

# **COLTON PARISH COUNCIL**

## **STANDING ORDERS**

### **1. MEETINGS**

- 1.1 Ordinary Meetings of the Council shall be held at 7.00 p.m. the second Thursday of each month unless the Council otherwise decides. The calendar of Meetings for each municipal year shall be determined at the Annual Meeting of the Council.
- 1.2 Special Meetings of the Council may be called by the Chairman in cases of urgency and in cases where Meetings can not be concluded due to inquoracy.
- 1.3 The Statutory Annual Meeting in an election year shall be held on the Thursday next following the fourth day after the ordinary day of elections to the Council and in a year which is not an election year on the second Thursday in May.

### **2. CHAIRMAN**

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

### **3. PROPER OFFICER**

- 3.1 Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council she shall be the Clerk in the following cases: -

(a) to receive:

declarations of acceptance of office  
plans and documents  
copies of byelaws made by the District Council  
notices disclosing pecuniary interests  
tenders

(b) to certify copies of byelaws made by the Council

(c) to sign notices and other documents on behalf of the Council

(d) to ensure the retention and safety of Council plans and documents

### **4. QUORUM**

- 4.1 Not less than three Members shall constitute a quorum.
- 4.2 If a quorum is not present when the Council meets or if, during a Meeting,

the number of Members present and not debarred by reason of a declared pecuniary interest falls 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 fix.

5. **VOTING**

5.1 Members shall vote by show of hands or, if at least two Members so request by secret ballot.

5.2 If a Member so requests the Clerk shall record the names of those Members who voted on any question so as to show whether they voted for or against it or abstained.

5.3 (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 no 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.

6. **ORDER OF BUSINESS**

6.1 At each Annual Meeting the first business shall be to: -

(a) elect a Chairman,

(b) receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received,

(c) decide when any declarations of acceptance of office which have not been received shall be received,

(d) appoint a Vice-Chairman,

and shall thereafter follow the order set out in Standing Order 6.4.

6.2 At every Meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman are absent and to receive such declarations of acceptance of office (if any) as are required to be made, or if not then received to decide when they shall be received.

6.3 In every year not later than the Meeting at which the estimates for the next year are settled the Council shall review the pay and conditions of service of existing employees (See Standing Order 15.1).

- 6.4 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be to: -
- (a) approve the minutes of the last Meeting,
  - (b) deal with business expressly required by statute to be done,
  - (c) dispose of business, if any, remaining from the last Meeting,
  - (d) receive such communications as the Chairman may wish to lay before the Council,
  - (e) answer questions notice of which must be given to the Clerk two clear days before the Meeting,
  - (f) receive and consider reports from the Clerk of the Council,
  - (g) authorise the sealing of documents,
  - (h) authorise the signing of Orders for payment,
  - (i) consider motions from Members in the order in which they have been notified in accordance with Standing Order 7,
  - (j) consider any other business specified in the summons,
- 6.5 A Motion to vary the order of business on the ground of urgency 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 shall be put to the vote without discussion.

## 7. **MOTIONS MOVED ON NOTICE**

- 7.1 Except as provided in these Standing Orders, no motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than the Saturday in the week before the next Meeting of the Council.
- 7.2 The Clerk shall date every notice of motion or recommendation when received by him, shall number each notice in the order in which it is received and shall enter it in a book which shall be open to the inspection of every Member of the Council.
- 7.3 The Clerk shall insert in the summons for every Meeting all notices of motion or recommendations properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he intends to move at some later Meeting or that he withdraws it.
- 7.4 If a motion 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.

7.5 Every motion or recommendation shall be relevant to some question over which the Council has power or which affects its area.

8. **MOTIONS MOVED WITHOUT NOTICE**

8.1 Motions dealing with the following matters may be moved without notice: -

- (a) to appoint a Chairman for the Meeting.
- (b) to correct the Minutes.
- (c) to approve the Minutes.
- (d) to alter the order of business.
- (e) to proceed to next business.
- (f) to close or adjourn the debate.
- (g) to appoint a Committee and any Members thereof.
- (h) to refer a matter to a Committee.
- (i) to adopt a report.
- (j) to authorise the sealing of documents.
- (k) to amend a motion.
- (l) to give leave to withdraw a motion or amendment.
- (m) to extend the time limit for speeches.
- (n) to exclude the public.
- (o) to silence or eject from the Meeting a Member named for misconduct.
- (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 any Standing Order in accordance with Standing Order 34.1.

9. **QUESTIONS**

- 9.1 A Member may ask the Chairman or the Clerk any question concerning the business of the Council provided notice of the question has been given to the person to whom it is addressed two clear days before the Meeting.
- 9.2 No question not connected with the business under discussion shall be asked except during the part of the Meeting set aside for questions.
- 9.3 Every question shall be put and answered without discussion.
- 9.4 A person to whom a question has been put may decline to answer.

