

# **REVISED STANDING ORDERS**

## **THORPE MALSOR PARISH COUNCIL**

These revised Standing Orders were adopted by the parish Council at its meeting held on 22<sup>nd</sup> January 2019

### **1. MEETINGS**

- a) Meetings of the Council shall be held on such dates as agreed by the Council on Tuesday evenings at 7.00pm 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.
- 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**

The Council nominates the Clerk to be the proper officer of the Council when statute, regulation or order require. e.g. to receive declarations of acceptance of office.

### **5. 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.

### **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 disclosable pecuniary interest or other interest requiring departure from the meeting room) 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 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 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 (if any).
- 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 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:

See agreed agenda, which is to include:

- a) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- b) To deal with business expressly required by statute to be done.

## **12. VARIATION OF THE ORDER OF 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. 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.

## **14. 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 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.

## **15. 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 (see 12)
- 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. (see 14)
- 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.

## **16. 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 initiated 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.

## **17. 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.

## **18. DISORDERLY CONDUCT**

- a) All members must observe the Code of Conduct which was adopted by the council on 24<sup>th</sup> July 2018.
- b) 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 disrepute.
- c) 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 member named be no longer heard or that the member named do leave the meeting, and the motion, shall be put in motion 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 monitoring officer of the Principle Authority for consideration.
- 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.

## **19. 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.

## **20. ALTERATION OF A RESOLUTION**

A member may move amendments to his own resolution.

## **21. 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.

## **22. 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.

## **23. 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 until the press and public have been excluded.

## **24. EXPENDITURE**

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members, as set out in the financial standing orders..

## **25. COMMITTEES**

A committee can be appointed for certain aspect of the Parish Council business. The terms of reference of each committee will be ratified by the Parish council and will be include as an Appendix of these standing orders.

The Council can appoint committees and Sub committees at any other time as are necessary, subject to any statutory provision.

a) The terms and conditions of the committee have been agreed by the Parish Council

- b) At least 2 members of the Council must be appointed to the committee and it may appoint persons other than members of the Council to the Committee
- 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 who shall hold office on a standing committee until the next Annual Meeting of the council or the dissolution of the task and finish committee.
- e) The Chairman of a committee or the Chairman of the Council may summon an additional special meeting of that committee at any time.
- f) Except where ordered by the Council in the case of a committee, the quorum of a committee shall be one-third or 3 of its members.

## **26. VOTING IN COMMITTEES**

- a) Members of 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 shall in the case of an equality of votes have a second or casting vote.

## **27. 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.

## **28. 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.

## **29. ESTIMATES/PRECEPTS**

- a) The council shall approve written estimates for the coming financial year at its meeting in the month of November.
- 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.

## **30. INTERESTS**

- a) If a member has a personal interest as defined by the Code of Conduct adopted by the Council then he/she 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 disclosable pecuniary interest or other interest, he must withdraw

from the room or chamber during consideration of the item to which the interest relates which would be judged by the public at large to be so significant that it would prejudice his/her decision may not take part in any debate or voting on the matter and must leave the room whilst the matter is considered.

c) It is a criminal offence not to declare a DPI or debate or vote on any matter to which it relates.

d) 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.

### **31. 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.

### **32. 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.

### **33. 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.

### **34. 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] [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.)

## **OPEN FORUM**

- a) Before the formal meeting agenda starts, there is an open forum, an opportunity for members of the public who wish to raise issues.
- b) Legally there is no right for the public to speak during the formal parish council meeting. However in the interest of good consultation, the Parish Council have set aside a period before each meeting to listen to representations from the public, police or community groups who wish to bring matters to the attention of the Council, seek advice or ask questions.
- c) The Chair of the Parish Council, will have the final say on the relevance of the issue and length of contribution from each participant.
- d) An issue may be rejected if it is not about a matter for which the council has a responsibility, is defamatory, frivolous or offensive.
- e) Any person who is asked to be silent but ignores the request will be asked to leave the meeting.
- f) Behaviour, which in the opinion of the Chair causes disruption, will cause the meeting to be immediately suspended and both the person/s and the behaviour will be reported to any relevant authority.
- g) This part of the meeting will not be minuted but the Clerk will record notes of the issues raised.
- h) If there are any questions or issues that cannot be dealt with during the forum or the allocated time overruns, the participant can contact the Clerk, who may place the item on the next agenda.
- i) Matters requiring a Council decision or support must be included as a specific Agenda item.

## **35. 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.

## **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. FINANCIAL MATTERS**

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
- b) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

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. Covered by the Code of Conduct for members which should be properly directed to the monitoring officer of the Principle Authority for consideration.

### **38. 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.

### **39. 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.

### **40. COMMUNICATIONS PROTOCOLS**

All correspondence will be as agreed and actioned by the Council at the meetings. The management and editorial of correspondence is a delegated responsibility to the Clerk.

Urgent Correspondence between meetings will be initially passed to the Chair who will circulate if a response is required before the next meeting, the item will be recorded retrospectively.

The use of e-mails as a method of communication has the potential for decision making that has not been agreed in the formal meetings. Unless the matter comes under Urgent Correspondence e-mails are considered as a form of internal communication and informal contact.

Councillors should be aware of the Data Protection Act and the need to maintain confidentiality in all forms of correspondence. The Website is managed and edited as a delegated responsibility of the Chair and a nominated Councillor who work with the website provider.

### **41. ANTI HARASSMENT POLICY**

The Council will not tolerate harassment, intimidation, bullying, verbal or physical abuse of employees and Councillors, and will deal with such incidents by any legal means possible, which may include invoking the Grievance Procedure (employees), Disciplinary action, the removal of councillors from meetings (Standing Order No 18), a request for an investigation by the Principle Authority and taking legal action.

Definition Conduct which is insulting and demeaning, lowers morale and is unwanted by the recipient and which adversely affects his/her dignity and well being or his/her ability to carry out his/her duties.

Also included are incidents relating to personal characteristics, e.g. age, sexual orientation, religion, appearance, gender, race, This list is not exhaustive.

#### **42. DELEGATION**

The Council shall delegate to the clerk the authority to make planning decisions on its behalf if the Parish Council is unable to meet for whatever reason to discuss its position and only after the Clerk has consulted with three members who will be chosen on a random basis.

Adopted on: 22<sup>nd</sup> January 2019

Signed \_\_\_\_\_ (Chairman)

Date of next review: January 2020