

BILLINGTON AND LANGHO PARISH COUNCIL **STANDING ORDERS**

ORDINARY MEETINGS OF THE PARISH COUNCIL

- 1 Meetings will be held in accordance with the Annual Calendar of Meetings of the Council determined by the Parish Council – this will meet the legal requirement of at least 3 Meetings and an Annual General Meeting each year.
- 2 Meetings will commence at 7.30 pm unless the council otherwise decides at a previous meeting.
- 3 Meetings will conclude by 10.00 p.m. unless the majority of the Council determine otherwise so that any matter deemed to be of an urgent nature can be dealt with.

ANNUAL GENERAL MEETING

- 4 The Parish Council's Annual General Meeting will normally be held in May each year.
- 5 In Election Years, the Annual General Meeting will be held between 5 and 14 days after the Election Day.

THE PARISH COUNCIL CHAIRPERSON AND VICE-CHAIRPERSON

- 6 The Chairperson and Vice-Chairperson of the Parish Council will be elected each year at the Annual General Meeting.
- 7 Each will remain in Office until his/her successor is elected.
- 8 In the absence of the Chairperson at a Council Meeting, the Vice-Chairperson will take the Chair. If both are absent, a Chairperson will be elected from and by the Councillors who are present.

PROPER OFFICER

- 9 Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer :-

To receive declarations of acceptance of office,
To receive and record notices disclosing interests at meetings,
To receive and retain plans and documents
To sign notices or other documents on behalf of the Council
To receive copies of bylaws made by another local authority,
To certify copies of bylaws made by the Council

To sign and issue the summons to attend meetings of the Council
To keep proper records for all council meetings.

The clerk shall also be responsible for advising the Council on the Code of Conduct and the Council's Standing Orders.

FINANCIAL OFFICER

10 Where a statute, order or regulation confers functions or duties on the Council's Financial Officer, the Clerk shall be deemed to hold that position. This shall include advising the Council on Governance and Accountability.

SEALING/SIGNING DOCUMENTS

11 (a) No document shall be sealed on behalf of the Council unless its sealing has been authorised by a Resolution of the Council.

(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.

QUORUM

12 Three Members will constitute a Quorum at a Parish Council Meeting.(note the statutory minimum for a council of nine members is three).

13 When a Quorum is not present at the start of a Meeting, business cannot be transacted but must be deferred until the next Ordinary Meeting of the Council. Alternatively, a Special Meeting may be convened to deal with the deferred Business

14 Similarly, if a Meeting becomes inquorate because Members have to leave or are unable to participate in the business under discussion, paragraph 13 will prevail.

RECORDING OF PROCEEDING

15 A record of Meetings shall be taken by the Clerk who will produce Minutes for confirmation at the next Meeting. Once approved, they will be signed by the Chairperson.

16 In the absence of the Clerk, the Chairperson may keep the record of proceedings or arrange for someone else to do so.

VOTING

17 Members will vote by a show of hands or if at least two members so request, by signed ballot.

- 18 If, before a vote is taken, any Councillor present so requires, the Clerk shall record the names of Members and the nature of their vote, i.e. for, against or abstaining from the Motion.
- 19 The Chairperson at a Meeting may have an original vote on any Motion put to the vote and, in the case of an equality of votes, may give a casting vote (whether or not he/she gave an original vote).
- 20 The first business to be transacted at the Annual Meeting of the Parish Council is the election of a Chairperson from among the Councillors. If the person presiding at that Meeting at the start has not been re-elected as a Councillor since he/she was made the Chairperson, he/she only has a casting vote (in the case of an equality of votes) on the election of the new Chairperson. Otherwise he/she has an ordinary vote and a casting vote, in the case of an equality of votes.
- 21 The Chairperson's declaration (after confirmation by the Clerk) as to the result of a vote on any matter shall be conclusive.

VOTING ON APPOINTMENTS

- 22 Where more than two people have been nominated for any position to be filled by the Council and there is no absolute majority in favour of one person in the votes cast, the name of the person having the least number of votes shall be deleted from the list and a fresh vote taken. This process will continue until the majority of votes are given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 23 If, at a Meeting, any question arises relating to the appointment, conduct, promotion, dismissal, salary or Conditions of Service of anyone employed by the Council, it will not be debated until the Council or Committee (as appropriate) has decided whether or not the Public should be excluded.

