

# LINBY PARISH COUNCIL

## Standing Orders for Meetings of the Council

### **1. Ordinary Meetings of the Council.**

- The ORDINARY meetings of the Council shall be held on the second Monday of each month excepting August and December when no meeting is held, unless it is a bank holiday when the meeting shall be held on the second Tuesday of the month.
- Except where the Council may vary this, all meetings shall be held at Brooke Farm, Linby and shall commence at 7.30pm and shall conclude no later than 10.00pm at which point any unfinished business shall be included in the agenda for the next meeting unless dealt with in the interim
- Smoking is not permitted at any meeting of the Council.

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

- In an election year the Annual Parish Meeting shall be held on or within 14 days following the day on which the councillors take office.
- In a year which is not an election year, the Annual Parish Meeting shall be held on such day in May as the Council may direct.

### **3. Extraordinary Meetings of the Council.**

- The Chairman of the Council may at any time call an extraordinary meeting of the Council.
- If the office of Chairman is vacant, or if the Chairman is unable to act for any reason, the Vice-Chairman may at any time call an extraordinary meeting of the Council.
- Any THREE members of the Council may call an extraordinary meeting of the Council if a request in writing for such a meeting and signed by those members, has been presented to the Clerk.
- Where any person or persons decide to call an extraordinary meeting of the Council, that decision shall be signified to the Clerk together with the business to be transacted by the person or persons concerned. The Clerk shall thereupon ensure that the notices and summonses giving THREE clear days notice of the extraordinary meeting, are published and sent as soon as is practicable.

### **4. Chairman of 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 order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk:-

- To receive declarations of acceptance of office.
- To receive and record notices disclosing interests at meetings.
- To receive and retain plans and documents.
- To sign notices and other documents on behalf of the Council.
- To receive copies of bylaws made by another local authority.
- To certify copies of bylaws made by the Council.
- To sign and issue the summons to attend meetings of the Council.
- To keep proper records for all Council meetings.

## **6. Quorum of the Council.**

THREE members 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 38.

## **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. a) Subject to b) and c) 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.  
b) If the person presiding at the Annual meeting would have ceased to be a member of the Council but for 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.  
c) 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 General Meeting the first business shall be:-

- To elect a Chairman of the Council.
- To receive the Chairman's declaration of acceptance of office or, if not then receive, to decide when it shall be received.
- In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- To elect a Vice-Chairman of the Council.
- To appoint representatives to outside bodies.
- To appoint committees and sub-committees.
- To consider the payment of any subscriptions falling to be paid annually.
- 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 General 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 35 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:-
  - To receive apologies for absence.
  - To receive declarations of interest, personal, and personal and prejudicial.
  - 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.
  - After consideration, to approve the signature of the Minutes by the person presiding, as a true record.
  - To discuss matters arising, if any, from the last meeting.
  - To receive communications, if any, from members of the public.
  - To receive and consider reports and Minutes of committees.
  - 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 any 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. Emergency Motion**

An emergency motion may be considered at a meeting provided that written notice of the motion is given to the Clerk at the start of the meeting stating the terms of the motion and the reasons why the mover of the motion considers it to be an emergency motion. The motion may only be considered if by a majority, the meeting consider that it should be included on the agenda for the meeting.

## **18. Motions.**

Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least eight clear days prior to the meeting.

## **19. Motions dealing with the following matters may be moved without notice:**

- To appoint a Chairman of the meeting.
- To approve the Minutes.
- To correct the Minutes.
- To alter the order of business.
- To proceed to the next business.
- To close or adjourn the debate.
- To appoint a committee or any members thereof.
- To adopt a report.
- To authorise the sealing of documents.
- To amend a resolution.
- To give leave to withdraw a resolution or an amendment.
- To exclude the press and public.
- To silence or eject from the meeting a member named for misconduct.
- To suspend any Standing Order.
- To adjourn the meeting.

## **20. Questions\_**

A member of the Council or the public may ask the Chairman or the Clerk any question concerning the business of the Council, but if notice has not been given prior to the meeting; the Chairman or Clerk has the right to defer an answer or discussion.

## **21. Rules of Debate\_**

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.

**22.** a) A resolution or amendment shall not be discussed unless it has been proposed and seconded.

b) An amendment shall be either:-

- To leave out words.
- To leave out words and insert others.
- To insert or add words.

