

# St. Giles-on-the-Heath with Northcott Hamlet Parish Council

## CHAIRMANSHIP AND STANDING ORDERS

### **PREFACE**

The Chairman's Guide and Standing Orders have been adapted from the booklet Issued by the National Association of Local Councils, and as the title suggests, consist of two main sections. Part I is only a guide for the Chairman, being a source to which to refer when there is a procedural difficulty during a meeting. It should assist in making decisions on procedural points through its explanations of matters connected with procedures. Part II is this Council's Standing Orders. These regulate all likely procedural points for a small parish council and are based on long-established models, modified in the light of the experience of the NALC's advisers in dealing with Member councils' problems.

### **CHAIRMANSHIP**

*(In this part the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee" where any function has been delegated.)*

#### **Basic Principles**

1. The clerk 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 unreasonable delay. Intelligible and lawful decisions 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 from personalities;
  - (j) Co-operate with the officers and councillors.

### **THE AUTHORITY OF THE CHAIRMAN**

#### **Origin**

4. Order 10 (a) the scope of his/her authority, however, depends upon ancient customs that are perfectly logical and arise from the necessities of the case. 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 (for which see standing)

#### **Nature and Limitations**

5. The Chairman's procedural authority is derived from the Council as a whole and his rulings must be obeyed by an individual Councillor
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 that are not possessed by other members.

### **PRELIMINARY**

7. Before any meeting the Chairman should study the subjects for the agenda with the clerk and should 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 pecuniary or other biasing 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 conciliation 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.
9. The Chairman should never argue or allow argument with an interrupter. If the public become 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 inasmuch as its representatives must as far as possible be given facilities for taking their reports.

### **Pecuniary Interests**

10. The law requires that, where a Member has a direct or indirect pecuniary interest in any contract, proposed contract or other matter, he/she must disclose it and take no further part in the relative proceedings. Before any meeting, the Chairman should consider whether any Member (including himself/herself) may have a pecuniary interest, and should draw the individual Member's attention to the possibility before the meeting starts. It is the Chairman's duty to challenge a Member if he has reason to think that the latter is an interested party; but such a challenge should not as a rule be made without previous warning. Failure to declare a pecuniary interest can lead after an investigation to proceedings against the Member concerned. The Council cannot debar a Member who is believed to have an interest, nor refuse to acknowledge his vote.

### **Other Interests**

11. The law also requires that, where a Member has any non-pecuniary interest that might influence his judgement and give the impression that he might be acting from personal motives, he must declare it, and take no part in the relative business. (Standing Order 54 is intended to encourage councillors to observe the Codes issued by the Standards Board for England). The Chairman should also consider possible non-pecuniary interests covered by the Codes and draw a Member's attention to any which appear to exist. Copies of the Codes are held by the clerk.

## **LEGALITY**

### **Rulings on Notices**

12. 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 unlawful because someone has not received a notice to which he/she is entitled; but where an irregularity appears to be intentional or important; the meeting should be adjourned until the matter has been corrected.
13. No business can be transacted if there is no quorum. This rule applies not only to cases of physical absence but also to cases of disqualification by interest. Thus a situation may 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 and apply to the District Council for removal of the disqualification. The application should state the grounds and the persons for whom relief is sought.

### **Ultra Vires Proposals**

14. The Chairman should satisfy himself/herself that any proposal involving expenditure is lawful, and should rule any unlawful 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 137 power (contained in the Local Government Act 1972) is not a "long stop" in case of a mistake: expenditure under this heading requires a special resolution, related to the provisions of that Section.

## **A CLEAR ISSUE**

15. 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). Therefore the members must 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;
16. The most exact method of putting a question to the vote is by the use of the following formula:
  - (b) Where there is more than one solution to a problem, each solution must be put to the vote separately.

### **The Affirmative Form**

The resolution is as follows:

(e.g.) 'That the clerk's salary be raised to £4,500 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**

17. 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.
18. Where the alternatives are mutually exclusive, it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend is apparent, and then to put one of them in the form of an amendment to the other. For instance, if a Council considers that 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 a swimming pool be provided. To this the following amendment has been moved: delete: 'swimming pool' and insert: '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 not 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 36 below.)

