

## **STANDING ORDERS FOR NOCTON PARISH COUNCIL**

### **Meetings**

1. a) Meetings of the council shall be held in Nocton Village Hall at 7.pm unless the council decides otherwise at a previous meeting.  
b) Smoking is not permitted at any meeting of the council.

### **2. The Statutory Meeting**

- a) in an election year shall be held on the Tuesday next following the forth day after the ordinary day of elections to the Council.
- b) In a year which is not an election year the Statutory Annual Meeting will be held on the first Tuesday in May?

3. The three other statutory meetings shall be held on the first Tuesday in the months of June September and March.

4. Additional meetings shall be held on the first Tuesday in the months of January, February, April, July; August, October, November and December.

### **Chairman of Meeting**

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

### **Proper Officer**

6. Where a statute, regulation or order confers functions or duties on "the proper officer" of the council in the following cases, he/she shall be the clerk.-

- a) to receive declarations of acceptance of office .
- b) To receive and record notices regarding pecuniary; personal and prejudicial interests.
- c) To receive and retain plans and documents.
- d) To sign notices or documents on behalf of the Council.
- e) To receive copies of bye-laws made by the District Council. . .
- f) To certify copies of bye-laws made by the Council.
- g) To sign summonses to attend meetings of the Council.

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

The clerk shall record the minutes and proceedings of meetings of the council. In his/her absence the Chairman of the meeting may record the proceedings or may appoint another to do so.

### **Quorum**

7. Three members shall constitute a quorum.
- 8.If a quorum is not present or through the declaration of pecuniary interests the number of councillor's eligible falls below the quorum at a meeting; then the business not transacted at that meeting shall be transacted at the next meeting or on such another day as the Chairman may fix.

## **Voting**

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

10. If a member so requires, the clerk shall record the names of the members who vote on any question so as to show whether they voted for or against it.

11. 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 an equality of votes may give a casting vote even though he/she 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 shall execute Declarations of Acceptance of Office in each others presence (or in the presence of a proper officer previously authorised by the council to take such declarations) before the Annual Meeting commences.

## **Annual Meetings:-**

12. At each Annual meeting the first business shall be:-

- a) To elect a Chairman
- 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 year of election of the Council, to fill any vacancies left unfilled at an 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 appoint School Governors, if any
- g) To appoint Committees, if any
- h) To consider the payment of any subscriptions falling to be paid annually
- i) To inspect any deeds and trusts instruments in the custody of the council.

And shall thereafter follow the order set out in Standing Order 15.

13 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 Declarations Acceptance of Office (if any) are required by law to be made, or if not then received to decide when they shall be received.

14. In every year not later than the meeting at which the estimates for the next year are settled the Council shall review the pay and conditions of service of existing employees. (also see standing order 35)

15. After the first business has been completed the order of business, unless the Council decide otherwise on the grounds of urgency, shall be as follows.-

- a) To read and consider minutes
- 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 any business 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 councillor's
- 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 of payment
- j) To consider resolutions or recommendations in the order in which they have been notified
- k) Any other business specified in the summons

16. 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
- b) shall be put to the vote without discussion

### **Resolutions Moved Without Notice**

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

- a) To appoint a Chairman of the meeting
- b) To correct 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 the matter to a committee
- h) To appoint a committee or any member thereof
- i) To adopt a report
- j) To authorise the sealing of documents
- k) To amend a motion
- l) To give leave to withdraw a resolution or an amendment
- m) To extend the time limit for speeches
- n) To exclude the public (order 60)
- o) To silence or eject from a meeting a member named for misconduct (order 32)
- p) To invite a member having an interest in the subject matter under debate to remain (order 51)
- q) To give council's consent where required by these standing orders
- r) To suspend any standing orders (order 69)
- s) To adjourn the meeting

### **Resolutions Moved On Notice**

18. Unless provided for in 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 seven clear days before the next meeting of the council.
19. 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 inspection of every member of the council.
20. The clerk shall insert in the summons for every meeting all notices of motions or recommendations given in the order received unless the member giving the notice has stated in writing that he intends to move at some later meeting or withdraws it.
21. If a resolution or recommendation specified in the summons is not moved by the member who gave notice or by any other member it shall, unless postponed by the council, be treated as withdrawn and will require fresh notice.
22. If the subject matter of a resolution is in the province of a committee of the council it shall once moved and seconded be referred without discussion to such committee or to such other committee as the council determine.
23. Every resolution or recommendation shall be relevant to some subject over which the council has power or which affects its area.

