

# **MATTERSEY PARISH COUNCIL**

## **STANDING ORDERS**

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## 1. MEETINGS

- a) Meetings of the Council shall normally be held at 7.30 p.m. on the first Wednesday of each month (except August) unless the Council decides otherwise.
- b) **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.**
- c) **At least 3 days notice must be given to convene a meeting. When calculating the 3 clear days 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.**
- d) Smoking is not permitted at any meeting of the Council.
- e) No meeting shall last over two hours, and any business left over shall be dealt with at the next meeting or other date agreed.
- f) **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. In a year which is not an election year the annual meeting of the Council shall be held on such day in May as the Council may direct, normally to coincide with an ordinary Parish Council meeting.**
- g) **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year.**
- h) **Photography, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**
- 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 Councillors present, shall preside at the meeting.**
- j) **The minutes of a meeting shall record the names of councillors present.**
- k) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- l) **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 three.**
- m) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business shall be transacted at the following meeting.

## 2. VOTING

- a) **Subject to standing order 1(l) above, all questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- b) **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.**
- c) **Voting on any question shall normally be made by a show of hands or, at a Members request, by ballot. At the request of a Councillor, the voting shall be recorded so as to show whether each councillor present and voting, gave his vote for or against.**
- d) **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.**

## 3. ORDER OF BUSINESS.

### 3.1 ANNUAL MEETING OF THE PARISH COUNCIL

- a) **The election of the Chairman and Vice-Chairman shall be the first business to be completed at the annual meeting of the Council.**

- b) **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.**
- c) **The Vice –Chairman of the Council, 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.**
- d) **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 has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman but must give a casting vote in the case of an equality of votes.**
- e) **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 has been elected. He may exercise an original vote in respect of the election of the new Chairman and must give a casting vote in the case of an equality of votes.**
- f) The meeting should receive the Chairman’s declaration of acceptance of office or, if not then received, to decide when it shall be received.
- g) The meeting should receive any other declarations of office and written undertakings to observe the code of conduct adopted by the council which may be appropriated in accordance with current legislation.
- h) The agenda should include setting a schedule for ordinary meetings of the Council for the forthcoming year.
- i) The meeting should review the representation on or work with external bodies and arrangements for the receipt of reports.

### **3.2 ORDINARY MEETINGS OF THE PARISH COUNCIL**

- a) At every meeting other than the Annual Parish Council Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman are absent.
- b) After the first business has been completed, the order of business, unless the Council decides otherwise on the grounds of urgency, shall be as follows:
- c) To approve the Minutes
- d) To authorise the Chairman to sign the Minutes as a correct record
- e) To deal with business expressly required by statute
- f) To deal with the remainder of the Agenda.
- g) A motion to vary the order of business on the ground of urgency 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 or discussed.

## **4. PROPER OFFICER**

The Council’s Proper Officer and Responsible Finance Officer shall be the clerk or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer’s absence. The clerk shall fulfil the duties assigned in accordance with the Council’s job description and prescribed duties.

The clerk has delegated powers to act, in consultation with the Chairman or Vice Chairman, on matters requiring urgent attention. Such actions to be itemised on the agenda for discussion at the next available Council meeting.

## **5. MOTIONS**

- a) No motion may be moved at a meeting unless it is included in the agenda.

- b) If 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.
- c) Having consulted the Chairman or Councillors as in 5 (b) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be considered, having taken legal advice.
- d) Every 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.

## 6. RULES OF DEBATE

- a) Motions included in an agenda shall be considered in the order that they appear unless the order is changed at the Chairman's discretion for reasons of expedience.
- b) A point of order shall be decided by the Chairman and his decision shall be final.
- c) A Member may, with the consent of his seconder, move amendments to his own proposal.
- d) 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 issues. After the right of reply had been exercised or waived, a vote shall be taken without further discussion.
- e) The Chairman shall be satisfied that the motion has been sufficiently debated before it is put to the vote.

## 7. RESCISSION OF PREVIOUS RESOLUTION

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the notice of which bears the names of at least five members of the Council, or by a motion moved as a result of a report or recommendation of a committee.
- b) When a special motion above has been disposed of, no similar motion may be moved within a further 6 months.

## 8. MINUTES

- a) If 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.
- b) Minutes, 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 they relate.