ORDERS OF BUSINESS

- 24 At the Annual General Meeting, the first Business will be:
 - Members present
 - Apologies for Absence
 - Election of the Chairperson
 - Election of Vice-Chairperson
 - Receiving the Declarations of Acceptance of Office from the Chairperson and Vice-Chairperson or, if not received, determining when they will be received
 - In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

- Appointment of Representatives to External Bodies (including Parochial Charities)
- 25 At every Meeting other than the Annual General Meeting, the first Business will be:
- Members Present
 - Apologies for Absence
 - The appointment of a Chairperson if the elected Chairperson and Vice-Chairperson are absent
 - 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.
- 26 After the first business has been completed (as set out in Order 25 above), the Order of Business at all meetings shall be as follows (unless the Council decides otherwise on the grounds of urgency or other exceptional circumstances (See 27, below):
- Parishioners' time shall be limited to 30 minutes, and may only be extended at the Chairperson's discretion.
 - Confirmation of the Minutes of the Previous Meeting and to approve the signature of the Minutes by the person presiding as a correct record.
 - Matters Arising from the Minutes
 - To deal with business expressly required by statute to be done.
 - Reports from Council Representatives on External Bodies
 - Other substantive Items of Business as specified on the Notice of the Meeting and/or the Agenda
 - Any Other Business (that can be used only for items of information or notification of items for future Meetings)
- 27 At its last Meeting prior to the four yearly Election of Parish Councillors, the Council shall ensure that all of its business is up-to-date and in a form that will facilitate the transfer to the newly elected Council when it assumes its responsibilities.
- 28 A motion to vary the Order of Business on the grounds of urgency or other exceptional circumstance may be proposed immediately after "Apologies for Absence" by the Chairperson or any other Member and put to the vote without discussion.
- 29 To facilitate the Drafting and Issue of the Agenda, Items must be notified to the Clerk at least 7 clear days before each Meeting.

PROGRESS OF BUSINESS

- 30 Parishioners will have a specified period of time at each Meeting during which they can raise issues of interest or concern for information only.
- 31 Confirmation of the Minutes of the Previous Meeting will deal with matters of accuracy only. Any amendments must be included in the Motion to approve the Minutes. Approval will be voted upon and once agreed, the Minutes will be signed by the Chairperson.
- 32 Matters arising from the Minutes will deal only with items of information. Any other matter from the previous meeting requiring action/debate/decision must be substantive Agenda Item. If it does not appear as so, it must be deferred to a future Meeting.

DEBATE

- 33 Members must restrict their contributions to debate to the issue under discussion, or to a point of order.
- 34 No speech may exceed 3 minutes, except with the consent of the Chairperson.
- 35 Members will address their contributions to the Chairperson
- 36 When a formal proposal has been put and seconded, an amendment may be moved
- 37 An amendment should not have the effect of nullifying the Motion before the Council but should propose either the omission of words, or the omission of words and insertion/addition of others, or the insertion or addition of words
- 38 An amendment must be disposed of before any further amendment may be proposed
- 39 If an amendment is carried, the amended resolution will become the proposal to be voted on or further amended
- 40 A point of order must relate to a matter of procedure not the substance of the matter under discussion and will be ruled upon by the Chairperson whose decision shall not be discussed.
- 41 A member shall be given an opportunity to clarify a point from one of his/her previous speeches that may have been misunderstood
- 42 The Proposer with the unanimous consent of the Council may withdraw a Motion or Amendment. There will be no further debate on the Motion or Amendment unless the request for its withdrawal is refused.
- 43 When a Resolution is being debated, no further Resolution can be put except the following:

- To amend the Motion
- To move on to the next Item of Business
- To adjourn the debate
- To ask that the Motion be now put to the vote
- To refer the Motion to a Committee
- To exclude the Public and the Press
- To ask that a specified Member be not heard again on the Motion
- To ask that a specified Member be required to leave the Meeting

If seconded, any further resolution so put shall be voted on immediately without further debate.

- 44 The Proposer of a Resolution will have the Right to Reply immediately before the Resolution is put to the vote. Similarly, if an Amendment is moved, the Proposer of the Amendment will have the Right to Reply immediately before it is put to the Meeting. A member exercising the Right to Reply shall not introduce new matter. Once the Right of Reply has been exercised or waived, the Vote will be taken without further discussion.

RESCISSION OF A PREVIOUS RESOLUTION/DECISION

- 45 No substantive decision of the Council can be reversed for at least six months.