### **Questions**

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

### **Rules of Debate**

28. 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.
- 29a) A member shall direct his/her speech to the question under discussion or to a personal explanation or on a question of order.
- b) No speech shall exceed five minutes except by consent of the council
- c) An amendment shall be either -
  - to leave out words
  - to leave out words and add or insert others
  - to insert or add words -
- d) An amendment shall not have the effect of negativeing a resolution before the council

- e) A member may rise to make a point of order or a personal explanation and on doing so shall be heard forthwith. A personal explanation relates to some material part of a former speech which may have been misunderstood.
- f) A motion or amendment may be withdrawn by the proposer with the consent of the council and no member may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused
- 30a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed
  - b) Members shall address the Chairman
  - c) If two members wish to speak the Chairman shall call upon one of them to speak and the other will wait his/her turn
  - d) Whenever the Chairman addresses the meeting or speaks during a debate all members shall be silent
  - e) Any member may move through the Chairman that debate has been sufficiently debated and a proposal be made or "that the question be now put"
- 31 Members of committees and sub-committees entitled to vote shall vote by show of hands or, if at least two members so request, by written ballot. 4

### **Disorderly Conduct**

- 32a) 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 32a) the Chairman shall express that opinion to the council and thereafter any member may move that the member named be no longer heard or at that the member named do leave the meeting. The motion if seconded shall be put forthwith and without discussion.
  - c) If either of the motions mentioned in paragraph 32b) is disobeyed the Chairman may suspend the meeting or take such steps as may reasonably be necessary to enforce them

### **Rescission of Previous Resolutions**

- 33.a) A decision whether affirmative or negative of the council shall not be revised within six months except either by special resolution, the written notice thereof bearing 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 is moved under the provisions of Order 33a) similar resolution 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 there is not an absolute majority in favour of one person, the name of the person with the least number of votes shall be struck off the list and a fresh vote taken and so on until the 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, dismissal, salary, promotion or conditions of service of any person employed by the council, it shall not be considered until the councilor committee has decided whether or not the public shall be excluded. (S.O.60)

### **Expenditure**

36. Orders for the payment of money shall be authorised by resolution of the council and signed by two members plus the clerk, or three members

### **Committees and Sub-Committees**

37. The council may at its Annual meeting appoint standing committees and may at other times appoint such other committees as are necessary but subject to any statutory provision: -
- a) they shall not appoint any member of a committee so as to hold office later than the next Annual Meeting
  - b) they may appoint persons other than members of the council to any committee and
  - c) they may, subject to the provisions of Order 33 above, at any time dissolve or alter the membership of a committee
38. The Chairman and Vice-Chairman ex officio shall be members of every committee.
39. 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
40. The Chairman of a committee or the Chairman of the council may summon an additional meeting of that committee at any time. On the request in writing of no less than one quarter of the committee an additional meeting shall also be summoned. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
41. Every committee may appoint sub-committees for the purposes to be specified by the committee.
42. The Chairman and Vice-Chairman of the sub-committee shall be members of every sub-committee unless they signify they do not wish to serve.
43. Except where ordered by the council or 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.
44. The standing orders on debating and on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

### **Voting in Committees**

45. Members of committees and sub-committees entitled to vote shall vote by show of hands or, if at least two members so request, by written ballot.
46. Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

### **Non-Members of Committees at Committee Meetings**

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

### **Accounts and Financial Statement**

- 48a) except as provided in paragraph b) of this standing order or by statute all payments 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 committee if any, having charge of the business to which it relates or by the proper officer for payment with the approval of the Chairman or Vice-Chairman
- c) All payments ratified under b) of this Standing Order shall be separately included in the next schedule of payment of receipts and payments.
49. 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**

- 50.a) The council shall approve written estimates for the coming financial year at its meeting in the month of January.
- 50.b) Any committee desiring to incur expenditure shall not later than the second week of December give to the clerk a written estimate of the expenditure recommended for the coming year.

