

## WESTCOTT PARISH COUNCIL STANDING ORDERS

These Standing Orders were adopted by the Council at its meeting on 9<sup>th</sup> April 2019 (Minute 47/19)

(Note: Some of the following Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type** and cannot be altered.)

### MEETINGS

1. Meetings will be held generally at six week intervals, dates to be fixed at the May meeting of the Council for the ensuing year, unless otherwise decided by the Council.
2. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- 3a. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- 3b. **The service of the summons to attend and the agenda shall be posted to arrive or delivered by hand to meet the three clear days for the notice of a meeting. The notice and agenda shall also be published on the Council's website and the parish notice board, again giving the minimum three clear days notice.**
4. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
5. **The Statutory Annual Meeting in an election year shall be held on or within fourteen days following the day on which the councillors elected take office. In a non-election year, the Annual Meeting shall be held on such a day in May as the Council may direct.**
6. **In addition to 5 above, at least three other statutory meetings shall be held.**
7. Meetings shall commence at 7.30 pm. and shall not continue beyond 9.30 p.m unless approved by resolution of the Council.
8. Smoking is not permitted at meetings of the Council or Committees. Mobile phones must be switched off during meetings.
9. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
10. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
11. **Subject to standing orders which indicate otherwise, anything authorized or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
12. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
13. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
14. **The Chairman of the meeting may give an original vote on any matter put to the vote and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

15. Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.
16. The Chairman of the Council may convene an extraordinary meeting of the council at any time.
17. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

#### **CHAIRMAN OF MEETING**

18. The *person presiding* at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

#### **PROPER OFFICER**

19. 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:
  - (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 byelaws made by another local authority
  - (f) To certify copies of byelaws made by the Council
  - (g) To sign summonses to attend meetings of the Council
  - (h) To keep proper records for all Council and Committee meetings

#### **QUORUM**

20. **Three members or one third of the total membership, whichever is the greater, shall constitute a Quorum at meetings of the Council or Committees.**
21. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of declared interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other days as the Chairman may fix.

#### **VOTING**

22. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
23. **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.**
24. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no 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.**

#### **ORDER OF BUSINESS**

25. **At each Annual Parish Council Meeting, the first business shall be:**

- (a) To elect a Chairman and a Vice-Chairman (if any) 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 an election year, if the current Chairman of the Council has been re-elected as a member of council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- (d) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- (e) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- (f) To appoint representatives to outside bodies
- (g) To appoint committees if any
- (h) To consider the payment of any subscriptions falling to be paid annually.

26. **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) as are required by law to be made, or if not then received to decide when they shall be received.**

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

- (a) To offer an "Open Forum" to any members of the public present at the meeting, such time not to exceed 15 minutes unless approved by the Council. Any relevant topics shall be documented in the minutes of the meeting.
- (b) To receive any Declarations of Interest
- (c) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- (d) After consideration to approve the signature of the Minutes by the person presiding as a correct record**
- (e) To deal with business expressly required by statute to be done**
- (f) To dispose of business, if any, remaining from the last meeting
- (g) To receive such communications as the person presiding may wish to lay before the Council
- (h) To authorise the sealing of documents
- (i) To consider resolutions or recommendations in the order in which they have been notified
- (j) Any other business specified in the summons
- (k) To receive and consider reports from committees (if any), outside bodies and officers of the Council
- (l) To authorise the signing of orders for payment
- (m) To consider any current planning matters or reports

28. A motion to vary the order of business on the grounds of urgency:

- (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) shall be put to the vote without discussion

## **RESOLUTIONS**

29. 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 has given notice in writing of its terms and has delivered the notice to the Clerk at least ten clear days before the next meeting of the Council.

30. The Clerk shall insert in the summons for every meeting all notices of motions or recommendations properly given unless the member giving notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

31. 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.

32. 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.

33. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

34. Resolutions dealing with the following matters may be moved without notice:
- (a) To appoint a Chairman of the meeting
  - (b) To correct an inaccuracy in the draft minutes of a meeting
  - (c) To approve the Minutes
  - (d) To alter the order of business
  - (e) To proceed to the next business
  - (f) To close or adjourn the debate
  - (g) To refer a matter to a committee
  - (h) To appoint a committee or any members thereof
  - (i) To adopt a report
  - (j) To authorise the sealing of documents
  - (k) To amend a motion
  - (l) To give leave to withdraw a resolution or an amendment
  - (m) To extend the time limit for speeches
  - (n) To exclude the press and public
  - (o) To exclude a councillor or member of the public for disorderly conduct.
  - (p) To invite a member having an interest in the subject matter under debate to remain
  - (q) To give the consent of the Council where such consent is required by these Standing Orders
  - (r) To suspend a particular Standing Order.
  - (s) To adjourn the meeting

#### **QUESTIONS**

35. A member may ask the Chairman or the Clerk any questions concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed **before the meeting begins.**
36. A person to whom a question has been put may decline to answer.

#### **RULES OF DEBATE**

37. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they should be taken as read.
38. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing orders.
39. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
40. (a) A resolution of 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 shall direct his speech to the question under discussion
- (c) No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed four minutes except by consent of the Chairman
- (d) An amendment shall be either:
- (i) To leave out words
  - (ii) To leave out words and insert or add others
  - (iii) To insert or add words
- (e) An amendment shall not have the effect of negating the resolution before the Council
- (f) 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
- (g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved

- (h) 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.
- (i) A member may speak to make 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.
- (j) 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 no further heard
  - (vi) That a member named do leave the meeting
  - (vii) That the resolution be referred to a committee
  - (viii) To exclude the public and press
  - (ix) To adjourn the meeting

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

- 42. (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
- (c) If two or more members wish to speak, the Chairman shall decide in what order to call them.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent

#### **CLOSURE**

43. 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 but, in the case of a motion "to put the question", 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.

