

# **Houghton and Wyton Parish Council Standing Orders**

**Revised September 2012**

**Record of Changes**

<b>Date</b>	<b>Version</b>	<b>Change</b>
19 Sep 12	1	Completely revised for clarity based on NALC model standing orders, and taking forward specific items from previous versions. Record of changes restarted

## **HOUGHTON AND WYTON STANDING ORDERS 2012**

The following extract of elements of the NALC MODEL of 2010 was adopted as Standing Orders for Houghton and Wyton Parish Council on 19 Sep 12. Resolution of any issues not covered by this document shall be determined by reference to this model. Elements in **bold type** are statutory requirements.

### **1. MEETINGS**

**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.**

- a. **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- b. **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.**
- c. Subject to standing order 1(b) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- d. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- e. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**
- f. **In accordance with standing order 1(e) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- g. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- h. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- j. **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 3.**
- k. **If a meeting is or becomes inquorate, no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a**

**following meeting.**

- l. Any formal decision of the Council or its committees must be subject to a motion and subsequent vote. The motion must have a proposer and a seconder, both of whom must be Councillors.**
- m. Any formal decision taken by the Council or its committees shall be binding and cannot be revisited for a minimum of 6 months from the date that the motion was either carried or rejected.**
- n. Subject to standing order 1 (n) below, all motions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- o. The Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (h) and (i) below.)**
- p. Unless standing orders provide otherwise, voting on any motion shall be by a show of hands. At the request of a Councillor, the voting on any motion shall be recorded so as to show whether each councillor present and voting gave his vote for or against that motion. Such a request shall be made before moving on to the next item of business.**
- q. The minutes of a meeting shall record the names of councillors present.**
- r. The Code of Conduct of the Council shall apply to councillors in respect of the entire meeting.**
- s. An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.**
- t. Councillors and members of the public are to have mobile phones turned off or in silent mode during the course of a meeting of the Council or its committees.**

## **2. ORDINARY COUNCIL MEETINGS**

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b. In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e. The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.**
- f. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**

- g. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

### **3. PROPER OFFICER**

The Council's Proper Officer shall be the clerk, who shall do the following:

- a. Electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council, and any meeting of a committee or a sub-committee, at least 3 clear days before the meeting.
- b. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- c. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- d. Make available for inspection the minutes of meetings.
- e. Receive and retain copies of byelaws made by other local authorities.**
- f. Receive and retain declarations of acceptance of office from councillors.**
- g. Retain a copy of every councillor's register of interests and any changes to it, and keep copies of the same available for inspection.
- h. Keep proper records as required before and after meetings.
- i. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with, and subject to, the Council's procedures relating to the same.
- j. Receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.
- k. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

- l. Arrange for legal deeds to be signed by 2 councillors and appropriately witnessed.
- m. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council, in accordance with the Council's financial regulations, and collect all income due to the Parish Council.
- n. Circulate planning applications received by the Council to the Planning Committee members and arrange for the applications to be placed on the agenda of the next Planning Committee.
- o. Act on or undertake activity or responsibilities as instructed by resolution or contained in standing orders.

#### **4. CODE OF CONDUCT (ENGLAND)**

- a. **All councillors shall observe the code of conduct adopted by the Council.**
- b. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c. **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted, provided members of the public are permitted to do the same. The councillor must, thereafter, leave the room or chamber, unless a dispensation has been properly obtained under Section 33 of the Localism Act 2011.**

#### **5. MINUTES**

- a. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Council procedure.
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

#### **6. DISORDERLY CONDUCT**

No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

#### **7. EXPENDITURE**

- a. Any expenditure incurred by the Council shall be in accord with the Council's financial regulations.
- b. **The Council's financial regulations shall be reviewed once a year.**

- c. **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

## **8. EXECUTION AND SEALING OF LEGAL DEEDS**

**In accordance with a resolution made under correct Council procedure, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **9. EXTRAORDINARY MEETINGS**

- a. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chairman of the Council does not, or refuses, to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

## **10. ACCOUNTS AND FINANCIAL STATEMENT**

- a. **All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations.**
- b. **The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March and 30 September in each year a statement summarising the Council's receipts and payments for the half year. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.**

## **11. ESTIMATES/PRECEPTS**

**The Council shall approve written estimates for the coming financial year at its meeting before the end of December.**

## **12. POWER OF WELL-BEING (ENGLAND)**

- a. **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b. **The Council's period of eligibility begins on the date that the resolution under standing order 12 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise**

**of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 12(b) above.**

### **13. MATTERS AFFECTING COUNCIL EMPLOYEES**

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded (see standing order 1(b).
- b. The Parish Council must ensure that an up to date job description for the Parish Clerk, including line management and appraisal, is maintained.