### **METHOD OF VOTING**

19. The rules on the manner in which decisions are taken are peremptory and admit 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. A quick method of eliminating numerous candidates is suggested in Standing Order 32.

### **COMPLETENESS OF INFORMATION**

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. Before the meeting, the Chairman should 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 becomes clear 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/her own convictions, nor his/her privilege to impose his/her 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 employ 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 is often 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. Thus 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 personal 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 instantly intervene to seek an 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 or sit down. 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 that has been decided to be reopened 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 irrelevances 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 for it. Matters arising should be used only 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 misunderstandings by the public. On the fairly rare occasions that the exact text is needed by every Councillor the clerk should have issued copies. Normally it is sufficient to report the main issue in the letter: for example "Mrs. Smith of \_\_\_ has written asking the Council to get the pile of rubbish removed from outside 48 \_\_\_ Lane".

## **REASONABLE DESPATCH**

### **Intervals**

29. Long meetings bore the members and so reduce the level of attentiveness and public spirit. 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 is desirable to meet regularly; and anyway 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 a point of order just 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 the 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 (e.g. an officer or a committee) for consideration or report. This should not be done simply because the Council is unwilling to make a decision.

## **SOME PROCEDURAL POINTS**

### **Points of Order**

33. Points of Order relate to procedure only and take precedence over 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 be ruled out of order by the Chairman. The person raising a 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, have we 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 26(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, and (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 now be 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 that business; therefore the discussion may later be resumed at the point at which it was interrupted.

#### **Amendments**

36. (a) An amendment which in substance negatives the principal resolution should not be allowed.

(b) An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 17 above.)

#### **Any Other Business**

37. The summons to a meeting of a local council must by law specify the business to be transacted: a council cannot legally decide to take any action under the general heading of "any other business" or "other matters" because these words do not specify any item of business. The rule prevents the Council deciding any business that will have either expenditure consequences or lead the Council into a legal situation, for example by making a contract. However, there is no practical objection to exchanges of information or the giving of a preliminary notification of important business for the future.

#### **"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 until the next meeting. If it is genuinely "urgent" (i.e. it was too late for the agenda and it will be too late for action if left till the next ordinary meeting) then either an additional meeting should be called, or the Council should have a regular arrangement for the reference of such matters to a committee or the clerk for action. It is contrary to local government law for the Chairman or any other single Councillor to take a decision purporting to bind the Council.

#### **USE OF CHAIRMAN'S VOTES**

39. Save on one occasion (see Standing Order 10(2)) 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, the Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since 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 that has the effect, if possible, 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 of the reasonable 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, and 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 has to 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.

42. Reserved

#### **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 a meeting (say 20 to 30 minutes) 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 beginning or end.

#### **STANDING ORDERS MEETINGS**

1. Ordinary Meetings of the Council shall be held either at the Coronation Hall at 1930 hours usually on a Monday in January, March, April, June, July, September, October and December unless the Council at a previous meeting decide otherwise.

2. The Statutory Annual General Meeting shall:

(a) In a Parish Council election-year be held on the Monday next following the fourth day after the ordinary day of elections to the Council and

(b) In a year which is not an election year shall normally follow the Annual Parish Meeting on a Monday in April/ May.

3. Smoking is not permitted at any meeting of the Council.

#### **CHAIRMAN OF A MEETING**

4. (a) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.  
(b) The Chairman shall be addressed as Mr. Chairman or Madam Chairman, as appropriate.

#### **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:  
(a) to receive declarations of acceptance of office;  
(b) To receive and record notices disclosing pecuniary interests;  
(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 a District Council;  
(f) To certify copies of byelaws made by the Council;  
(g) To sign summonses to attend meetings of the Council.

#### **QUORUM**

6. Four members shall constitute a quorum of the Council, three of the Planning Committee, and two of other committees.  
7. 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 a declared pecuniary interest, fall below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may determine.

