

YEALAND REDMAYNE PARISH COUNCIL

STANDING ORDERS

(To be Adopted at Meeting held 16 January 2012. Minute Reference : 2069)

1. MEETINGS

- a) Meetings of the Council shall be held on such dates as agreed by the Council on Monday evenings at 7.30pm unless the Council otherwise decides at a previous meeting.
- b) Smoking is not permitted at any meeting of the Council.

2. STATUTORY ANNUAL MEETING AND OTHER MEETINGS

- a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the Councillors elected take office and
- b) In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.
- c) In addition to the Statutory Annual Parish Council 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.

3. 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.

4. 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.

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing interests at meetings.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bye-laws made by another local authority.
- f) To certify copies of bye-laws made by the Council.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.

5. QUORUM OF THE COUNCIL

- a) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
- b) For a quorum relating to a committee or sub committee, refer to standing order 25(h).

6. IF A QUORUM IS NOT PRESENT

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 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.

7. VOTING

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

8. RECORDING NAMES OF VOTEES

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 must be made before moving on to the next business.

9. ORIGINAL VOTES AND CASTING VOTES

- 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.

10. ORDER OF BUSINESS AT THE ANNUAL PARISH COUNCIL MEETING

At each Annual Parish Council 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 which have not been received as provided by law shall be received.
- e) To elect a Vice-Chairman of the Council.
- f) To appoint committees if required

11. ORDER OF BUSINESS - ORDINARY MEETINGS

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 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.

After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:

- a) To receive apologies and if requested approve or otherwise the reason for absence.
- b) To receive any Declarations of Interest from members.
- c) 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.
- d) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- e) To deal with business expressly required by statute to be done.
- f) To dispose of business, if any, remaining from the last meeting.
- g) To consider any planning applications as are required to be dealt with.
- h) To authorize the signing of orders for payment,
- i) To receive and consider reports from officers of the Council.
- j) To receive and consider reports and minutes of committees.
- k) To consider resolutions or recommendations in the order in which they have been notified.

12. URGENT BUSINESS

A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member and be put to the vote without discussion.

13. ADJOURNMENT OF MEETINGS

- a) At all meetings of the Council where members of the public or invited guests are present, a specific adjournment shall be called by the Chairman immediately after the resolution to approve the minutes of the last meeting have been completed. This adjournment will afford the public an opportunity to address the meeting on any issue of relevance to the parish or in relation to the business to be transacted at the meeting and be the appropriate place for the Police or any invited guest to provide information/reports to the Council.
- b) The Clerk shall afford to the press reasonable facilities for the taking of 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.
- c) 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 and may adjourn the meeting for such period as is necessary to restore order.

14. EMPLOYEE TERMS & CONDITIONS

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

15. RESOLUTIONS MOVED ON NOTICE

- a) 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.
- b) 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.
- c) 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.

- d) 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.
- e) Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

16. 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 any members 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 amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public.
- o) To silence or eject from the meeting a member named for misconduct.
- p) To give the consent of the Council where such consent is required by these

Standing Orders.

- q) To suspend any Standing Order. r) To adjourn the meeting.

17. RULES OF DEBATE

- a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- b) Any member may speak on an item placed on the agenda for discussion; however a member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- c) A member may propose a resolution which, once open debate has been brought to an end, will be determined by a vote unless before this time an amendment to the resolution is proposed in which case a vote on the amendment shall take precedence.
- d) If an amendment be carried, the resolution, as amended shall take the place of the original resolution.
- e) If an amendment fails then the original resolution will be voted upon unless a further amendment is proposed.
- f) A motion or amendment may be withdrawn by the proposer and no member may then speak upon it.
- g) The Chairman shall manage any debate so as to be fair and equitable to all members and shall be responsible for bringing any debate to an end.

18. CHAIRMAN

- a) The ruling of the Chairman on a point of order shall not be discussed.
- b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

19. DISORDERLY CONDUCT

- a) All members must observe the Code of Conduct which was adopted by the council on 4 September 2007. Note also that Para 12(2) was also adopted.
- 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 bring the Council into disrepute.
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (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.
- d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

20. RIGHT TO 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.

21. ALTERATION OF A RESOLUTION

A member may move amendments to his own resolution.

22. RECISSION 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 two 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.

23. 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.

24. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF 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 press and public shall be excluded.

25. EXPENDITURE

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

26. COMMITTEES AND SUB COMMITTEES

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- a) It shall not appoint any member of a committee so as to hold office later than

the next Annual Meeting.

- b) It may appoint persons other than members of the Council to any Committee; and
- c) It may at any time dissolve or alter the membership of a committee.
- d) 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.
- e) The Chairman of a committee or the Chairman of the Council may summon an additional special 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 that committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- f) Every committee may appoint sub-committees for purposes to be specified by the committee.
- g) The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- h) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

27. VOTING IN COMMITTEES

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

28. 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.

29. ACCOUNTS AND FINANCIAL STATEMENTS

- a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the 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 of the Council.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

30. ESTIMATES/PRECEPTS

- a) The council shall approve written estimates for the coming financial year at its meeting in the month of January.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31st October.

31. INTERESTS

- a) If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 4 September 2007 then he shall declare such interest as

soon as it becomes apparent, disclosing the existence and nature of that interest as required.

- b) If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

As 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, councillors may exercise the rights contained in standing order 31(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.

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 or chamber.

- d) The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- e) 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.

32. 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.

33. INSPECTION OF DOCUMENTS

- a) 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.
- b) All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

34. 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.

35. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

The public and press shall be admitted to all meetings of the Council and its

committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions:

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

(Notes: The special reasons should be stated. If a person’s advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

36. CONFIDENTIAL BUSINESS

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

37. LIAISON WITH COUNTY AND CITY COUNCILLORS

As a matter of procedure, a copy of the agenda shall be sent to each County and City Councillors for the parish so as to afford them knowledge of items to be discussed and afford them an opportunity to attend each meeting and address the council during the period of public participation.

38. FINANCIAL MATTERS

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- 1) Such Regulations shall include detailed arrangements for the following:

- a) the accounting records and systems of internal control;
 - b) the assessment and management of risks faced by the Council;
 - c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - d) the financial reporting requirements of members and local electors and
 - e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.
- 2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in (3) below.
- 3) Any formal tender process shall comprise the following steps:
- a) public notice of intention to place a contract to be placed in a local newspaper;
 - b) specification of the goods, materials, services and the execution of works shall be drawn up;
 - c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
 - d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
 - e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- 4) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 61, 63 & 64 regarding improper activity.
- 5) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

{Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level}

39. 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 Committee of the Principal Authority for consideration.

40. STANDING ORDERS TO BE GIVEN TO MEMBERS

A copy of these standing orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office, and written undertaking to observe the Code of Conduct adopted by the Council.

41. 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.

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