10. **RULES OF DEBATE**

- 10.1 Members shall address the Chairman.
- 10.2 The order of speakers will be determined by the Chairman.
- 10.3 Whenever the Chairman rises during a debate all other Members shall be seated and silent.
- 10.4 No discussion shall take place on the Minutes except upon their accuracy.
- 10.5 A motion or 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.
- 10.6 A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- 10.7 A Member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 10.8 No speech by a mover of a motion shall exceed 10 minutes and no other speech shall exceed 5 minutes except by the consent of the Council.
- 10.9 An amendment shall be: -
  - (a) to delete words,
  - (b) to delete words and insert or add words,
  - (c) to insert or add words.
- 10.10 An amendment shall not have the effect of negating the motion before the Council.
- 10.11 If an amendment is carried the motion as amended shall become the substantive motion and shall become the motion upon which any further amendment may be moved.

- 10.12 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 10.13 The mover of a motion or of an amendment shall have a right of reply not exceeding 5 minutes. A Member exercising a right of reply shall not introduce a new matter.
- 10.14 A Member, other than the mover of a motion, shall not, without the leave of the Chairman speak more than once on any motion 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.
- 10.15 A Member may, with the consent of his seconder, move amendments to his own motion or withdraw his motion.
- 10.16 A Member may rise on a point of personal explanation or a point of order. A Member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by the Member which may have been misunderstood.
- 10.17 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

## 11. **CLOSURE**

- 11.1 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 is seconded the Chairman shall put the motion.
- 11.2 In the case of a motion "That the question be now put" the motion will be voted upon only if the Chairman is of the opinion that the question before the Council has been adequately debated.
- 11.3 If the motion "That the question be now put" is carried, the Chairman 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.
- 11.4 In the event of the Council agreeing to the adjournment of the debate or of the Council Meeting the Council will thereupon determine when the debate or the Council Meeting will be re-convened. The adjournment of a debate or the Council Meeting shall not prejudice the mover's right of reply at the resumption.

## 12. **DISORDERLY CONDUCT**

- 12.1 No Member shall at a Meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

- 12.2 If, in the opinion of the Chairman a Member has broken the provisions of the above paragraph of this Order, the Chairman shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the Meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 12.3 If either of the motions is disobeyed the Chairman may suspend the Meeting or take such other steps as may reasonably be necessary to enforce them.

13. **RESCISSION OF PREVIOUS RESOLUTION**

- 13.1 A decision of the Council shall not be reversed within 6 months except by a special motion, the written notice whereof bears the names of at least four Members of the Council.
- 13.2 When a special motion has been disposed of, no similar motion may be moved within a further six months.

14. **VOTING ON APPOINTMENTS**

- 14.1 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 with the least number of votes will 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.

15. **DISCUSSIONS AND MOTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

- 15.1 If at a Meeting there arises any question relating to the appointment, conduct, dismissal, salary or conditions of service of any person employed by the Council it shall not be considered until the Council has decided whether or not the public shall be excluded from the Meeting.

16. **MOTIONS ON EXPENDITURE**

- 16.1 Any motion which, if carried, would in the opinion of the Chairman substantially increase the expenditure upon any service which is administered by the Council or reduce the revenue at the disposal of the Council or which would involve capital expenditure shall when moved and seconded stand adjourned to the next Ordinary Meeting of the Council.

17. **SEALING OF DOCUMENTS**

- 17.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by resolution of the Council.
- 17.2 Any two Members and the Clerk may seal on behalf of the Council any document required by law to be issued under seal.

18. **COMMITTEES & SUB COMMITTEES**

18.1 The Council may at the Annual Meeting appoint standing Committees and may appoint such other Committees and Sub Committees as necessary but, subject to any statutory provision in that behalf: -

(a) shall not appoint any Member of a Committee or Sub Committee so as to hold office later than the next Annual Meeting and;

(b) may at any time dissolve or alter the Membership of any Committee or Sub Committee.

18.2 The Chairman of the Council shall be ex-officio a Member of every Committee and Sub Committee.

18.3 Every Committee and Sub Committee shall at its first Meeting before proceeding to deal with any business appoint a Chairman and Vice Chairman who shall hold office until the next Annual Meeting of the Council.

18.4 Every Committee may appoint Sub Committees for purposes to be specified by the Committee.

18.5 The Chairman and Vice Chairman of a Committee shall be Members of every Sub Committee of that Committee.

18.6 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 but in no case less than three Members.

18.7 The Standing Orders on the Rules of Debate and Voting (except those relating to speaking more than once) and Interests of Members in Contracts and other matters shall apply to Meetings of Committees and Sub Committees.

19. **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

19.1 A Member who has proposed a motion which has been referred to any Committee of which he is not a Member, may attend the Committee to explain his motion but shall not be entitled to vote.

20. **ACCOUNTS**

20.1 All accounts for payment and claims upon the Council shall be laid before the Council except where it is necessary to make payment before it has been authorised by the Council in which case such payment shall be certified as to its correctness by the Clerk.

21. **EXPENDITURE**



21.1 Subject to Standing Order 20 Orders for the payment of money shall be authorised by resolution of the Council and signed by two Members and the Clerk.

