

# Standing Orders and Chairmanship

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## Preface

This booklet contains two major sections. Part I is intended as a guide for those presiding at meetings of Local Councils and a source to which to refer when there is a procedural difficulty during a meeting. Part II provides a complete model set of standing orders incorporating various new requirements such as those to be observed under the new Code of Conduct. Even if standing orders have not been formally adopted, a chairman can use them as a basis for rulings on procedures if there is dispute.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These standing orders cannot be altered.

If the words "Local Councils" are used, these mean Parish, Town and Community Councils in England and Wales.

It is of course recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender where appropriate.

### Town Mayors

The Chairman of a Town Council is entitled to use the title "Town Mayor". The title confers no additional power on the chairman, and, in particular, has no implications for his conduct of meetings.

*(In the following pages the word "Chairman" includes "Town Mayor" and the word "Vice-Chairman" includes "Deputy Town Mayor".)*

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## **PART I**

### **CHAIRMANSHIP**

*(NOTE: In this part, the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee" where any function has been delegated. The Standing Orders in Part II may be applied or modified accordingly.)*

#### **BASIC PRINCIPLES**

1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions, which they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action is such an instruction.
3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to reach without reasonable delay, an intelligible and lawful decision for the right reasons. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-
  - a) protect the Council against outside interference
  - b) ensure that everything to be discussed is lawful
  - c) ensure that the Council is invited to deal with clear issues
  - d) ensure that as far as possible information is complete
  - e) permit every point of view to have a fair hearing
  - f) ensure that opinions expressed are relevant to the matter in hand
  - g) ensure that business is transacted with reasonable speed
  - h) ensure as far as possible that proceedings are friendly and free form personalities
  - i) co-operate with the officers and the councillors.

#### **THE AUTHORITY OF THE CHAIR**

##### **Origin**

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs, which are perfectly logical and arise from the necessities of the case.

##### **Nature and Limitations**

5. Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and his rulings must be obeyed by an individual councillor because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the Chair ought to be very rare.
6. The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy which are not possessed by other members.

#### **PRELIMINARY**

7. Before any meeting the Chair should study the subjects for the agenda with the Clerk or any other officers and should in effect ask in respect of each item the following questions:
  - What does it mean?
  - Is it lawful?
  - Do we know enough about it?
  - Has any member special knowledge of this problem?
  - Is there any member who may have a prejudicial interest?

## OUTSIDE INTERFERENCE

### Public Disturbances

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the chairman should cut an interrupter short, and if good humour and reconciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than is necessary. It is not essential to call the police but may be necessary.
9. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position in as much as its representatives must so far as possible be given facilities for taking their reports.

### Personal and Prejudicial Interests

10. The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial (England) or requires withdrawal (Wales), the member should withdraw from the room or chamber and take no further part in the relevant proceedings or seek to influence those proceedings. The Chairman should before a meeting consider whether any member (including himself) may have any such interest and may draw the individual member's attention to the possibility before it starts. However, ultimately it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board (England) or the Commission (Wales).

### Rulings on Notices

11. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

### Quorum

12. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest (England) or a personal interest requiring withdrawal (Wales) should consider making an application for dispensation to their standards committee where appropriate.

### Ultra Vires Proposals

13. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any lawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The section on s137 power (contained in the Local Government Act 1972) is not a "long stop" in case of a mistake; expenditure under his heading requires a special resolution, related to the provisions of that section.

## A CLEAR ISSUE

14. Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including where necessary the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:-

- a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;
- b) Where there is more than one solution to a problem each solution must be separately put to the vote.

## The Affirmative Form

15. The most exact method of putting a question to the vote is by the use of the following formula:-

"The Resolution is as follows: -

(e.g.) 'That the Clerk's salary be raised to £2000 a year.'

The motion is that this resolution be agreed to."

(Note: A *resolution* is a proposal of the action intended to be taken: for example "That the Council buy a mower".

A *motion* is the procedural formula by which the Council disposes of business: for example "The motion is that the resolution be amended by " or "The motion is that the Council do now adjourn".)

## Separating the Issues

16. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.

17. Where the alternatives are mutually exclusive it may be desirable on the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus: -

"If the Council is to spend its money would it prefer a swimming pool or a playing field?"

