

LYMPSTONE PARISH COUNCIL STANDING ORDERS

ADOPTED 6 APRIL 1999

MEETINGS

1. (a) Meetings of the Council shall be held at the Village Hall at 7.30 o'clock in the evening unless the Council otherwise decides at a previous meeting.
(b) Smoking is not permitted at any meeting of the Council.
2. **The Statutory Annual Meeting (a) in an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the first Monday in May. Where the statutory day under this and the following two clauses falls on a public holiday it shall be within the discretion of the Council to choose instead the following Tuesday.**
3. **The three other statutory meetings shall be held on the first Monday in the months of January, July and October.**
4. **Monthly additional meetings shall be held on the first Monday in the months of February, March, April, June, September, November and December.**

CHAIRMAN OF MEETING

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

PROPER OFFICER

6. 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 notice 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 bylaws made by the District Council.
 - (f) To sign requests to attend meetings of the Council.

QUORUM

7. **Four members shall constitute a quorum.**

8. 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 the meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

VOTING

9. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 10. 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.**
- 11. (1) Subject to (2) and (3) 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/she gave no original vote.**
- (2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provision 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.**
- (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

(In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declarations, before the annual meeting commences).

- 12. 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 school governors, every four years.**
 - (g) To appoint committees and working parties.**
 - (h) Thereafter follow the order set out in Standing Order 15.**

13. 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.

14. 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 as recommended by the National Association of Local Councils.
(See *Standing Orders 36, below*).

15. 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 approve the Minutes: circulated to each member with the request 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 receive and consider reports from officers of the Council.

(g) To receive and consider reports and minutes of committees

(h) To answer any questions from Councillors.

(i) To consider resolutions or recommendations in the order in which they have been notified.

(j) Any other business specified in the summons.

(k) To authorise the sealing of documents.

(l) To authorise the signing of orders for payment.

16. A motion to vary the order of business on the grounds 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.

RESOLUTIONS MOVED ON NOTICE

17. 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 at least seven clear days before the next meeting of the Council.

18. 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.

19. 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.
20. If the subject matter of a resolution comes within the province of a working party or committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such working party or committee or to such other working party or 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 was moved.
21. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area and neighbouring parishes.

RESOLUTIONS MOVED WITHOUT NOTICE

22. 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 working party or committee.
 - (h) To appoint a working party or committee or any member 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 63 below.)
 - (o) To silence or eject from the meeting a member named for misconduct.
(See Order 31 below.)
 - (p) To invite a member having an interest in the subject matter under debate to remain.
(See Order 54 below.)
 - (q) To give the consent of the Council where such consent is required by these Standing Orders.
 - (r) To suspend any Standing Order.
(See Order 71 below.)
 - (s) To adjourn the meeting.

QUESTIONS

23. 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.
24. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
25. Every question shall be put and answered without discussion.
26. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

27. 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.
28. (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/her before it is further discussed or put to the meeting.
(b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
(c) No speech by a mover of a resolution shall exceed three minutes, and no other speech shall exceed three minutes except by consent of the Council.
(See 22 (m) above.)
(The mover of a resolution is sometimes allowed a longer time than others).
(d) An amendment shall be either: -
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
(e) An amendment shall not have the effect of negating the resolution before the Council.
(f) 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.
(g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
(h) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.
(i) 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 a point of order, or in personal explanations, or to move a closure.
(j) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signed without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

(k) When a resolution is under debate no other resolution shall be moved except the following: -

- (i) To amend the resolution.
- (ii) To proceed to the next business.
- (iii) To adjourn the debate.
- (iv) That the question be now put.
- (v) That a member named be not further heard.
- (vi) That a member named 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.

29. (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 speak the Chairman shall call upon one of them to speak and the others shall resume silence.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

30. 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.)

DISORDERLY CONDUCT

31. (a) 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.
- (b) If, in the opinion of the Chairman, a member has broken the provision of paragraph (a) of this Order, the Chairman shall express that opinion of 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.

(c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT TO REPLY

32. 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.

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

34. (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 six 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 the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

35. 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.

DISCUSSION AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

36. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or condition of service, of any person employed by the Council, it shall not be considered until the Council, working party or committee (as the case may be) has decided whether or not the public shall be excluded.
(See Standing Order No.63.)

RESOLUTIONS ON EXPENDITURE

37. Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance committee or of another working party or committee after recommendation by the Finance Committee and 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 working party or 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.

