

# **Twemlow Parish Council**

## **SECTION ONE – Standing Orders – amended January 2017**

**(Note - standing orders in BOLD may not be suspended)**

1. Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b) If a meeting is still in session at 9.30pm or 2hrs after its commencement then the Council shall consider whether the meeting should continue or whether alternative arrangements should be made to complete the Agenda.
- c) Smoking is not permitted at any meeting of the Council.

2. **The Statutory Annual Meeting**

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

3. **In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

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. The Chairman of the Council shall chair Council meetings or in his absence the Vice Chairman of the Council shall take the chair. If both are absent then Councillors attending will make a nomination from one of their number. If the Councillor(s) accept(s) the nomination a vote will be taken and the successful Councillor will serve as Chairman for that meeting only.

6. If the Chairman of a Committee is absent then the Chair shall be taken by the Chairman or Vice Chairman of the Council, unless also absent when the Chair shall be taken by a nominated Councillor in accordance with Order 5 above.

7. Proper Officer

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

- To receive declarations of acceptance of office.
- To receive and record notices disclosing personal and prejudicial interests.
- To receive and retain plans and documents for a minimum period of seven (7) years from 2014 to retain covering letters sent electronically.
- To sign notices or other documents on behalf of the Council.
- To receive copies of bylaws made by a District Council.
- To certify copies of bylaws made by the Council.
- To sign and issue summonses to attend meetings of the Council.
- To keep proper records for all Council meetings.

In any other case the proper officer shall be the person nominated by the Council and in default of nomination the Clerk.

8. **Quorum of the Council**

**At Council meetings three members shall constitute a quorum. At Committee meetings three or the number equal to one-third of the membership whichever is the greater.**

9. 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 prejudicial 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.

10. **Voting**

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

11. **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 may be made before or after the vote but in any event before moving on to the next business.**

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

**(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 and Vice-Chairman until the end of their term of office he may not give an original 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.**

13. **Order of Business**

**At each Annual 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 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 and written undertakings to comply with 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 appoint representatives to outside bodies.**
- g) **To appoint committees.**
- h) **To consider the payment of any subscriptions falling 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 the Standing Order 17.

14. At each Annual Meeting the Council shall endeavour to appoint committees and to arrange a calendar of meetings which achieves the objectives of the Council Structure and Management Plan (see section 5)

15. **Subject to Standing Order 5 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 declarations of acceptance of office (if any) and**

**undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received, to decide when they shall be received.**

16. In every year, the Council shall make arrangements to review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.
17. 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 accept and record apologies for those members absent from the proceedings.
  - b) 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.
  - c) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - d) **To deal with business expressly required by statute to be done.**
  - e) To dispose of business, if any, remaining from the last meeting.
  - f) To receive such communications as the person presiding may wish to lay before the Council.
  - g) To answer questions from Councillors.
  - h) To receive and consider reports and minutes of committees.
  - i) To receive and consider resolutions or recommendations in the order in which they have been notified.
  - j) To authorise the sealing of documents.
  - k) If necessary, to authorise the signing of orders for payment.

18. Urgent Business

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.

19. 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 five (5) clear days before the next meeting of the Council or its committees.

20. 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 the minutes which shall be open to the inspection of every member of the Council.
21. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
22. 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.
23. 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.

24. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

25. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a Committee or Sub-Committee or any members thereof.
- i) To approve the Terms of Reference of a Committee, Sub-Committee or Task Group
- j) To adopt a report.
- k) To authorise the sealing of documents.
- l) To amend a motion.
- m) To give leave to withdraw a resolution or amendment.
- n) To extend the time limit for speeches.
- o) To exclude the public. (see Order 64 below)
- p) To silence or eject from the meeting a member named for misconduct. (see order 33 below)
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- r) To suspend any Standing Order. (see Order 73 below)
- s) To adjourn the meeting.
- t) To receive a Planning Application submitted by the Clerk that requires urgent consideration that otherwise would miss the date for response.

26. 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 begins.

27. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

28. Every question shall be put and answered without discussion.

29. A person to whom a question has been put may decline to answer.

30. Rules of Debate

- a) 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.
- b) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- c) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- d) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- e) No speech by a mover of a resolution shall exceed five (5) minutes and no other speech shall exceed three (3) minutes except by consent of the Council.