In more formal language the issue is put to the vote by substantive resolution and amendment:  
-

"The resolution is that the swimming pool be provided. To this the following amendment has been moved: -

leave out the words 'swimming pool' and substitute the words 'new playing field.'

The motion is that this amendment be agreed to."

A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting the resolution as amended to the vote. (See also Paragraph 35 below).

#### METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit of no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

#### COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

#### IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.
22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

#### RELEVANCE

##### General Rule

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state but not always easy to apply fairly because the relevance of what is being said may not be (and often is) understood by the speaker before it is grasped by the listener. Whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

##### Personalities

24. The Chairman should do his best to prevent observations in discussion. The custom whereby speeches are in form addressed to the Chairman only should be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation the Chairman should immediately intervene to seek immediate apology to an offended member.

##### Methods of Enforcement

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

#### Revival of Decided Issues

26. The Chairman should not allow a matter which has been decided to be reported at the same meeting. An attempt to “hark back” to a previous agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion, even if the member who raises it was not present when the item was considered.

#### Minutes

27. One of the commonest irrelevancies is the practice of attempting to discuss the merits of what is contained in the minutes on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

#### Other Problems

- 28 a) If any substantial issue arises on a matter dealt with in the Minutes it is better to have a separate agenda item than to discuss it under “Matters Arising”. That heading should be used for reports of progress, and not for new or additional decisions.
- b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that exact text is needed by every Councillor the Clerk should issue copies. Normally it is sufficient to report the main issue in the letter: eg “Mrs Smith has written asking the council to get the pile of rubbish removed from outside 48 Low Lane.”

#### REASONABLE DESPATCH

##### Intervals

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

##### Obstruction at Meetings

30. Deliberate obstruction is rare but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (For points of order see paragraph 33 below.)

##### Repetition

31. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

##### References

32. All deliberative bodies have a natural tendency to refer questions to someone else (eg an officer or committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

## SOME PROCEDURAL POINTS

### Points of Order

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should not be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, do we have the power to do this?", the Chairman (in consultation with the clerk) must give a ruling because if the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion. (See Standing Order 31(a) below.)

### Procedural Resolutions

34. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

### Closure Motions

35. The following are the respective effects of closure resolutions: -
- a) On the passing of a resolution to proceed to next business, proceedings on the business in hand come to a stop and no decision upon it can be taken.
  - b) On the passing of a resolution that the question be now put the mover is usually entitled to reply before the matter is put to the vote. By custom the Chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
  - c) A resolution to adjourn a discussion or a meeting stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may be later resumed at the point where it was interrupted.

### Amendments

36. a) An amendment which in substance negatives the principle resolution should not be allowed because it is confusing and unnecessary.
- b) An amendment should always be put to the vote before the resolution which it seeks to amend (See also paragraph 18 above.)

### "Any Other Business"

37. The summons to a meeting of a Local Council must by law specify the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of "any other business" because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under A.O.B. or the giving of a preliminary notification of important business for next time.

### "Urgent" Business

38. The law makes no provision for dealing with "urgent business. If it is "urgent" only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely "urgent", that is it was too late for the agenda and it will be too late for action if left till the next ordinary meeting, an additional meeting should be called or the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for

action. It is contrary to Local Government law for the Chairman or any other single member to take a decision binding the Council.

#### USE OF CHAIRMAN'S VOTES

39. Save on one occasion, the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, but it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against. I therefore vote in favour which makes it even."
40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not a majority, he may declare the resolution not carried. This course is, however, sometimes regarded as irresponsible or lacking in courage. In such circumstances, the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again. For instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

#### PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is reasonably of the opinion that such exclusion is in the public interest. Where the public and press have been excluded, the decisions made in the closed session must be minuted: a record should be kept of who was present at the session: the press should be told of any decision. Business is 'confidential' if its discussion must be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

#### MALADMINISTRATION

42. Local Councils are not subject to the jurisdiction of the Local Ombudsman. There is therefore no outside body which can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is however important for the good name of the Council that complaints be handled properly and fairly. The National Association has therefore published National Circular 2/86 – Code of Practice in handling Complaints - which recommends a standard and formal procedure to all Councils. In light of the Local Government Act of 2000, Councils are recommended to agree a form of complaint procedure for matters falling outside the jurisdiction of the Standards Board with their Standards Committee.

#### PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 mins) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.

#### LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a standing order. This has not been done here but Councillors may well find it advantageous to establish a custom.

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## **PART II**

### **STANDING ORDERS**

#### 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) Smoking is not permitted at any meeting of the Council.

#### 2. The Statutory Annual Meeting

- 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.**
3. **(England Only) In addition to the Statutory Annual Parish Meeting at least three other statutory meetings shall be held 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. Proper Officer

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

- 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 bylaws made by another local authority.
- f) To certify copies of bylaws 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.

#### 6. Quorum of the Council

**Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**

- 7. 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.
- 8. For a quorum relating to a committee or sub-committee, please refer to standing order 48.

9. Voting

Members shall vote by 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 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.**

**11. (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**

**12. Order of Business**

**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 and written undertakings to observe 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 and sub-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 15.

**13. 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.**

14. 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. Standing Order 38 must be read in conjunction with this requirement.

15. 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 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.
  - 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 business, if any, 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 Councillors.
  - g) To receive and consider reports and minutes of committees.
  - h) To receive and consider resolutions or recommendations in the order in which they have been notified.
  - i) To authorise the sealing of documents.
  - j) If necessary, to authorise the signing of orders for payment.

16. 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 other 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.

17. 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 as given notice in writing of its terms and has delivered the notice to the Clerk at least **(10)** clear days before the next meeting of the Council.

- 18. 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 the inspection of every member of the Council.
- 19. 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.
- 20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by another member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 21. 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.

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

23. Resolutions Moved Without Notice

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

- a) To appoint a Chairman.
- 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 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. (see Order 68 below).
- o) To silence or eject from the meeting a member named for misconduct. (see Order 33 below).
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order. (see Order 79 below)
- r) To adjourn the meeting.

24. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided ( 10 ) clear days notice of the question has been given to the person to whom it is addressed.

25. No questions not connected with business under discussion shall be asked except during the 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.

28. Rules of Debate

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.

29. a) 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.
- b) 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.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed (3) minutes and no other speech shall exceed (3) minutes except by consent of the Council.
- e) An amendment shall be either: -
- (i) To leave out words
  - (ii) To leave out words and insert others
  - (iii) To insert or add words
- f) An amendment shall not have the effect of negating the resolution before the Council.
- g) 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.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding (3) minutes.
- j) 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.
- k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- l) 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.
- m) 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 leaves the meeting.
- (vii) That the resolution be referred to a committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

30. A member shall remain seated when speaking unless requested to stand by the Chairman.

31. 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 wish to speak, the Chairman shall decide whom to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be 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 observe the Code of Conduct which was adopted by the Council on 12<sup>th</sup> December 2012, a copy of which is annexed to these Standing Orders and the amendment to these as adopted on 12<sup>th</sup> July 2017, listed at the end of this document.**
- 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 acted in a manner contrary to that required, 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 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 (England) or the Local Commissioner (Wales).**
- d) If the motion 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.

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 his 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 6 months except either by a special resolution, the written notice whereof bears the names of at least (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 6 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 press and public shall be excluded. (See Standing Order No. 68.)

39. Resolutions on Expenditure

Any resolution 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.

40. Expenditure

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

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) [The Council's Common seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two members who shall sign the document as witnesses.]

[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.]

(A council with a seal **MUST** delete the second option. A council without **MUST** delete the first)

42. Committees and Sub-Committees

The Council may at its Annual Parish Council 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) 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; and
- c) May subject to the provisions of Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman and Vice-Chairman ex-officio shall be voting members 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 Meeting

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. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. Sub-committees

Every committee may appoint a sub-committee for purposes to be specified by the committee.

47. 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.

48. 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.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

50. Advisory Committees

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council.
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

Voting in Committees

51. 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.

**52. Chairmen of committees and sub-committees shall in the case of equality of votes have a second or casting vote.**

53. 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.

54. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
  - 2) 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 responsible Financial Officer or the clerk if different. 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.
  - 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.
55. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

56. Estimates / Precepts

- 1) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of **(December)**.
- 2) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than **(November)**.