CONDUCT

- 46 Members will always adhere to the Terms set out in **its Code of Conduct**.
- 47 Members will always conduct themselves at Meetings in a way that upholds the good reputation of the Parish Council.
- 48 No Member should wilfully obstruct the conduct of Business, persistently disregard the ruling of the Chairman or behave offensively or improperly.
- 49 (i) If in the opinion of the Chairperson, a Member is guilty of misconduct, the Chairperson should inform the Council or Committee accordingly. If any member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England).
- (ii) Subsequently, any Member present may propose that the Member named should no longer be heard. If the motion is seconded, it will be put to the vote immediately and without debate.
- (iii) If the Member named still continues in his/her misconduct, the Chairperson may

- a. Move that the Member named leaves the Meeting – the Motion will be put to the vote immediately and without discussion
- OR
- b. Adjourn the Meeting for as long as he/she considers expedient
- OR
- c. The Meeting be abandoned and a new date fixed for the Meeting and the Member be excluded from attending

50 If, in the view of any Member present, the Chairperson at a Meeting contravenes Orders 47 or 48 above, he/she shall inform the Council or Committee accordingly. Subsequently, any Member present may propose that the Chairperson should be asked to stand down from that position for the remainder of the Meeting. If the motion is seconded, it will be put to the vote immediately and without debate. The Chair will then be taken by the Vice-Chairperson if present. If not, then a Chairperson shall be elected for the remainder of the Meeting from any by the Councillors present.

51 In the event of a General Disturbance, the Chairperson may adjourn the Meeting for as long as he/she considers expedient.

COMPLAINTS

52 Complaints shall be dealt with in accordance with the Code of Practice for Local Councils in Handling Complaints and the Parish Council's own Complaints Procedure.

CONFIDENTIALITY

53 No Councillors or employee of the Council shall disclose any business ruled confidential by the Council to any person who is not a member of the Council.

COMMITTEES AND SUBCOMMITTEES

54 The Council may establish Committees to carry out aspects of its work on its behalf. Each will operate in accordance with these Standing Orders, as relevant, and with its own Constitution as formally approved by the Council.

55 Members of Committees will be elected each year at the Annual General Meeting of the Parish Council. The Chairperson and Vice-Chairperson of the Parish Council shall each be elected to one Committee only.

56 Each Committee will elect its own Chairperson and Vice-Chairperson at its first Meeting after the Parish Council's Annual General Meeting and they will hold office until the next Annual General Meeting of the full Council.

57 In the following circumstances, non-members of a Committee may attend Committee Meetings:

- (i) Any Member unable to attend a Committee Meeting shall be permitted to send a Councillor colleague as a substitute to that Meeting
- (ii) A Councillor who has raised an issue that has been referred to a Committee of which he/she is not a Member may explain the issue to the Committee but may not vote
- (iii) Any Councillor may be present as a spectator at meeting of any Committee of which he/she is not a member unless the Council resolves otherwise

FINANCIAL MATTERS

- 58 The Clerk will keep on-going Accounts recording all the Council's Income and Expenditure in accordance with the relevant statutes and Audit requirements.
- 59 The Clerk will present an up-to-date Financial Statement to each Meeting of the Council.
- 60 All payments must be authorised by the Council, normally prior to being made. However, where it proves necessary to make a payment prior to authorisation, it shall be reported to the next Meeting of the Committee for confirmation.
- 61 Where any Councillor has any pecuniary interest, direct or indirect, in any issue, contract or proposed contract he/she must declare that interest and withdraw from the debate, in accordance with the requirements of the Local Government Act 1972 **and the Local Government Act 2000**. The Clerk shall keep a formal record of **any Declaration of Interests including Pecuniary Interests** made by Councillors and this record shall be available to all Councillors for reference.
- 62 When a Councillor is asked to undertake a task on the Parish Council's behalf that involves any form of payment, then the following steps must be followed:
- - (i) The estimated cost must be calculated and submitted to the Parish Council as part of the proposal for the activity/action under consideration.
 - (ii) The Councillor(s) involved in the proposal shall take no part in the subsequent vote but may contribute information and explanation to the Council's discussions on the matter;
 - (iii) In considering approval of the proposal, the Councillor's offer of input/involvement and the estimated costs/fee, the Parish Council must be assured that the sums quoted compare favourably with other possible providers and also give value for money;

- (iv) The Parish Council shall ensure that any decision that it reaches on a Councillor's involvement in a task/activity involving any form of payment undertaken on the Council's behalf shall not be in conflict with its Code of Conduct particularly where it refers to the Declaration of Members' Interests.

63 Where it is intended to enter into a Contract to the value of £3,500 or more per annum, details of the Contract will be advertised in appropriate publications and/or by other legally acceptable means, and tenders/quotations invited. The Tenders/Quotations will be considered by the Council following proper legal advice from the Clerk or by a specially constituted Subcommittee thereof.