#### **VOTING**

8. Members shall vote by show of hands or, if at least two members so request, by signed ballot.  
9. If a Member so require, the clerk shall record the names of the members who voted on any motion so as to show whether they voted for or against it.  
10. (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 then of an equality of votes, may give a casting vote (even though he/she may have given no original vote).  
(b) If the person presiding at the Annual General 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 terms 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

#### **DECLARATIONS OF ACCEPTANCE OF OFFICE**

11. (a) The Chairman of the Council must on election (vide 13 below) at each Annual General Meeting sign a Declaration of Acceptance of Office. If not completed immediately, it must be done before or at the next scheduled meeting of the Council.  
(b) If at any Meeting of the Council both Chairman and Vice-Chairman be absent, the person then elected to preside must similarly sign.  
12. Each Member (including the Chairman) must sign a Declaration of Acceptance of Office as Councillor either at the first Meeting after his election or co-option, or within three weeks thereof; and the clerk must send a copy of this to the District Council to arrive within thirty days.

#### **ORDER OF BUSINESS**

(Apologies for Absence should be announced before the commencement of the Meeting.)

13. At each Annual General Meeting the first business shall be:  
(a) to elect a Chairman;  
(b) in the ordinary year of election of the Council, to fill or discuss any vacancies left unfilled at the election by reason of insufficient nominations;  
(c) to elect a Vice-chairman;  
(d) To appoint members of committees;  
14. At every meeting other than the Annual General Meeting the first business shall be, if both Chairman and Vice-chairman be absent, to appoint a Chairman.

15. 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 the clerk. (See Standing Order 33, below.)
16. Unless the Council otherwise decide on the ground of urgency, the order of business shall then be as follows:
  - (a) Minutes of the Last Meeting; provided that a copy of the Minutes shall have been sent to each Councillor at or before the time they were sent the Summons to the Meeting, then the Minutes may be taken as read.
  - (b) Matters Arising out of those Minutes.
  - (c) Items specified in the Summons to the Meeting, which may be included by the clerk or by any Councillor by timely notice to the clerk. Any Councillor may move a resolution under any of these headings, subject always to deferment to the next routine Meeting if a procedural motion be passed to that effect.
  - (d) Planning: before the Meeting, the clerk will normally have circulated a list of all Planning Applications received or progressed up to eight or more days before. As applications will have been considered by a properly convened Planning Committee, any subsequent discussion should be confined to elucidation.
  - (e) Accounts: before the Meeting the clerk will have prepared for Councillors any necessary statement(s) concerning the past, current and projected state of the finances of the Council. Any Councillor may move a resolution under this heading, subject always to deferment to the next routine Meeting if a procedural motion be passed to that effect.
  - (f) Matters may be raised under the heading of Any Other Business for discussion only, and not for resolution.
  - (g) Date and Time of Next Meeting(s).
17. 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.
18. Every resolution or recommendation must be relevant to some subject over which the Council has power or which affects its area.
19. No motion may be moved or put to the vote that does not come under one of the items (except matters Arising and Any Other Business) included on the Agenda or as itemised below.

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

20. 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;
  - (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 public; (see Order 62 below);
  - (o) To silence or eject from the meeting a member named for misconduct; (See Order 28 below.)
  - (p) To invite a member having an interest in the subject matter under debate to remain; (See Order 54 below.)
  - (q) To give the consent of the Council where such consent is required by these Standing Orders;
  - (r) To suspend any Standing Order. (See Order 75 below);
  - (s) To adjourn the meeting.

#### **QUESTIONS**

21. A member may ask the Chairman or the clerk any question concerning the business of the Council provided always that, if to answer that question involves research, notice of the question shall have been given to the person to whom it is addressed well before the date of the meeting.
22. No question not connected with business under discussion shall be asked except during such part of the meeting as may be set aside for general questions.
23. A person to whom a question has been put may decline to answer.

#### **RULES OF DEBATE**

24. No discussion shall take place upon the minutes except concerning their accuracy. Corrections to the Minutes shall be made by simple vote and must be initiated by the Chairman.
25. (a) a resolution or amendment shall not be discussed unless it has been proposed and seconded. If required by the Chairman, it shall be put in writing and handed to him before it be discussed further or put to the meeting.
- (b) A Member shall direct his speech to the matter under discussion.