57. Interests (ENGLAND)

**If a member has a personal interest as defined by the Code of Conduct adopted by the Council on (12<sup>th</sup> July 2017) then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

58. **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.**

59. Interests (WALES)

**If a member has a personal interest as defined by the Code of Conduct adopted by the Council on (12<sup>th</sup> July 2017) then that interest must be declared and a decision made by the member whether to stay or withdraw.**

60. **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 of the Responsible Authority and/or as required by statute.**

61. 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 this Standing Order shall apply.

62. The Clerk shall make known the purpose of this Standing Order to every candidate.

63. Canvassing of and Recommendations by Members

- 1) 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 purpose of this sub-paragraph of this Standing Order to every candidate.
- 2) 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 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.

64. Standing Order Nos. 61 and 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

65. 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.

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

67. 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.

68. 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 and press 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 press and public be temporarily excluded and that they are instructed to withdraw."

69. The Council committee or sub-committee shall state the special reason for exclusion.

70. At all meetings of the Council, the Chairman may at their 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.

71. The Clerk shall afford 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.~~

72. 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.

73. Confidential Business

- 1) 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.
- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

74. Liaison with County and District Councillors

A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.

75. 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 to the District Councillor for the ward as the case may require.

76. Planning Applications

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: -

- a) The date on which it was received
- b) The name of the applicant
- c) The place to which it relates
- d) The Clerk shall notify the receipt of every planning application to the Chairman/ Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.

77. 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 £ 200 .
- 2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £ 200 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) A public notice of intention to place a contract to be advertised locally.
  - b) A specification of the goods, materials, services and the execution of the 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 the Council.
  - e) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

- 4) The Council or a Committee, is not bound to accept the lowest tender estimate or quote. Any tender notice shall contain a reference to the Standing Orders 60 and 62 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.}

(Note: Some Standing Order **must** be made for contracts for the supply of goods or the execution of works).

#### 78. 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 (England) or Commission (Wales) for consideration.

#### 79. 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.

80. 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.

#### 81. 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 Members declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

### NOTES

#### At the meeting held on 12<sup>th</sup> December 2012:

It was agreed that the limit of gifts and hospitality should be £50, proposed Mr P Hammett, seconded Mr G Henwood, majority in favour.

The council will hold the register of interests.

The Parish Council agreed with the amendment which allows the chairman discretion in allowing a councillor with pecuniary interests to speak and give any relevant information on an item before leaving the room.

#### At the meeting held on 8<sup>th</sup> July 2015:

The Parish Council adopted the Transparency code. This allows recording and filming of Council meetings by the press and public, and publication of draft minutes and therefore no71 has been amended (ie part of it deleted)to reflect this. The P[arish Council will adhere to the Transparency Code for smaller authorities and will publish information in accordance with the guidelines specified in the Transparency Code but also ensuring compliance with the 1998 Data Protection Act. Information covers minutes, agendas and associated documents, financial information and members and their interests.

**At the meeting held on 12<sup>th</sup> July 2017:**

The following was considered, as suggested by CALC ie to combine the Code of Conduct, Complaints and Dispensations standing orders ie combine the model standing orders no 13 and 14 and adopt this combined standing order as follows:

**13. Code of Conduct, Complaints and Dispensations**

**General**

a The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

b Members must have particular regard to their obligation to record and leave the room for certain matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.

c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

**Members and the Code of Conduct**

d All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.

e All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.

f All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

g Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

h Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

i Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.

j *Code of Conduct 2.6 – insert the clause in the Council's Code of Conduct relating to gifts and hospitality.*

k A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All

Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

**Allegations of breaches of the Code of Conduct**

l Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.

m Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.

n Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint

- o The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

p References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

q Upon notification by the Monitoring Officer of the Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations of the Monitoring Officer and what, if any, action to take against him in accordance with the recommendations. The Council has no ability to impose its own sanctions against a member found in breach of the Code of Conduct.

Such action excludes disqualification or suspension from office but may include removal from one or more committees of the Council or restricted access to council premises except to attend meetings.

**Dispensations**

r The Council has adopted a policy for the issuing of dispensations which is in accordance with the Council's Code of Conduct. It is attached to these Standing Orders as an appendix.

s This policy shall apply to all meetings of the Council, its committees and sub-committees.

t No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

**Revised July 2017**

Signed.....

Date.....