CANDIDATES FOR APPOINTMENT BY THE COUNCIL

64 All decisions relating to the employment of Staff will be taken in accordance with appropriate employment legislation.

65 Vacancies will be open to Applicants irrespective of disability, ethnic origin, marital status, race, religion, sex, or sexual orientation. Appointments will be made on the basis of candidates' ability to perform the post on offer. A Selection Panel for the Post of Clerk, shall comprise of the Chairperson, Vice-Chairperson and one other Member.

66 Any Person applying for employment by the Council must declare in writing any relationship he/she has to any Councillor or existing employee of the Council. Applicants must be advised of this requirement and, if they fail to make appropriate disclosures, they will be disqualified from application or, if the relationship is not established until after their appointment, may be dismissed without notice.

67 Any Person applying for employment by the Council must be advised that canvassing of any Councillor, directly or indirectly, will disqualify him/her from appointment.

68 No Councillor shall canvass for the appointment of any Applicant for a post with the Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

69 The Public and the Press shall be admitted to all Meetings of the Council and its Committees. However, they may be temporarily excluded by means of the following Resolution:

That, in accordance with the provisions of the Public Bodies (Admissions to Meetings)

Act 1960 (as amended), the Public and the Press be excluded from the Meeting during discussion of the remaining item(s).

- 70 The Clerk will notify the local Press of all Meetings of the Council and its Committees.
- 71 If any member of the public interrupts the proceedings at any Meeting, the Chairman may, after due warning, order that he/she be removed from the Meeting Room.

ACCESS TO DOCUMENTATION

- 72 A member may, for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the Council or Committee and, if copies are available, shall on request be supplied with a copy.
- 73 A copy of the Agenda and available documents shall be provided to each Councillor at least 3 clear days before each Meeting of the Parish Council.
- 74 The Clerk will provide each Member with a copy of the Minutes of every Meeting of the Parish Council and of its Committees.

REPRESENTATION OF THE PARISH COUNCIL

- 75 Members and Officers of the Council will at all times ensure that they conduct themselves and carry out their duties in a way that protects the interests and reputation of the Council
- 76 Where they have concerns about the conduct of the council's business or actions taken on its behalf, Members or Officers should raise these initially with the Chairperson or the Clerk as the Council's Responsible Officer. If it is then felt that the concerns have not been properly or adequately dealt with, the Member or Officer should employ the Council's Complaint Procedure to process it further
- 77 Documents shall only be issued under the Parish Council's name when the Council has formally approved them or, where appropriate to their Terms of Reference, they have been approved by one of its Committees or Subcommittees. The Clerk, as the Council's designated Responsible Officer, also has authority to undertake correspondence on the Council's behalf as part of and within his/her normal duties.
- 78 The role of a Councillor appointed, as the Parish Council's Representative on an External Body is to attend that Body's Meetings and report back to the Parish Council on issues raised and discussions held. Where a proposal or decision of the Body will commit the Parish Council to action or to financial expenditure, the Representative will raise the matter at the Parish Council's next Meeting for formal debate and decision that he/she will then convey back to the Body.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 79 The Clerk shall send a Notice of each Meeting to the County Councillor for the Division and to the District Councillor for the Parish.

VACANCIES ON THE COUNCIL

- 80 Local Councillors are elected for a term of 4 years, retiring on the 4th day after the date of the normal elections held every four years. At this point, all Councillors shall stand down but those wishing to do so may seek nomination for re-election in accordance with the proper statutory procedure.
- 81 Conditions governing the Qualification and Disqualification for Local Councillors is set down in the Local Government Act 1972, Sections 79 to 82,95 and 104, and in Part III of the Local Government Act 2000. It is the responsibility of each Councillor to ensure that he/she meets and continues to meet these requirements.
- 82 A Casual Vacancy on the Council may result from the death, disqualification or resignation of a Councillor. Disqualification from Office may result from failure to comply with relevant legislation or as a result of legal proceedings or from failure to attend meetings of the Council for a period of six consecutive months from the date of his/her last attendance unless his/her absence has been approved by the Council for some reason. Whatever the reason for the cessation of a Councillor's Membership, the Council shall forthwith declare his/her office to be vacant by resolution at the first available Meeting.
- 83 The proper procedure as set out in statute shall be followed in advertising and filing a Casual Vacancy.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 84 Temporary suspension of any of these Standing Orders in relation to any specific Item of Business (for the that Meeting only), is possible by resolution of the Council or Committee (as appropriate).
- 85 A motion to vary or revoke a Standing Order permanently shall, after being proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the full Council, and shall therefore become an agenda item, and the Public informed in the normal way.