### **Interests**

51. If any member has any pecuniary interest, direct or indirect within the meaning of section 94-95 of the Local Government Act 1972 in any contract or other matter, he shall, while it is under consideration by the council withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) or
- a) If a member has a personal interest as defined by the Code of Conduct adopted by the Parish Council on the 7<sup>th</sup> of January 2002 then the member shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest is required
- b) if a member who has declared a personal interest then considers the interest to be prejudicial the member must withdraw from the room or chamber during consideration of the item to which the interest relates
- c) The contract, proposed contractor other matter is under consideration as part of a report of a committee and is not itself the subject of debate
52. The clerk shall record all declarations of interest forms and all interest declared in the Register of Members Interests in accordance with agreement reached with the Monitoring Officer of the responsible authority and/or as required by statute.

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

54. 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 and the clerk shall record it. A candidate who fails to do so shall be disqualified from such appointment, and if appointed may be dismissed without notice. The clerk shall report to the council or to the appointed committee any such disclosure.

Where relationship to a member is disclosed S053 shall apply.

The clerk shall make known the purport of this SO to every candidate.

#### Canvassing of and Recommendations by Members

55a) 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 SO to every candidate.

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

56. Standing Orders (SO) 54 and 55 shall apply to tenders as if the person making the tender were a candidate for appointment.

#### Inspection of Documents

57. A member may for the purpose of his duty as such (but not otherwise) inspect any documents 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.

58. All minutes kept by the Council and by any Committee shall; be open for inspection of any member of the Council.

#### Unauthorised Activities

59. No member of the Council or any 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 issue orders, instructions or directions unless authorised to do so by the Council or the relevant Committee or Sub-Committee.



#### Admission of the Public and the Press to Meetings

60. 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 be excluded and they are instructed to withdraw. \*
- (note: the special reason shall 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)*
61. The clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are present.
62. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the room.

#### Confidential Business

- 63a) No member of the Council or any Committee shall disclose to any person not a member of the Council any business to be confidential to the Council, the Committee or Sub-Committee as the case may be.
- b) Any member in breach of the provisions of paragraph a) of this SO shall be removed from any Committee or Sub-Committee of the Council

#### Liaison with County Council and District Council

64. A notice of meetings shall be sent together with invitation to attend to the County Councillor for County Division and to the District Councillors for the District Ward
65. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or the District Councillor for the ward as the case may require.

#### Planning Applications

- 66 The clerk shall as soon as possible after it is received, refer every planning application to the Chairman or in the Chairman's absence the Vice-Chairman.

### Standing Orders on Contracts

- 67 a) Where it is intended to enter into a contract exceeding £ 1000 but not exceeding £ 10000 in value for supply of goods or materials or for the execution of works. The clerk shall give at least three weeks notice of such intension in the same manner as public notice of meetings of the Council is given  
Where the value of an intended contract exceeds £10000 similar notice shall be given in addition in such newspapers circulating the district as the Council shall direct.
- b) Notice of a contract exceeding £10000 shall state the general nature of the intended contract and state the name and address of the 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 pursuant to paragraph b) of this SO. and shall be reported by the person who opened them to the Council or the Committee or Sub-Committee who sought the tenders. .
- 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 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 -SO shall contain a statement to the effect of S054,55,56

### Code of Conduct on Complaints

68. The Council shall deal with complaints of maladministration allegedly committed By the Council or by any officer or member in such a manner adopted by the Council except for those complaints which should properly be directed to the Standards Board for England for consideration.
69. Under the new ethical framework of the Local Government Act 2000, any allegations that a Council member has failed to comply with the Code of Conduct shall make a written complaint to the Standards Board for England. Should the case be referred back to the local authority the Local Monitoring Officer will undertake the investigation.
70. Where cases involving Parish Councillors come to the local standards committee a member of the Council should be present

Standing Orders to be Given to Members.

71. a copy of these Standing Orders shall be given to each member by the clerk upon delivery to him of the members Declaration of Acceptance of Office

Standing Orders

Admission of the Public and Press to Meetings

No.60. reads: The public shall be admitted to all meetings of the Council and it's Committees which may however temporarily exclude the public by means of the following resolutions: 'That in the 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 be excluded and they are instructed to withdraw'

*(note: the special reason should be stated. If a person's advice or assistance is needed they may be invited to remain after the exclusion resolution is passed)*

61 The clerk shall afford to press reasonable facilities for taking their report of any proceedings at which they are present

62. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the room. '

Amendment as from 9<sup>th</sup> May 2007 to include; 62b) Members of the public have 5 minutes at the beginning of each meeting to express their concerns, and may be invited by the Chairman, at any time during the meeting that the Chairman thinks appropriate, to comment n an issue.'