## 9. CODE OF CONDUCT

- a) **All Councillors shall observe the code of conduct adopted by the Council.**
- b) **If 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 9(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.**
- c) **Councillors 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.**

## 10. DISORDERLY CONDUCT

- a) No member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council 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 person be silenced or excluded from the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- c) 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 for England.
- d) If either of the motions mentioned above are disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## 11. SEALING OF DOCUMENTS

- a) A document shall not be executed 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 sign, on behalf of the Council, any deed or document required by law to be issued and the Proper Officer shall witness their signatures.**

## 12. VOTING ON APPOINTMENTS

Where more than two people have been nominated for a position to be filled by the Council and none of them have 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.

## 13. COMMITTEES

- a) The Council may appoint committees with appropriate terms of reference as may be necessary.
- b) Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if a member so requests, by signed ballot.
- c) Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

## 14. EXPENDITURE

- a) Any expenditure incurred by the council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year prior to the setting of the following years budget.**
- c) The 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.**

## 15. ACCOUNTS AND FINANCIAL STATEMENT

- 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 Clerk to the Council. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the responsible finance officer with the approval of the Chairman or Vice-Chairman of the Council or as stipulated in accordance with the Council's financial regulations.

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

## **16. CONTRACTS**

- a) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,000.00 shall be procured on the basis of a formal tender as summarised in the Council's financial regulations.**
- b) **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.**

## **17. INTERESTS**

- a) **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.**
- b) The Clerk may be required to compile and hold a Register of Members' Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer or the Responsible Authority and/or as required by statute.

## **18. 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 the subparagraph of this Standing Order known to every candidate.
- b) A member of the Council or of any committee shall not solicit for any person to be appointed by 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.

## **19. INSPECTION OF DOCUMENTS**

- a) A Councillor may for the purposes 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 with a copy.
- b) All Minutes shall be open for the inspection of any member of the Council.

## **20. UNAUTHORISED ACTIVITIES**

Unless authorised by a resolution, no individual Councillor 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

## **21. EXTRAORDINARY MEETINGS**

- 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. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

**22. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

- 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.
- b) The press shall be provided reasonable facilities for taking of their report of all or part of a meeting at which they are entitled to be present.
- c) Public participation is permitted for 15 minutes at the start of each ordinary council meeting.
- d) 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 room.

**23. CONFIDENTIAL BUSINESS**

- a) No member of the Council or 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.
- b) Any member in breach of the provisions of paragraph 23(a) of this Standing Order shall be removed from any committee of the Council by resolution of the Council.
- c) If a meeting considers any matter to be of a personal nature to a Council employee it shall not be discussed until the Council or Committee has decided whether or not the press and public shall be excluded.

**24. POWER OF WELL BEING**

- 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. PLANNING APPLICATIONS**

- a) The Clerk shall, as soon as it is received, enter in a register 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 and address of the applicant
  - iii. The place to which it relates
  - iv. A summary of the nature of the application
- b) The Clerk shall record details of the Council's observations on every planning application in the register referred to at Standing Order 25(a) above.
- c) The Clerk shall record details of the District Council's decision on every planning application in the register referred to at Standing Order 25(a) above.

**26. CODE OF CONDUCT ON COMPLAINTS**

- a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council except for those complaints which should be properly directed to the Standards Board for consideration.

- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact who will nominate a person to assume the duties of the Proper Officer who shall continue to act in respect of their duties until the complaint is resolved.
- c) The subject matter shall be confidential until it is resolved.
- d) The Council shall deal with complaints in accordance with the Grievance Procedures laid out by the Council.

**27. STATEMENTS TO THE PRESS**

No official statements to the press shall be made without prior consultation with the clerk and Chairman of the Parish Council. Where statements are made by individuals who are members of the Council the press must be made aware that they are their personal opinions and do not necessarily reflect those of the Parish Council.

**28. VARIATIONS, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- a) 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.
- b) A motion to permanently add to, vary or revoke any of the Standing Orders not mandatory by law shall not be resolved unless two-thirds of the councillors at a meeting of the Council vote in favour..

**29. STANDING ORDERS TO BE GIVEN TO MEMBERS**

- a) A copy of these Standing Orders shall be given to each member by the Proper Officer upon receipt of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.
- b) A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting.

Signed.....Chairman

Signed..... Clerk

Amended 8<sup>th</sup> December 2010