**23.** Any amendment shall first be put to the proposer of the original motion for acceptance as part of the motion. If accepted it becomes part of the motion without debate.

**24.** If not accepted by the proposer of the original motion, and on debate, an amendment is carried, the motion as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

**25.** An amendment shall not have the effect of negating the resolution before the Council.

**26.** A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

**27.** Discussion on a motion is suspended whilst an amendment is debated and voted on.

**28.** A motion or amendment may be withdrawn by its proposer.

**29.** When a motion is under debate no other motion shall be moved except for the following:

- To amend the motion.
- To proceed to the next business.
- To adjourn the debate.
- That the question be now put.
- That a member named be not further heard.
- That a member named does leave the room.
- To exclude the press and public
- To adjourn the meeting.

**30.** a) The ruling of the Chairman on a point of order or the interpretation of standing orders or

procedure or on admissibility of a personal explanation is final.

- 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.

### **31. 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 a motion is seconded, the Chairman shall put the motion to the vote. If the motion “that the question be now put” is carried, the Chairman shall call upon the mover of the original motion to exercise or waive his rights 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.

### **32. Disorderly Conduct.**

- a) All members must observe the Code of Conduct which was adopted by the Council on 9<sup>th</sup> July 2012.
- 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 or any member may move that the member named is no longer to be heard or be instructed to leave the room. 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).
- d) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce the decision.

### **33. Rescission of a Previous Resolution.**

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof, is delivered to the Clerk at least eight days before a meeting at which it is to be discussed and bearing the names of at least 10 members of the Council.
- b) When a special resolution is moved following the provisions of paragraph (a) of this Order has been disposed of; no similar resolution may be moved within a further six months.

### **34. Voting of 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 no 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.

**35. Discussions and Motions 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 has decided whether or not the public and press shall be excluded.

**36. Resolutions on Expenditure.**

Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance Committee, 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.

**37. Expenditure.**

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

**38. 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) 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.

**39.** The Chairman and Vice-Chairman ex officio shall be members of every committee.

**40.** Every committee shall at its first meeting before preceding 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.

**41.** The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time by requesting the Clerk to issue a summons for the meeting. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

#### **42. 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) The Chairman of any committee shall in the case of an equality of votes have a second or casting vote whether or not he has exercised his original right to vote.

#### **43. Presence of non-appointed members of committees at committee meetings.**

A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not otherwise debate the matter and shall not vote.

#### **44. Accounts and Financial Statement.**

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

**45.** The Responsible Financial Officer shall supply to each member as soon as is practicable after 31<sup>st</sup> March in each year, a statement of the 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<sup>st</sup> March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which are subject to external audit) shall be presented to the Council for formal approval before the end of the following month of September.

#### **46. Estimates/Precept.**

The Council shall approve written estimates/budgets for the coming financial year at its meeting before the end of the month of January.

#### **47. Members Interests.**

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.



- 48.** 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.
- 49.** 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.

**50. Canvassing of or recommendations by members.**

Canvassing of members of the Council, directly or indirectly, for an appointment under the Council shall disqualify the candidate for such appointment.

**51. 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, and can request copies of the relevant documents for that purpose.

- 52.** All Minutes kept by the Council shall be open for the inspection of any member of the Council.

**53. Unauthorised Activities.**

No member of the Council shall in the name of or on behalf of the Council, unless authorised to do so by the Council.

- a) Inspect any land or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions.

**54. Admission of the public to meetings.**

The public shall be admitted to all meetings of the Council which may, however, temporarily exclude the public by means of the following resolution:

"That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw"

(If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).

- 55.** If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber or otherwise take such action as necessary to restore order.

## **56. Confidential Business.**

- 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.
- Any member in breach of the provision of paragraph (a) of this Standing Order may be removed from any committee or sub-committee of the Council by the Council.

## **57. Planning Applications.**

The Clerk shall record the following particulars of every planning application notified to the Council:

- The date on which it was received
- The name of the applicant
- The place to which it relates
- A summary of the nature of the application.

## **58. Variation and Revocation of Standing Orders.**

A motion 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. It will then become an agenda item and may be passed by a simple majority of all members present and voting at the meeting.

## **59. 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.