- f) An amendment shall be either:-
    - i) To leave out words.
    - ii) To leave out words and insert others
    - iii) To insert or add words.
  - g) An amendment shall not have the effect of negating the resolution before the Council.
  - h) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - j) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three (3) minutes.
  - k) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
  - l) A member may 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 that may have been misunderstood.
  - m) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - n) When a resolution is under debate no other resolution shall be moved except the following:-
    - i) To amend the resolution.
    - ii) To proceed to the next business.
    - iii) To adjourn the debate.
    - iv) That the question be now put.
    - v) That a member named be not further heard.
    - vi) That a member named does leave the meeting.
    - vii) That the resolution be referred to a committee.
    - viii) To exclude the public and press.
    - ix) To adjourn the meeting.
31. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 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 indicate that they wish to speak, the Chairman shall call upon one of them to speak and the others shall remain silent until called upon to speak by the Chairman.
  - c) Whenever the Chairman rises or intervenes during a debate all other members shall be seated and silent.

### 32. 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.

33. Disorderly Conduct

- a) **All members must behave in a manner required by the Code of Conduct which was adopted by the council on 30 August 2013, 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 scandalise the Council or bring it into contempt or ridicule.
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) or (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board.**
- d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

34. 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.

35. Alteration of Resolution

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

36. 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 four (4) members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

37. 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.

38. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 64.)

39. Resolutions on Expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

40. **Expenditure**

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

41. **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.**

42. **Committees**

The Council shall consider Order 14 above and may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary clearly defining roles of the committees and any delegated powers, 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 excepting the Finance Committee; and

c) may, subject to the provisions of Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman, ex-officio, shall be a voting member of every committee.

44. 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.

45. **Special Meetings**

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. Additionally, two members of the Council may require the holding of an extraordinary Council meeting. The summons for any of these meetings shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. **Task Groups**

The Council or any of its Committees may create task groups or allot tasks to individual members to act in accordance with the guidelines set out in the Council's Management Plan – see section 5.

47/48/49 No longer applicable

50. Voting in Committees

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

51. **Chairmen of committees shall in the case of an equality of votes have a second or casting vote.**

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

A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

53. Interests

**If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 30 August 2013 then he shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.**

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

55. **The Clerk shall hold a copy of the Register of Member's Interests in accordance with instructions received from the Monitoring Officer of the Responsible Authority and/or as required by statute.**

56. 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 or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Orders 54 and 55 shall apply.

57. The Clerk shall make known the purport of Standing Order 56 to every candidate.

58. Canvassing of and Recommendations by Members

a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

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

59. Standing Order No. 56 shall apply to tenders as if the person making the tender were a candidate for an appointment.

60. 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 a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.



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

62. Unauthorised Activities

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 orders, instructions or directions

unless authorised to do so by the Council or the relevant committee or sub-committee.

63. Admission of the Public and Press to Meetings

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

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

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

65. At all meetings of the Council the Chairman may at his/her 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.

66. The Clerk shall afford to the press reasonable facilities for taking 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.

67. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting.

68. Confidential Business

- a) No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council or the committee as the case may be.
- b) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee of the Council by the Council.

69. Liaison with Unitary Councillors

A summons and Agenda for each meeting shall be sent together with an invitation to attend to the, Unitary Councillor(s) for the appropriate ward.

70. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Planning Authority shall be transmitted to the Planning Authority Councillor for the ward as the case may require.

71. Planning Applications

- a) 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:-
  - i) the date on which it was received ;
  - ii) the name of the applicant;

iii) the place to which it relates;

72. Code of Conduct on Complaints

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

73. 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.

74. 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.

75. Interpretation

Any reference to the "Council" in these Standing Orders shall also include a Committee unless the context requires otherwise.

76. Any reference to a statute, instrument, order regulation code or circular shall also refer to any amendment or re-enactment thereof and to any orders or regulations issued there under.

77. Items to be Given to Members

A copy of the following documents shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office:-

- a) This document which includes the Standing Orders of the Council, Financial Standing Orders, Contract Standing Orders, Code of Conduct, Council Structure and Operation Plan, Powers & Duties and Documents & Records.
- b) The Parish Councillors Guide
- c) Basic Induction Guide
- d) The Good Councillors Guide

or no later than fourteen (14) days thereafter.

78. In each case the latest available version of the document identified in Order 77 above will be provided unless any item is no longer available when the Council will decide to delete the item or replace it with an alternative.

79. Prospective Councillors

Any member of the public who seeks to serve as a Councillor whether during a Statutory Election process, an election process resulting from the resignation or otherwise of a Standing Councillor or by way of co-option to the Council will be given a copy of this document "Twemlowl Parish Council – Governance and Administration" and any other information and documentation deemed reasonable at the time, so as to provide the candidate with sufficient background information to assist in his/her decision to stand.