### **14. FREEDOM OF INFORMATION ACT 2000**

All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

### **15. LIAISON WITH DISTRICT AND COUNTY COUNCILLORS**

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County representing its electoral ward.

### **16. FINANCIAL MATTERS**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. The accounting records and systems of internal control;
  - ii. The assessment and management of financial risks faced by the Council;
  - iii. The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. The inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
- b. **Any proposed contract for the supply of goods, materials and services and the execution of works with an estimated value in excess of £2000 shall be procured on the basis of a formal tender.**
- c. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **17. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

- b. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## **18. DISTRIBUTION AND APPLICATION OF STANDING ORDERS**

- a. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.

## **ANNEX A**

### **RULES OF DEBATE**

1. Motions included in an agenda shall be considered in the order that they appear on the agenda, unless the order is changed at the Chairman's direction for reasons of expedience.
2. Subject to standing orders 1 (l)-(p) above, a motion shall not be considered unless it has been proposed and seconded.
3. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
4. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
5. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
6. One or more amendments may be discussed together if the Chairman considers this expedient, but shall be voted upon separately.
7. The number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
8. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
9. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
10. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
11. A councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
12. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
13. The Chairman shall decide a point of order and his decision shall be final.
14. With the consent of the seconder and/or of the meeting, the proposer may withdraw a motion or amendment. A councillor shall not speak upon the said motion or amendment

unless permission for the withdrawal of the motion or amendment has been refused.

15. When a councillor's motion is under debate no other motion shall be moved except:
  - a. To amend the motion;
  - b. To adjourn the debate;
  - c. To put the motion to a vote;
  - d. To ask a person to be silent or for him to leave the meeting;
  - e. To refer a motion to a committee or sub-committee for consideration;
  - f. To exclude the public and press;
  - g. To adjourn the meeting;
  - h. To suspend any standing order, except those that are mandatory.
  
16. The Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **ANNEX B**

### **SUB COMMITTEES**

1. The Council shall comprise the Chairman, Vice Chairman and other elected Councillors.
2. The Council may, if required, be supported by sub-committees, which operate within clearly defined authority levels delegated from the full Council. Examples of such committees might be:
  - a. Planning Committee.
  - b. Rights of Way Committee.

Other committees may be formed to support the work of the Parish Council as necessary. If required, they are to be constituted at a meeting of the full Parish Council.

3. The Chairman and Vice-Chairman shall by virtue of their appointment be full members of each sub-committee.
4. Membership of sub-committees shall be by simple majority vote at any full Parish Council meeting. Resignation from sub-committees shall be in writing and confirmed at the next full Parish Council meeting
5. The Council and its sub-committees may from time to time set up ad-hoc “working parties” to tackle specific issues/projects. Such working parties will be for a limited duration and operate within clearly specified terms of reference.
6. The Council and its sub-committee may, when considered necessary, co-opt experts – those with specialist knowledge, to the Council, sub-committee and working parties.
7. All meetings of the full Council and its sub-committees are to be open to the public and the Chairman will ensure that representatives of the public are given the opportunity to contribute in an appropriate manner.
8. Councillors may attend and speak at all sub-committee meetings, but only those appointed to a sub-committee may exercise a vote. Co-opted experts may not vote at meetings.
9. Minutes of all sub-committees will be prepared promptly, reviewed by the Chairman and then be distributed as draft minutes to all members of the Council within one week of the date of the meetings. The draft minutes will be displayed on the village notice board once the Committee Chairman has approved them. The minutes of sub-committees are to be confirmed by resolution of that sub-committee in accordance with the procedure laid down in Standing Order 5.