- (c) No speech shall exceed five minutes except by consent of the Council.
  - (d) An amendment shall not have the effect of negative the relative resolution.
  - (e) If an amendment be carried, the resolution as amended shall take the place of the original resolution.
  - (f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (f) The mover of a resolution or of an amendment shall have a right of reply.
  - (g) No other Member without leave of the Council shall speak more than once on any resolution except to move an amendment, or on an amendment, or on a point of order, or to move a closure.
  - (h) A Member may rise to make a point of order or a personal explanation. A Member rising for either of these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him that 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.
  - (k) 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 leave the meeting.
    - (vii) That the resolution be referred to a committee.
    - (viii) To exclude the public and press.
    - (ix) To adjourn the meeting.
26. (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) Whenever the Chairman is speaking all other members shall be silent.

#### **CLOSURE**

27. 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 be 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 the matter has been sufficiently debated. If the motion "that the question be now put" be 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 resumption.
- (Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agenda need to be issued except a notification to members not originally present of the date of the continuation of the Meeting.)

#### **DISORDERLY CONDUCT**

28. (a) If the Chairman considers that a Member has behaved inappropriately during a Meeting then he may move that the Member named 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.
- (b) If either of the motions mentioned in paragraph (a) be disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary.

#### **RIGHT OF REPLY**

29. 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**

30. A Member may, with the consent of his seconder, move amendments to his own resolution.

#### **RESCISSION OF PREVIOUS RESOLUTION**

31. A decision of the Council shall not be reversed within three months except either by a special resolution, the written notice whereof bears the names of at least six Members of the Council.

### **VOTING ON APPOINTMENTS**

32. 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**

33. If at a meeting there arise 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) shall first have decided whether or not the public be excluded. (See Standing Order No. 62.)

### **RESOLUTIONS ON EXPENDITURE**

34. Any resolution (except on a matter of urgency, the validity of that status having first been put to the vote) which, if carried, would in the opinion of the Chairman substantially increase the expenditure or reduce the revenue of the Council, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, by which time the clerk or Member appointed to do so shall have investigated and given an opinion as to the appropriateness of such expenditure or reduction in revenue.
35. Section 34 shall not apply if such expenditure or reduction be required by law.

### **EXPENDITURE**

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

### **SEALING OF DOCUMENTS**

37. (a) A document shall not be sealed on behalf of the Council unless its 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 AND SUB-COMMITTEES**

38. The Council may at its Annual General 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 regard:  
The Council:  
(a) shall not appoint any Member of a committee so as to hold office later than the next Annual General Meeting,  
(b) may, subject to the provisions of Order 31 above, at any time dissolve or alter the membership of a committee.
39. 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 General Meeting of the Council.
40. 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 that 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.
41. Sub-committees may be constituted only by resolution of the full Council.
42. 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.
43. 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, or two councillors, whichever be greater.
44. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

### **ADVISORY COMMITTEES**

45. An advisory committee may be set up for any relevant purpose by decision of the Council at an ordinary or special Meeting. Its proceedings shall be without formality, except that minutes shall be kept.
46. An advisory committee shall consist of at least one Councillor, but may otherwise co-opt persons who are not members of the Council.

### **VOTING IN COMMITTEES**

47. 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.
48. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting

vote.

### **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

49. A Councillor who has proposed a resolution that has been referred to any committee of which he is not a Member, may explain his resolution to the committee but shall not vote.

### **ACCOUNTS AND FINANCIAL STATEMENT**

50. (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) Routine payments or reimbursements may be made at any time for expenditure on administrative items or for the purchase of stock for subsequent sale by the Council and payment made at the next ordinary Meeting of the Council.  
(b) Clerks Salary payment shall be made either by cheque at the next ordinary Meeting or to be paid by Standing Order by the Bank on which all Councillors are in favour.
51. Cheques shall be signed by two Councillors whose names are on the duly-authorized bank mandate, but may not include (if they be unpaid Councillors) the clerk or Responsible Financial Officer.
52. The clerk shall supply to each Member at the ordinary Meeting next after the end of the Financial Year a statement of income and expenditure.

### **ESTIMATES**

53. (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of November/December.  
(b) Any committee desiring to incur expenditure shall, not later than 1st October annually, give to the clerk a written estimate of the expenditure recommended for the coming year.

