 and 58.

CODE OF CONDUCT ON COMPLAINTS

68. The Council shall deal with complaints of misadministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

69. 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.

70. 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.

STANDING ORDERS TO BE GIVEN TO MEMBERS

71. A copy of these Standing Order shall be given to each member by the Clerk upon delivery to him of the members declaration of acceptance of office.