

WALKINGTON PARISH COUNCIL

Standing Orders

1. MEETINGS

- 1.1 Meetings of the Council shall be held at The Methodist Church School Room at 7.00pm unless the Council otherwise decides at a previous meeting.
- 1.2 **The Statutory Annual Meeting**
 - a) **in an election year shall be held on the Tuesday 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 be held on a Tuesday in May.
- 1.3 **At least eleven additional meetings shall be held on the first Tuesday in the months of June, July, August, September, October, November, December, January, February, March and April as decided by the Council,** unless the Council otherwise decides at a previous meeting.
- 1.4 If meetings of the Council cannot take place the powers and duties of the Council are delegated to the Clerk in consultation with the Chair to ensure that business can continue to be transacted.

2. CHAIRMAN OF MEETING

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/RFO

- 3.1 The Council may appoint a number of employees to assist it in the performance of its duties. The Council will appoint a Clerk to the Council which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.
- 3.2 As an employee of the Council, the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Chairman or a designated Councillor acting with the authority of the Council.
- 3.3 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she 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 sign summonses to attend meetings of the Council.
 - g) In any other case the proper officer shall be the person nominated by the Council, and, in default of nomination, the clerk.
- 3.4 The Clerk will act as Responsible Financial Officer (RFO) and be responsible for managing the financial affairs of the Council in accordance with the Financial Regulations.
- 3.5 The RFO can authorise expenditure in an emergency or as in 1.4 above, and act as the Internet Banking Service Administrator should the appointed Administrator be unavailable. All transactions will be recorded in the financial records.

4. QUORUM

- 4.1 **Four 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 councillors 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 in accordance with 1.4 above.

5. VOTING

- 5.1 Members shall vote by show of hands or, if at least two members so request, by signed ballot.
- 5.2 **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.**
- 5.3 **Subject to (a) and (b) 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.**
- a) **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.**
 - b) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

6 ORDER OF BUSINESS

(In election years councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a Proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

- 6.1 **At each Annual Meeting the first business shall be**
- a) **To elect a Chairman.**
 - b) **To receive the Chairman's Declaration of Acceptance of Office, or, if not then received, to decide when it shall be received.**
 - c) **In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - d) **To decide when any declarations of Acceptance of office which have not been received, as provided by law, shall be received.**
 - e) To elect a Vice-Chairman.
 - f) To appoint Committees.
- 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 be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or, if not then received, to decide when they shall be received.**
- 6.3 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 existing employees (See Standing Order 17 below).
- 6.4 After the first business has been completed, the order of business, unless the Council otherwise decided on the grounds of urgency, shall be as follows:
- a) To read and consider the Minutes: provided that, if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
 - b) **After consideration, to approve the signature of the Minutes by the person presiding as a correct record.**
 - c) **To deal with business expressly required by statute to be done.**
 - d) To dispose of business, if any, remaining from the last meeting.
 - e) To receive such communications as the person presiding may wish to lay before the Council.
 - f) To answer questions from Councillors.
 - g) To receive and consider reports and minutes of committees.

- h) To receive and consider reports from officers of the Council.
 - i) To authorise the sealing of documents.
 - j) To authorise the signing of orders for payment.
 - k) To consider resolutions or recommendations in the order in which they have been notified.
- 6.5 Any other business specified in the summons.

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.

7. RESOLUTIONS MOVED ON NOTICE

- 7.1 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than 10 days before the next meeting of the Council.
- 7.2 The Clerk shall date every notice of resolution or recommendation when received by the Clerk, shall number each notice in the order in which it was 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 recommendation 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 resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 7.5 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it is moved.
- 7.6 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

8. RESOLUTIONS MOVED WITHOUT NOTICE

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 29)
- o) To silence or eject from the meeting a member named for misconduct. (See Order 12)
- p) To invite a member having an interest in the subject matter under debate to remain (See Order 25.)

- 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 35)
- s) To adjourn the meeting.

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 before the meeting begins.
- 9.2 No questions not connected with 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 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 10.2
 - a) A resolution 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.
 - b) A member, when seconding a resolution or amendment, may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
 - c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.
 - e) An amendment shall be either:
 - f) to leave out words.
 - g) To leave out words and insert or add others.
 - h) To insert or add words
 - i) An amendment shall not have the effect of negating the resolution before the Council
 - j) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
 - k) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - l) The mover of a resolution or of an amendment shall have a right of reply, not exceeding two minutes.
 - m) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - n) A member may make a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
 - o) 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 shall speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - p) 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 do leave the meeting.
- vii. That the resolution be referred to a committee.
- viii. To exclude the public and press.
- ix. To adjourn the meeting.

10.3

- a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Members shall address the Chairman.
- c) If two or more members indicate a wish to speak the Chairman shall decide on an order of speaking.
- d) Whenever the Chairman speaks during a debate all other members shall be silent.

11. CLOSURE

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 but, in the case of a motion “to put the question”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

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

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 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 paragraph (12.1) of this Order, the Chairman shall express that opinion to the Council and thereafter any member named do leave the meeting and the motion, if seconded shall be put forth with and without discussion.
- 12.3 If either of the motions mentioned in paragraph (12.2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

13. RIGHT OF REPLY

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.

14. ALTERATION OF RESOLUTION

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

15. RESCISSION OF PREVIOUS RESOLUTION

- 15.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least two thirds of the members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- 15.2 When a special resolution or any other resolution moved under the provision of paragraph (15.1) of this Order has been disposed of, no similar resolution may be moved within a further six months.

16. VOTING ON APPOINTMENTS

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.

17. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises 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 (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order 29.)

18. RESOLUTIONS ON EXPENDITURE

Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of, or reduce the revenue at the disposal of, any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and any committee affected by it shall consider whether it desires to report thereon.

19. EXPENDITURE

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members. In a case of urgency payments of money may be made and signed by two members and approved by the next ordinary meeting of the Council.

20. COMMITTEES AND SUB-COMMITTEES

- 20.1 The Council may, at its Annual 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 behalf:
- a) may appoint persons other than members of the Council to any Committee; and
 - b) may, subject to the provisions of Order 15, at any time dissolve or alter the membership of a committee.
- 20.2 The Chairman and Vice-Chairman ex officio shall be members of every committee.
- 20.3 Every committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- 20.4 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 the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at the meeting.
- 20.5 Every committee may appoint sub-committees for purposes to be specified by the committee.
- 20.6 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.

- 20.7 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.
- 20.8 The Standing Order on rules of debate (except those parts relating 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.

21. VOTING IN COMMITTEES

- 21.1 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.
- 21.2 **Chairmen of committees and sub-committees shall in the case of equality of votes have a second or casting vote.**

22. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

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

23. ACCOUNTS AND FINANCIAL STATEMENT

- 23.1
- a) Except as provided in paragraph (b) of this Standing Order, or by statute, all accounts for payment and claims upon the Council, shall be laid before the Council.
 - b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chairman and Vice-Chairman of the Council
 - c) All payments ratified under paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- 23.2 The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year, or at the next meeting, a statement of receipts and payments.

24. ESTIMATES

- 24.1 The Council shall approve written estimates for the coming financial year at its meeting in the month of December.
- 24.2 Any committee desiring to incur expenditure shall, not later than 10 days before the first Tuesday in November give to the Clerk a written estimate of the expenditure recommended for the coming year.

25. INTERESTS

- 25.1 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, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) or:-
- a) the disability imposed upon him by those sections has been removed by the District Council; or
 - b) the Council invite him to remain; or
 - c) the contract, proposed contract, or other matter is under consideration as part of a report of a committee and is not itself the subject of debate.
- 25.2 **The Clerk shall record, in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.**

- 25.3 If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct, he shall declare it and thereupon be invited to withdraw from the meeting.
- 25.4 If your interest arises from being appointed by the Council as its representative on the managing committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation.
- 25.5 If a candidate for any appointment under the Council is to his knowledge, related to any member of, or 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 for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 25.2 shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

26. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 26.1
- a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
 - b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 26.2 Standing Orders 25.5 and 26.1 (a and b) shall apply to tenders as if the person making the tender were a candidate for appointment.

27. INSPECTION OF DOCUMENTS

- 27.1 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, if copies are available, shall, on request, be supplied for the like purpose with a copy.
- 27.2 All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

28. UNAUTHORISED ACTIVITIES

No member of the Council or of any committee or sub-committee shall, in the name of, or on behalf of the Council

- a) inspect any lands or premises which the Council has a right or duty to inspect; or
 - b) issue orders, instructions or directions
- unless authorised to do so by the Council or the relevant committee or sub-committee.

29. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 29.1 The public and press shall be admitted to all meetings of the Council and its committees and sub-committees.**

- a) **The Parish Council may temporarily exclude the public and press by means of the following resolution:**

“That in view of the [special or confidential] nature of the business about to be transacted, it is advisable, in the public interest, that the public be temporarily excluded and they are instructed to withdraw.”

(Notes: The special reasons should be stated. If a person’s advice or assistance is needed, they may be invited (by name) to remain after the exclusion resolution is passed.)

- b) Councillors whose interests normally forbid them from speaking on a matter can speak during public participation (to give them equal rights as members of the public).

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

29.3 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the Council Chamber.

30. CONFIDENTIAL BUSINESS

30.1 No member of the Council, or of any committee or sub-committee shall disclose to any person not a member of the Council, any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

30.2 Any member in breach of the provisions of paragraph (30.1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council

31. LIAISON WITH NON-METROPOLITAN DISTRICT COUNCILLORS

31.1 A notice of meeting shall be sent together with an invitation to attend to the Non-Metropolitan District Councillors for the District.

31.2 Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council may be transmitted to the District Councillor for his information.

32. PLANNING APPLICATIONS

32.1 The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council: -

- a) the date on which it was received;
- b) the name of the applicant;
- c) the place to which it relates;
- d) a summary of the nature of the application.

32.2 Where the Parish Council’s observations have been requested and decisions need to be taken before the next scheduled Parish Council meeting, the Clerk is authorised to submit comments on behalf of the Parish Council. Before exercising this delegation, the Clerk will circulate details of the request to each member of the Parish Council and invite their comments. If there are no Councillors available to comment the Clerk shall refer the planning application to the Planning Committee for consideration.

33. STANDING ORDER ON CONTRACTS

Where it is intended to enter into a contract sections 9 and 10 of the Financial Regulations apply.

34. CODE OF CONDUCT ON COMPLAINTS

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils

35. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

35.1 Any or every part of Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

35.2 A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

36. STANDING ORDERS TO BE GIVEN TO MEMBERS

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

37. FILMING, PHOTOGRAPHING, AUDIO RECORDING PROCEEDINGS OF A MEETING

Amendments to the Public Bodies (Admission to Meetings) Act 1960 now provide that members of the public can film, photograph or make an audio recording of proceedings at Meetings of the Parish Council for those parts of the meeting that are open to the press and public. If a member of the public who is seeking to record a meeting acts in a manner that is disruptive, they can be excluded from the meeting.

March 2020