

**STANDING ORDERS**

**NEWTON & NOSS PARISH COUNCIL**

**ADOPTED ON 24 MARCH 2011**

**FOR REVIEW MARCH 2012**

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## 1 Meetings

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**

- a **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- a **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- a Subject to standing order 1(c) above, members of the public are permitted at the Chairman's discretion to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- f **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.**
- g **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

**h Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Councillor presiding at the Meeting.**

**i The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

**j Subject to model standing order 1 (q) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

**k The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (h) and (i) below.)**

**l Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

**m The minutes of a meeting shall record the names of councillors present and absent.**

**n The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

**o An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing order 7 below.)**

**p No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

**q If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**

## **2 Ordinary Council meetings**

See also standing order 1 above

**a**In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.

**b**In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.

**c**If no other time is fixed, the annual meeting of the Council shall take place at 6pm.

**d**In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.

**e**The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.

**f**The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.

**g**The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

**h**In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

**i**In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of

**the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

j.Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.

- i. In an election year, delivery by councillors of their declarations of acceptance of office.
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
- iii. Review of delegation arrangements to committees, employees and other local authorities.
- iv. Review of the terms of references for committees.
- v. Receipt of nominations to existing committees.
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

### **3 Proper Officer**

a.The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

b.The Council's Proper Officer shall do the following.

- i. Sign and serve on councillors by delivery, post or electronic service at their**

**residences or email addresses as the case may be (provided any such email contains the electronic signature and title of the Proper Officer) a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.**

**ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.

**iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) i above.**

v. Make available for inspection the minutes of meetings.

**vi. Receive and retain copies of byelaws made by other local authorities.**

**vii. Receive and retain declarations of acceptance of office from councillors.**

viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.

ix. Keep proper records required before and after meetings;

x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's directions.

xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (See also standing order 13.)

xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;

xvi. Refer a planning application received by the Council to the Chairman or in his

absence the Vice-Chairman of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council

xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4 Motions requiring written notice**

aIn accordance with standing order 3(b) (iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 10 clear days before the next meeting.

bThe Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.

cIf the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.

dIf the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

eHaving consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

fEvery motion and resolution shall relate to the Council's statutory functions, powers

and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5 Motions not requiring written notice**

Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting.
- ii. To approve the accuracy of the minutes of the previous meeting.
- iii. To correct an inaccuracy in the minutes of the previous meeting.
- iv. To dispose of business, if any, remaining from the last meeting.
- v. To alter the order of business on the agenda for reasons of urgency or expedience.
- vi. To proceed to the next business on the agenda.
- vii. To close or adjourn debate.
- viii. To refer by formal delegation a matter to a working group, committee or to a sub-committee or an employee.
- ix. To appoint a working group, committee or sub-committee or any councillors (including substitutes) thereto.
- x. To receive nominations to a working group, committee or sub-committee.
- xi. To dissolve a committee or sub-committee.
- xii. To note the minutes of a meeting of a working group, committee or sub-committee.
- xiii. To consider a report and/or recommendations made by a working group, committee or a sub-committee or an employee.
- xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xv. To authorise legal deeds signed by two councillors and witnessed.  
(See standing order 13 below.)
- xvi. To authorise the payment of any monies.
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To exclude the press and public for all or part of a meeting.

- xix. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xx. To give the consent of the Council if such consent is required by standing orders.
- xxi. To suspend any standing order except those which are mandatory by law.**
- xxii. To adjourn the meeting.
- xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxiv. To answer questions from councillors.

## 6 Rules of debate

aMotions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

bSubject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

cA Councillor may move amendments to his own motion.

d A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.

eA point of order shall be decided by the Chairman and his decision shall be final.

f Before a motion is put to a vote, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote.

## **7 Code of conduct**

**aAll councillors shall observe the code of conduct adopted by the Council.**

**bIf paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(c) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**

**cCouncillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## **8 Questions**

**aA councillor may seek an answer to a question concerning any business of the Council provided 10 clear days notice of the question has been given to the Proper Officer.**

**bQuestions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.**

**c Every question shall be put and answered without discussion.**

## **9 Minutes**

aIf a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

bNo discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5 (iii) above.

cMinutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

dIf the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”

eUpon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10 Disorderly conduct**

aNo person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

bIf, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

clf a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11 Voting on appointments**

aWhere more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

## **12 Expenditure**

aAny expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

bThe Council's financial regulations shall be reviewed once a year.

cThe Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## **13 Execution, sealing of legal deeds and signing of documents**

See also standing order 5 (xv) above

a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

**b In accordance with a resolution made under standing order 13(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

**c All Council correspondence shall be signed by the Chairman, Proper Officer or a Councillor authorised by a Resolution of the Council.**

## **14 Committees /Working Groups**

a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees or working groups as may be necessary, and:

i. shall determine their terms of reference;

ii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee or working group (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;

iii. may in accordance with standing orders, dissolve a committee or working group at any time.

## **15 Sub-committees**

Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## **16 Extraordinary meetings**

See also standing order 1 above

**a**The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

**b**If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

## **17 Advisory committees/working groups**

**a**The Council may appoint advisory committees or working groups comprised of a number of councillors and non-councillors.

**b** Working groups, advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## **18 Accounts and Financial Statement**

**a** All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

**b** The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March in each year a statement summarising the Council's receipts and payments for that year and the balances held at the end of that year. This

statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **19 Estimates/precepts**

The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

## **20 Canvassing of and recommendations by councillors**

a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **21 Inspection of documents**

Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a working group, committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its working groups, committees or sub-committees shall be available for inspection by councillors.

## **22 Unauthorised activities**

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a working group, committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

## **23 Confidential business**

a No Councillor or any member of a working group, committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council.

b A councillor or a member of a committee, sub-committee or working group in breach of the provisions of standing order 23(a) above may be removed from a working group, committee or a sub-committee by a resolution of the Council.

## **24 Power of well-being (England)**

**a**Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

**b**The Council's period of eligibility begins on the date that the resolution under standing order 24 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

**c**After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 24(b) above.

## **25 Matters affecting council employees**

When a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR the working group, committee OR the sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.

## **26 Freedom of Information Act 2000**

- a** All requests for information held by the Council shall be processed in accordance with the Council's directions.
- b** Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman. The Chairman shall have the

power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b) (x) above.

## **27 Liaison with District and County or Unitary Councillors**

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council representing its electoral ward.

## **28 Financial matters**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.
- b Any proposed contract for the supply of goods, materials, services and the execution of works shall be procured as summarised in the Council's Financial Regulations.**
- c Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## **29 Allegations of breaches of the code of conduct**

The Council shall deal with allegations of breaches of the Code of Conduct by any officer or Councillor in such manner as the Council shall determine is appropriate except for those allegations properly to be referred to the Standards Board.

## **30 Variation, revocation and suspension of standing orders**

aAny or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

bA motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## **31 Standing orders to be given to councillors**

aThe Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

bThe Chairman's decision as to the application of standing orders at meetings shall be final.

cA councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.