### **INTERESTS**

54. If any Member have any interest, direct or indirect, within the meaning of the Codes of the Standards Board for England to which he has subscribed on his Acceptance of Office, he shall declare it and withdraw from any meeting at which that matter is discussed or at which it is directly or indirectly relevant, unless either, exceptionally:  
(a) The Council Invite him to remain; or  
(b) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate; but he may not speak on the matter.
55. The clerk shall record particulars of any notice given by any Member or any officer of the Council of all such interests, which record shall be open at any reasonable time of the day for inspection. Specific declarations made during Council Meetings shall be recorded in the Minutes.
56. (a) 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 and, if appointed, shall be dismissed without notice. The clerk shall report to the Council or to the appropriate committee any such disclosure.  
(b) The purport of this Standing Order shall be made known to every candidate.

### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

57. (a) canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate.  
(b) The clerk shall make known the purport of this Standing Order to every candidate.
58. Standing Orders Nos. 56 and 57 shall apply to tenders as if the person making any tender were a candidate for an appointment.

### **INSPECTION OF DOCUMENTS**

59. Without prejudice to the provisions from time-to-time of Freedom of Information legislation, 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 shall, on request, be supplied for the like purpose with a copy.
60. Similarly, all Minutes kept by the Council and by any committee shall be open for the inspection of any Member of the Council.

### **UNAUTHORISED ACTIVITIES**

61. No Individual Member of the Council or of any committee or sub-committee thereof shall, without the authority of the Council, 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 any orders, instructions or directions purporting to be on behalf of the Council or relative committee.

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

62. The public shall be admitted to all meetings of the Council and its committees provided always that the public may temporarily be excluded 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 accordingly instructed to withdraw."  
(Notes: (i) Reasons should be stated, (ii) If a person's advice or assistance is needed he may be invited to remain during the exclusion.)
63. The clerk shall ensure that the press have reasonable facilities for taking notes of any proceedings at which they are entitled to be present.
64. The use of tape-, or other similar, recorders are not permitted.
65. If a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he leave.

### **CONFIDENTIAL BUSINESS**

66. No Member of the Council or of any committee or sub-committee shall disclose to any person who is not a Member of the Council any business declared by the Council or relative committee to be confidential.

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

67. Every notice of Meeting shall be copied, by way of invitation to attend, to the District Councillor for the district ward; and it may be so copied to the appropriate County Councillor.

### **CORRESPONDENCE**

68. The clerk shall keep a log of all correspondence received, including a summary of the content of relevant local government publications, and shall send a copy of the latest part of that log at appropriate intervals to Councillors.

### **PLANNING APPLICATIONS**

69. The Correspondence Log shall include under separate heading particulars of all planning applications.
70. As soon as practicable after receipt of a planning application the clerk shall arrange with the applicant and members of the Planning Committee a convenient date and time for a site meeting.
71. (a) Due notice shall be given to the Planning Committee and to the public.  
(b) Such notice shall not operate as an invitation to members of the public or press to enter onto private property.
72. Should no member of the press or public wish to attend, the site meeting may operate as a meeting of the Committee. Otherwise, unless the applicant agrees to members of the public being present on his property, the deliberations of the Planning Committee must be undertaken in public.

### **STANDING ORDER ON CONTRACTS**

73. (a) Where it is intended to enter into a contract exceeding £1,000 in value for the supply of goods or materials or for the execution of works, the clerk shall give public notice of such intention in the same manner as public notice of meetings of the Council is given.  
(b) Tenders shall be opened by the clerk or other person to whom tenders are required to be addressed on the date specified and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.  
(c) Neither the Council nor any committee or sub-committee is bound to accept the lowest tender. The best quality and durability of work should in all cases be sought, having regard to value for money.  
(d) If no tender be received the Council may make such arrangements as it thinks fit. CODE OF CONDUCT ON COMPLAINTS
74. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or Member in accordance with the law and in the manner recommended in the Codes from time-to-time of the Standards Board for England.

### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

75. Any Standing Order except one required by the Law of England may be suspended by resolution in relation to any specific item of business.
76. A resolution permanently to add, vary, or revoke a Standing Order shall after discussion be deferred to the next ordinary meeting of the Council.

### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

77. A copy of these Standing Orders shall be given by the clerk to each Member upon delivery to the clerk of that Member's Declaration of Acceptance of Office.

78. Amendments to Standing Orders shall be made to the master copy on the clerk's computer, and a print-out of the amended page distributed for each Member to incorporate into his copy.