

MISTERTON PARISH COUNCIL

STANDING ORDERS

MEETINGS

1. (a) Meetings of the Council shall be held at 7.30 p.m. unless the Council decides otherwise.
- (b) No meeting shall last over two and a half hours, and any business left over shall be dealt with at the next meeting or other date agreed.
2. **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 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. **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.**
4. **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

5. 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.

QUORUM OF THE COUNCIL

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

VOTING

7. Members shall vote by show of hands, or, if a member so requests, by signed ballot.
8. **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. (a) **Subject to (b) and (c) 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 an original vote.**
- (b) **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.**
- (c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

10. **At each Annual Meeting the first business shall be:**
- (a) **To elect a Chairman**
 - (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**
11. **At every meeting other than the Annual 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.**
12. **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 approve the Minutes**
 - (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 deal with the remainder of the Agenda.**
13. **A motion to vary the order of business on the ground 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**

CLOSURE

14. 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 the motion “that the question be now put” is carried, the Chairman shall first call upon the mover to exercise or waive his right of reply.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

DISORDERLY CONDUCT

15. (a) **All members must observe the Code of Conduct which was adopted by the Council on 11th September, 2007, a copy of which is annexed to these Standing Orders**
- (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 himself or 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 be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

16. 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

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

EXPENDITURE

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

SEALING OF DOCUMENTS

20. (a) A document shall not be sealed on behalf of the Council unless it's sealing has been authorised by a resolution.
- (b) 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.

COMMITTEES

21. 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 the 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 18 above at any time dissolve or alter the membership of committees.

22. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee.
23. 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.
24. The chairman of a committee of 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.
25. Every committee may appoint sub-committees for purposes to be specified by the committee.
26. 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.
27. 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.
28. Members of committees and sub-committees entitled to vote shall vote by show of hands,
or, if a member so requests, by signed ballot.
29. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

ACCOUNTS AND FINANCIAL STATEMENT

30. (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 Clerk to the Council. 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 payments with the approval of the Chairman or Vice-Chairman of the Council.
- (c) all payments ratified under paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

INTERESTS

- 31. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 11th September, 2007, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 32. 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.**
- 33. At each meeting of the Parish Council and the General Purposes Committee, a fifteen minute public discussion period will be allowed in respect of agenda items, other than items marked confidential. This was introduced (as later amended) as a result of adoption of Paragraph 12(2) of the 2007 Code of Conduct, which permits a member with a prejudicial interest to make representations, answer questions or give evidence on a relevant matter prior to the matter being considered by the Parish Council or a committee, when the member must leave the room. The same rights are afforded to the public.**
- 34. 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.**

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 35. (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.**

INSPECTION OF DOCUMENTS

- 36. A member may for the purposes 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.**
- 37. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

38. 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.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

39. **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 resolution:**

“That, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be excluded, and they are requested to withdraw.”

40. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
41. 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 room.

CONFIDENTIAL BUSINESS

42. (a) No member of the Council or 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 of the Council by the Council.

PLANNING APPLICATIONS

43. (a) The Clerk shall, as soon as it is received, enter in a register 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 name and address of the applicant
 - (iii) the place to which it relates

- (iv) a summary of the nature of the application
- (b) The Clerk shall record details of the Council's observations on every planning application in the register referred to at Standing Order 43(a) above.
- (c) The Clerk shall record details of the District Council's decision on every planning application in the register referred to at Standing Order 43(a) above.

FINANCIAL MATTERS

- 44. The Council is to maintain Financial Regulations, which shall be reviewed at least annually.
- 45. Procedures as to contracts are laid down in Financial Regulation 11 as follows:
 - (a) Every contract made by the Council shall comply with these procedures, and no exception from any of the following provisions shall be made otherwise than by direction of the Council, provided that these procedures shall not apply to contracts which relate to items (i) to (v) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone services.
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs or parts for existing machinery or equipment or plant.
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
 - (v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
 - (b) Where it is intended to enter into a contract:
 - (i) exceeding £500 in value for the supply of goods or materials or for the execution of works or specialist services as are excepted as set out in paragraph (a), the RFO shall invite tenders from at least three firms which shall be approved by the Council.
 - (ii) for expenditures of £500 or less in value the chairman or his appointed Vice-Chairman together with the RFO shall have executive power.
 - (c) When applications are made to waive these procedures relating to contracts to enable a tender to be negotiated without competition, the reason shall be embodied in a recommendation to the Council.

- (d) Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (e) All sealed tenders shall be opened at the same time on the prescribed date by the RFO in the presence of at least one member of the Council.
- (f) If less than three tenders are received for contracts valued above £500, or if all the tenders are identical, the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) The Council shall not be obliged to accept the lowest or any tender.

CODE OF CONDUCT ON COMPLAINTS

- 46. 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 for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 47. 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.
- 48. 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.

STANDING ORDERS TO BE GIVEN TO MEMBERS

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

Revised 9th February, 2009