

BARNACRE WITH BONDS
PARISH COUNCIL

STANDING ORDERS

ADOPTED MARCH 2019

Standing Orders for Barnacre-with-Bonds Parish Council adopted 20th March 2019.

1. MEETINGS

- a) Meetings of the Council shall be held on such dates as agreed by the Council.
- b) Smoking (including e-cigarettes) is not permitted at any meeting of the Council.

2. STATUTORY ANNUAL MEETING AND OTHER MEETINGS

- a) In an election year the Annual Meeting of the Parish Council shall be held on or within 14 days following the day on which the councillors elected take office and
- b) In a year which is not an election year the Annual Meeting of the Parish Council shall be held on such day in May as the Council may direct.
- c) In addition to the Statutory Annual Meeting of the Parish Council at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

3. CHAIR OF THE MEETING

- a) The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.
- b) The Chair will hold the office for a maximum of 3 consecutive years.

4. PROPER OFFICER

The Proper Officer shall be the clerk employed by the council to undertake the work of the Proper Officer.

The Proper Officer shall:

- a) At least three clear days before a meeting of the council, a committee and a sub-committee serve on Councillors, by delivery of post at their residences or email (as preferred), a signed summons confirming the time, place and the agenda.
- b) Give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them)
- c) Include on the agenda all motions in the order received unless a Councillor has given written notice at least (7) days before the meeting confirming his withdrawal of it.
- d) Convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office.
- e) Facilitate inspection of the minute book by local government electors.
- f) Retain acceptance of office forms from Councillors.
- g) Retain a copy of every Councillor's register of interests.
- h) Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same.
- i) Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary.
- j) Manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form.
- k) Arrange for legal deeds to be executed.

- l) Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations.
- m) Record every planning application notified to the council and the council's response to the local planning authority.
- n) Refer a planning application received by the council to the Chair & at least 2 Councillors within five working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council or Committee.
- o) Manage access to information about the council via the publication scheme and
- p) Retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

5. RESPONSIBLE FINANCIAL OFFICER

The role of the Responsible Financial Officer (RFO) will be undertaken by the Clerk.

6. QUORUM OF THE COUNCIL

- a) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
- b) For a quorum relating to a committee or sub-committee, refer to standing order 24 (h)

7. IF A QUORUM IS NOT PRESENT

If a quorum is not present when the Council meets or if during a meeting the number of councillors present (not counting those debarred by reason of a DISCLOSABLE PECUNIARY INTEREST or OTHER INTEREST REQUIRING DEPARTURE FROM THE MEETING ROOM) falls below the required quorum, the meeting shall be adjourned and business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.

8. MEETINGS GENERALLY

- a) Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b) The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c) The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].
- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f) The period of time designated for public participation at a meeting shall not exceed 30 minutes unless directed by the chair of the meeting.
- g) A member of the public shall not speak for more than (10) minutes.

- h) A question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i) A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.
- j) A person who speaks at a meeting shall direct his comments to the chair of the meeting.
- k) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- m) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).
- n) The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present shall reside. If both Chair and Vice-Chair are absent from a meeting, a Councillor chosen by the Councillors present at the meeting shall reside at the meeting.
- o) Subject to a meeting being quorate, all questions at a meeting shall be decided by majority of the Councillors or Councillors with voting rights present and voting.
- p) The Chair of a meeting may give an original vote on any matter put to the vote, and in case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- q) Unless Standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- r) The minutes of a meeting shall include an accurate record of the following: time and place, names of Councillors present and absent, interests that have been declared by Councillors and non-Councillors with voting rights, whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered and if there was a public participation session.
- s) A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or other interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her right to participate and vote on that matter.
- t) No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.
- u) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- v) A meeting shall not exceed a period of 2 hours

9. VOTING

Members shall vote by show of hands or if at least two members so request by signed ballot.