#### **DISORDELY CONDUCT**

- 44. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 45. If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 46. If a resolution made under standing order 45 above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

#### **RIGHT OF REPLY**

47. 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.

#### **ALTERATION OF RESOLUTION**

48. A member may, with the consent of his seconder, move amendments to his own resolution.

#### **RECISSION OF PREVIOUS RESOLUTION**

49. (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 five

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 provision of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

#### **VOTING ON APPOINTMENTS**

50. 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.

#### **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

51. If at a meeting there arises any questions 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 press and public shall be excluded.

#### **PROPER OFFICER**

52. The Proper Officer shall be the Clerk as appointed by the council to undertake the work of the Proper Officer.
53. The Proper Officer shall:
- (a) **At least three clear days before a meeting of the council serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
  - (b) **Give public notice of the time, place and agenda at least three clear days before a meeting of the council.**
  - (c) **Convene a meeting of full council for the election of a new Chairman of the Council occasioned by a casual vacancy in his office.**
  - (d) **Receive and retain copies of by-laws made by other (relevant) local authorities**
  - (e) Retain acceptance of office forms from councillors
  - (f) Retain a copy of every councillor's register of interests
  - (g) Assist with responding to requests made under the Freedom of Information Act 2000 and the Data protection Act 1998 in accordance with the directions of the council
  - (h) Carry out all other responsibilities as detailed in his contract of employment

#### **FINANCE**

54. The Clerk of the Council will also be the Council's Responsible Financial Officer and carry out the full duties of this post
55. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**
56. On all other matters relating to finance, the Council's Financial Regulations will apply.

#### **COMMITTEES ETC.,**

57. The Council may at its Annual Parish Council Meeting appoint standing committees (see s.o.25g above) and may at any other time appoint other such committees, working groups or advisory committees as are necessary.
58. Except for any standing committee, no decision-making is delegated and any recommendations are to be put before the next appropriate meeting of the Council.
59. Every committee shall at its first meeting appoint a Chairman who shall hold office until the next Annual Meeting of the Council.
60. **Chairmen of Committees shall in the case of equality of votes have a second or casting vote.**

#### **INSPECTION OF DOCUMENTS**

61. **The Model Scheme under the Freedom of Information Act 2000, adopted by the Council on 16th December 2008 shall apply to this Order (amendment - minute 183/08)**

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

#### **UNAUTHORISED ACTIVITIES**

63. 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 the Clerk.

#### **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

64. **The public and press shall be admitted to all meetings of the Council and its committees which may, however, temporarily exclude the public and press 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”.

65. The Clerk shall afford to the press reasonable facilities for taking 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.
66. Requests from the press or other media for an oral or written comment or statement from the council, its councillors or clerk, shall be handled in accordance with the council’s policy, precedence or other directions of the council.
67. 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.

#### **CONFIDENTIAL BUSINESS**

68. (a) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest
- (b) Councillors and the Clerk shall not disclose confidential or sensitive information which for special reasons would not be in the public interest

#### **EXECUTION AND SEALING OF LEGAL DEEDS**

69. A legal deed shall not be executed on behalf of the council unless authorised by a resolution
70. **Subject to standing order 69 above any two councillors may sign on behalf of the council any deed required by law and the Proper Officer shall witness their signatures**

#### **LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

71. A notice of meeting with an agenda shall be sent to the County, District and/or Unitary Councillor for the appropriate division or ward.

#### **PLANNING APPLICATIONS**

72. (a) The Clerk shall, as soon as it is notified, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:
- (i) the date on which it was received
  - (ii) the reference number of the application
  - (iii) the place to which it relates
  - (iv) a summary of the nature of the application
- (b) The Clerk shall refer every planning application to the Council or to the Planning Committee (if any) for consideration at the next appropriate meeting, unless the closing date for comments is before the next meeting. In which case the Clerk, in consultation with the Chairman, will make other appropriate arrangements and notify all councillors of the same.

## CODE OF CONDUCT COMPLAINTS

73. Upon notification by the District, County or Unitary Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall report this to the council.
74. Where the notification in standing order 73 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact and the matter shall be referred to the council to decide what action, if any to take.
- 75. Upon notification by the District or Unitary Council that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## CODE OF CONDUCT AND DISPENSATIONS

76. All councillors shall observe the code of conduct adopted by the council
77. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest
78. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest
- 79. Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible or at the latest at the start of the meeting for which the dispensation is required
80. A decision as to whether to grant a dispensation shall be made by the Proper Officer OR by a meeting of the council and that decision is final.
81. Subject to standing order 79 above dispensations requests shall be considered by the Proper Officer before the meeting or if this is not possible by the council at the start of the meeting for which the dispensation is required.
- 82. A dispensation may be granted in accordance with standing order 81 above if having regard to all relevant circumstances the following applies:**
- (a) Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - (b) Granting the dispensation is in the interests of persons living in the council's area or**
  - (c) It is otherwise appropriate to grant a dispensation**

## STANDING ORDERS GENERALLY

83. Any or every part of these Standing Orders **except those printed in bold type** may be suspended by resolution in relation to any specific item of business.
84. 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.
85. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
86. It shall be the duty of the Council to review these Standing Orders from time to time and at least every four years, and to make such changes as the Council considers are required.
87. 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.
88. Should any of the above orders need clarification or do not cover a particular matter, guidance should be sought from the NALC Model Standing Orders 2014. (pages 169-199)