EXPENDITURE

- 38. Orders for the payment of money shall be authorised by resolution of the Council and signed by two member.**

SEALING OF DOCUMENTS

39. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
(b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

COMMITTEES AND WORKING PARTIES

40. The Council may at its Annual Meeting appoint working parties and committees and may at any other time appoint such others as are necessary, but subject to any statutory provisions in that behalf: -
(a) shall not appoint any member of a working party or committee so as to hold office later than the next Annual Meeting.
(b) may appoint persons other than members of the Council to any working party or committee; and
(c) may subject to the provisions of Order 34 above at any time dissolve or alter the membership of a working party or committee.
41. The Chairman and Vice-Chairman ex officio shall be members of every working party or committee.
42. Every working party or committee shall at its first meeting before proceeding to any other business, elect a Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

43. The Chairman of a working party or committee or the Chairman of the Council may summon an additional meeting of that working party or 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 working party or committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
44. Procedure of the working parties to be approved by the full Parish Council.
45. The Chairman and Vice-Chairman of the working party or committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
46. Except where ordered by the Council in the case of a working parties or committee, or by the Council or by the appropriate working party or committee in the case of sub-committee, the quorum of a working party or committee or sub-committee shall be one-half of its members.
47. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to working party and Committee meetings.

VOTING IN COMMITTEES AND WORKING PARTIES

48. Members of working parties and committees entitled to vote shall vote by show of hands.
- 49. Chairman of working parties and committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF WORKING PARTIES AND COMMITTEES AT WORKING PARTY AND COMMITTEE MEETINGS

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

ACCOUNTS AND FINANCIAL STATEMENT

51. (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 Proper Officer/Responsible Finance Officer for payment with the approval of the Chairman or vice-Chairman of the Council.

(c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

52. The Clerk/Responsible Financial Officer shall supply to each member before 31 September after the end of the Financial Year a statement of receipts and payments.

BUDGET

53. (a) The Council shall approve its budget for the coming financial year at its meeting in the months of either November or December.
(b) Any working party or committee desiring to incur expenditure shall, not later than October give the Clerk a written estimate of the expenditure recommended for the coming year.

INTERESTS

54. If any member has any pecuniary interest, direct or indirect, within the meaning of section 94-95 of the Local Government Act, 1972, in any contract proposed contract or other matter, he/she 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 the report of a working party or committee and is not itself the subject of debate.

55. 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.

56. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he/she shall declare it and thereupon be invited to withdraw from the meeting.

57. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified from such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate working party or committee any such disclosure. Where relationship to a member is disclosed Standing Order 56 shall apply.

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

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

58. (a) Canvassing of members of the Council or of any working party or 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 working party or 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.
59. Standing Order Nos. 57 and 58 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

60. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a working party or committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 61. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

62. No member of the Council or of any working party or 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 working party or committee. Save for the purpose of a planning application members can visit an area adjacent to a site to make themselves aware of the site area and other relevant matters but not enter the said site without first obtaining permission and again not to do anything in the name of the Council as at about (a).

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STANDING ORDER ON CONTRACTS

69. (a) Small works and emergency works, in the interest of the community, up to the value of £250 can be authorised by the Chairman and Vice-Chairman in conjunction with the proper officer/Responsible Finance Officer.
- (b) Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 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 meetings of the Council is given.
- Where the value of the intended contract exceeds £10,000, similar notice shall be given in addition to all firms included in the appropriate standing approved 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 shall direct.
- (c) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- (d) Tenders shall be addressed to the Clerk, on the date specified pursuant to paragraph (c) above of this Order and shall be opened at the next meeting of the Council.
- (e) Neither the Council nor any working party or committee is bound to accept the lowest tender.
- (f) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (g) A notice issued under this Standing Order shall contain a statement of the effect of Standing Order Nos. 57, 58 and 59.