10. RECORDING NAMES OF VOTEES

If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business

11. ORIGINAL VOTES AND CASTING VOTES

- a) Subject to (b) and (c) below the Chair 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 Chair and Vice-Chair until the end of their term of office they may not give an original vote in an election for Chair.
- c) The person presiding has a casting vote whenever there is an equality of votes in an election for Chair.

12. ORDER OF BUSINESS ANNUAL MEETING OF THE PARISH COUNCIL

At each Annual Parish Council Meeting the first business shall be:-

- a) To elect a Chair.
- b) To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- c) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- d) To elect a Vice-Chair of the Council.
- e) To receive the Vice-Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- f) To appoint Sub-Committees or Advisory Committees if required.
- g) Review of the terms of reference for Sub-committees or Advisory committees.
- h) Appointment of members to existing committees.
- i) Review and adoption of appropriate standing orders and financial regulations.
- j) Confirmation of the accuracy of the minutes from the last meeting of the council.
- k) Consideration of recommendations made by a committee.
- l) If no other time is fixed, the Annual meeting should commence at 7.30pm.
- m) The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his / her successor is elected at the next annual meeting of the Council.
- n) The Vice Chair of the council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the council at the next annual meeting of the council.
- o) In an election year, if the current Chair of the council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chair of the council has been elected. The current Chair of the council shall not have an original vote in respect of the election of the new Chair of the council but must give a casting vote in the case of an equality of votes.

13. ORDER OF BUSINESS ORDINARY MEETINGS

At every meeting other than the Annual Meeting of the Parish Council the first business shall be to appoint a Chair if the Chair and Vice-Chair are 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. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:

- a) To receive apologies and if requested approve or otherwise the reason for absence.
- b) To receive any Declarations of Interest from members.

- c) 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.
- d) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- e) To deal with business expressly required by statute to be done.
- f) To consider any planning applications as are required to be dealt with.
- g) To authorise the signing of cheques for payment.
- h) To receive and consider reports from officers of the Council.
- i) To receive and consider reports and minutes of committees.
- j) To receive and consider the Clerk's report.
- k) To consider resolutions or recommendations in the order in which they have been notified.
- l) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in a year on such dates and times as the Council directs.

14. URGENT BUSINESS

A motion to vary the order of business on the ground of urgency may be proposed by the Chair or by any member and be put to the vote without discussion.

15. RESOLUTIONS MOVED ON NOTICE

- a) 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.
- b) 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.
- c) 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.
- d) Every resolution or recommendation shall be relevant to some subject over which the Council has power or affects its area.

16. RESOLUTIONS MOVED WITHOUT NOTICE

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

- a) To appoint a Chair 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 working group.
- 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.
- o) To silence or eject from the meeting a member named for misconduct.
- p) To give consent of the Council where consent is required by these Standing Orders.
- q) To suspend any Standing Order.

- r) To adjourn the meeting.
- s) To defer a matter to a later meeting of the Council if appropriate.

17. RULES OF DEBATE

- a) No discussion of the minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.
- b) Any member may speak on any item placed on the agenda for discussion however a member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- c) A member may propose a resolution which, once open debate has been brought to an end, will be determined by a vote unless before this time an amendment to the resolution is proposed in which case a vote on the amendment shall take precedence.
- d) If an amendment be carried, the resolution, as amended shall take the place of the original resolution.
- e) If an amendment fails then the original resolution will be voted upon unless a further amendment is proposed.
- f) A motion or amendment may be withdrawn by the proposer and no member may then speak upon it.
- g) The Chair shall manage any debate so as to be fair and equitable to all members and shall be responsible for bringing any debate to an end.

18. CHAIR

- a) The ruling of the Chair on a point of order shall not be discussed.
- b) Members shall address the Chair. If two or more members wish to speak the Chair shall decide who to call upon.
- c) Whenever the Chair speaks during a debate all other members shall be seated and silent.