22. **ESTIMATES**

22.1 The Council shall approve written estimates for the coming financial year at its Meeting in the month of January.

23. **INTERESTS**

23.1 If any Member has any pecuniary interest, direct or indirect, within the meaning of sections 94 - 95 of the Local Government Act 1972, in any contract, proposed contract or other matter, he shall declare that interest and while it is under consideration by the Council withdraw from the Meeting unless the interest is trivial in the manner described in section 97(b) or: -

(a) The disability imposed upon him by those sections has been removed by the District Council; or

(a) The Council invite him to remain; or

(c) The contract, proposed contract or other matter is under consideration as part of the report of a Committee or Sub Committee and is not itself the subject of debate.

23.2 The Clerk shall record any Notice given by a Member or any Officer of the Council of a pecuniary interest in a contract and such Notice shall be open for inspection by any Member of the Council during reasonable hours.

23.3 If any Member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall, having declared it withdraw from the Meeting unless the Council invite him to remain.

24. **APPOINTMENTS**

24.1 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 to do so shall be disqualified for such appointment and if appointed may be dismissed without notice. The Clerk shall report to the Council or any Committee such disclosures. The Clerk shall make known the purport of this Standing Order to every candidate.

25.1 **CANVASSING OF & RECOMMENDATIONS BY MEMBERS**

25.2 Canvassing of Members 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 Standing Order to every candidate.

- 25.2 A Member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a Member may give a written testimonial of a candidates ability, experience or character for submission to the Council with an application for appointment.
- 25.3 Standing Orders 24 and 25 shall apply to tenders as if the tenderer were the candidate for appointment.

26. **INSPECTION OF RECORDS**

- 26.1 A Member may for the purpose of his duty as such (but not otherwise) inspect any records in the possession of the Council and if copies are available shall, on request be supplied for the like purpose with a copy.
- 26.2 The Council Minutes will be available for inspection by any Member and the public.

27. **UNAUTHORISED ACTIVITIES**

- 27.1 No Member of the Council 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 unless authorised so to do by the Council.

28. **ADMISSION OF THE PUBLIC TO MEETINGS**

- 28.1 The public shall be admitted to all Meetings of the Council and its Committees and Sub Committees.
- 28.2 The public can, however, be excluded by the Council resolving that the public be excluded from the Meeting by reason of the confidential nature of the business to be transacted.
- 28.3 The press shall be afforded reasonable facilities for taking their report.
- 28.4 If a Member of the public interrupts the proceedings at any Meeting the Chairman may after warning order that he be removed from the Council Meeting room.
- 28.5 Prior to the commencement of each meeting of the Council a period of up to 20 minutes be set aside for public questions and discussion.

29. **CONFIDENTIAL BUSINESS**

- 29.1 No Member of the Council shall disclose to any person not a Member of the Council any business declared to be confidential by the Council.

30. **LIAISON WITH DISTRICT & COUNTY COUNCILLORS**

- 30.1 The District and County Council Councillors serving the area shall be invited to each Meeting of the Council and shall be provided with copies of Agenda.

31. **PLANNING APPLICATIONS**

- 31.1 All planning applications received by the Clerk shall be referred to the Chairman within 48 hours or direct to the Council Meeting if this is sooner.
- 31.2 The Chairman will consult all Members on the planning applications received (where possible) and the views of Members will be forwarded to the Clerk who will then submit formal comments to the local planning authority.
- 31.3 Any action taken under this procedure will be reported to the Council for confirmation.

32. **CONTRACTS**

- 32.1 Where it is intended to enter into a contract exceeding £1,000.00 but not exceeding £10,000.00 in value for the supply of goods or materials or for the execution of works the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of Council Meetings is given.
- 32.2 Where the value of the intended contract exceeds £10,000.00 similar notice shall be given in addition to all firms included in the appropriate standing list of contractors maintained by the District Council or if no such list is maintained then in such newspapers circulating in the district as the Council may direct.
- 32.3 Notice of a contract exceeding £10,000.00 shall state the general nature of the intended contract and the name and address of the Clerk and the last date for receipt of tenders.
- 32.4 Tenders shall be opened by the Chairman in the presence of the Clerk and shall be reported to the Council.
- 32.5 All tenders received will be reported to the Council for consideration. The Council is not bound to accept the lowest or any tender received.
- 32.6 If no tenders are received or if all the tenders are identical or if the tenders do not meet the specifications laid down by the Council, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- 32.7 A notice under this Standing Order shall contain a statement relating to Standing Orders 24 and 25 above.

33. **CODE OF CONDUCT ON COMPLAINTS**

33.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by a Member or Officer in accordance with the procedure specified by the National Association of Local Councils.

34. **VARIATION, REVOCATION & SUSPENSION OF STANDING ORDERS**

34.1 Any or every part of the Standing Orders (except those Standing Orders which are statutorily required) may be suspended by resolution in relation to any specific item of business.

34.2 A motion to permanently add, vary or revoke a Standing Order shall when proposed and seconded stand adjourned without discussion to the next Ordinary Meeting of the Council.

35. **STANDING ORDERS TO BE GIVEN TO MEMBERS**

35.1 A copy of these Standing Orders shall be given to each Member by the Clerk.