CODE OF CONDUCT ON COMPLAINTS

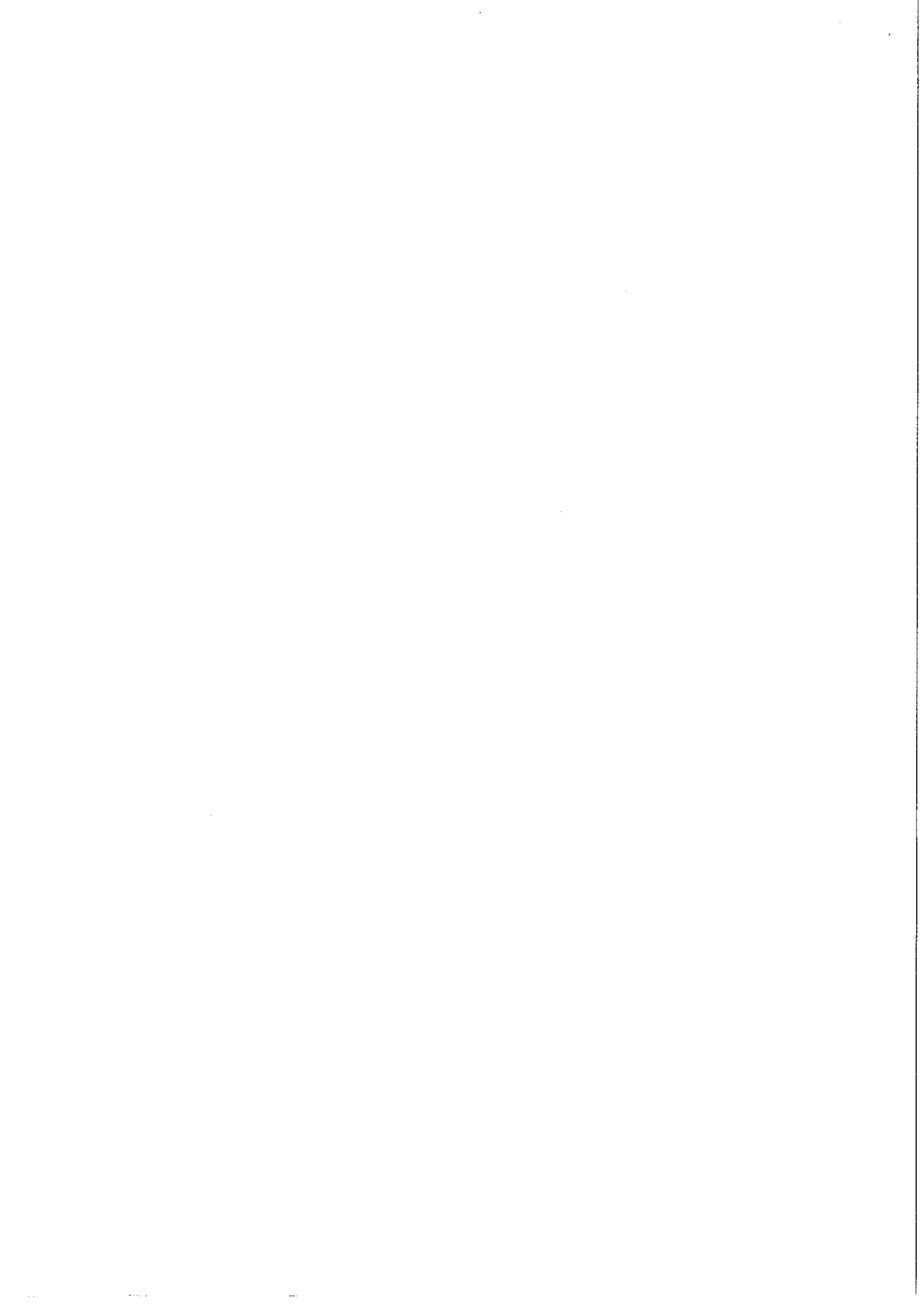
70. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

VARIATIONS, REVOCATION AND SUSPENSION OF STANDING ORDERS

71. 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 of business.
72. 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.

STANDING ORDERS TO BE GIVEN TO MEMBERS

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



REPORT OF THE WORKING PARTY - STANDING ORDERS

Chairman Cllr Bailey, Vice-Chairman Cllr Atkins, Cllr Eastley Cllr Tyrrell and the Clerk

- It is recommended that the Standing Orders be brought in line with those suggested by the National Association of Local Councils.
A copy is attached. *Please return it to the Clerk at the end of the meeting.*

- It is therefore recommended that the order of the agenda be amended as follows:

1. Open Session to last no longer than 15 minutes (details printed in the Clerks report at the next meeting)
2. Apologies
3. Minutes
4. Matters arising
5. Reports (each report to last no longer than 10 minutes)
 - 5.1 Chairman's report
 - 5.2 Clerk's report
 - 5.3 DCC report
 - 5.4 EDDC report
 - 5.5 Working Party and Committee reports and any other reports
6. Matters requested by members (detail to be given to the Clerk at least seven days before the meeting at which the item is to be discussed)
7. Correspondence
8. Accounts
9. Date of next meeting

Sally Harradine
Clerk

Accepted by the Council

MIN NO 99:4.6.2