19. DISORDERLY CONDUCT

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person (s) to moderate or improve their conduct.
- b) If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made under standing order 19(b) above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

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

21. ALTERATION OF A RESOLUTION

A member may move amendments to his own resolution.

22. RECISSION OF PREVIOUS RESOLUTION

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

23. 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.

24. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF 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 Personnel Advisory Committee (as the case may be) has decided whether or not the public shall be excluded.

25. EXPENDITURE

Orders for the payment of money shall be authorised by resolution of the Council and cheques signed by two members or on line payments authorised by two members in accordance with the bank mandate operative at the time (Please see (27) for appropriate payments between meetings and separate approved Financial Regulations).

26. COMMITTEES AND SUB-COMMITTEES

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary provided:

- a) It shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) It may appoint persons other than members of the Council to any Committee.
- c) It may at any time dissolve or alter the membership of a committee.
- d) Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-chair who shall hold office until the next Annual Meeting of the Council.
- e) The Chair of a committee or the Chair of the Council may summon an additional Extra Ordinary 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 Extra Ordinary meeting and no other business shall be transacted at that meeting.
- f) Every committee may appoint sub-committees for purposes to be specified by the committee.
- g) The Chair and Vice-Chair of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- h) 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 subcommittee shall be one-half of its members.

27. VOTING IN COMMITTEES

- a) 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.
- b) Chairs of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

28. 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.

29. ACCOUNTS AND FINANCIAL STATEMENT

- 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 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 two members of the Council.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be included in the next schedule of payments laid before the Council.
- d) The Clerk shall supply to each member at the next ordinary meeting after the end of the Financial Year a statement of receipts and payments.

30. ESTIMATES / PRECEPTS

- a) The Council shall approve written estimates for the coming financial year at a meeting in January each year.
- b) Any committee desiring to incur expenditure shall, not later than 1st December give to the Clerk a written estimate of the expenditure recommended for the coming year.

31. INTERESTS

- a) If any member has any disclosable pecuniary or other interest as defined by the Code of Conduct adopted by this Council, then they shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- b) A member who has declared a disclosable pecuniary interest (DPI) or other interest which would be judged by the public at large to be so significant that it would prejudice his/her decision may not take part in any debate or voting on the matter and must leave the room whilst the matter is considered.
- c) It is a criminal offence not to declare a DPI or debate or vote on any matter to which it relates.

32. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 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.

33. INSPECTION OF DOCUMENTS

- a) 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.
- b) All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

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

35. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public 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 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.)

36. ADJOURNMENT OF MEETINGS

- a) At all meetings of the Council where members of the public or invited guests are present a specific adjournment shall be called by the Chair immediately after the resolution to approve the minutes of the last meeting have been completed. This adjournment will afford the public an opportunity to address the meeting on any issue of relevance to the parish or in relation to the business to be transacted at the meeting and be the appropriate place for the Police to provide a report and for any invited guest to provide information to the Council.
- b) The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- c) If a member of the public interrupts proceedings at any meeting, the chairman may, after warning, order that they be removed from the meeting, and may adjourn the meeting for such period as is necessary to restore order.

37. CONFIDENTIAL BUSINESS

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

38. LIAISON WITH COUNTY AND BOROUGH COUNCILLORS

As a matter of procedure, a copy of the agenda shall be sent to each County and Borough Councillor for the Parish so as to afford them knowledge of items to be discussed and afford them an opportunity to attend each meeting and address the council during the period of public participation.

39. FINANCIAL MATTERS

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer .
- b) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

40. 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 line with the Complaints Procedure adopted by the Council except for those complaints covered by the Code of Conduct for members which should be properly directed to the monitoring office of the Principle Authority for consideration.

41. DELEGATION

The Council shall delegate to the clerk the authority to make certain decisions on its behalf as and when required. The Council shall delegate to the Clerk the maintenance of the PARISH Council website.

42. 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.

43. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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