

# **COLTISHALL PARISH COUNCIL**

## **STANDING ORDERS**

**Adopted 3<sup>rd</sup> November 2003**

**Latest amendment October 2012**  
**Reviewed March 2017**

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## **STANDING ORDERS**

### **MEETINGS**

1. Meetings of the Council shall be held at Coltishall Village Hall at 7.30 p.m. on the first working Monday of January, March, May, July, September and November, unless the Council otherwise decides. Not less than 3 working days before any meeting notice shall be posted in Parish Notice Boards to the meeting and delivered to Parish Councillors with Minutes of the previous meeting and other relevant documents. **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.**
2. **In an election year, the Annual Meeting of the Council shall take place on or within 14 days following the day on which new Councillors are elected, this to be the first working Monday in May. In a year which is not an election year, the Annual Meeting of the Council shall be held on such day in May as the Council may direct.**

### **CHAIRMAN OF MEETING**

3. **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 from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the 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.**

### **PROPER OFFICER**

4. Where a statute, regulation or order confers functions or duties on the Proper Officer or the Responsible Financial Officer of the Council in the following cases, he or she shall be the Clerk of the Council:
  - (a) To receive declarations of acceptance of office

- (b) To receive and record notices disclosing Councillors' interests
- (c) To sign and serve on Councillors summonses to attend meetings of the Council
- (d) An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillors of the District and County Council representing the area of the council.
- (e) To give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a Committee
- (f) To receive and retain plans and documents
- (g) To sign notices or other documents on behalf of the Council
- (h) To receive copies of byelaws made by a District Council
- (i) To certify copies of byelaws made by the Council
- (j) To facilitate inspection of the minute book by local government electors
- (k) Convene a meeting of full Council for the election of a new Chairman of the Council occasioned by a casual vacancy in his office
- (l) Arrange for the prompt authorisation, approval and payments in accordance with the Council's financial regulations.

In any other cases the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk of the Council.

### **QUORUM**

- 5. Four members shall constitute a quorum. No business may be transacted at a meeting unless at least one-third of the number of Councillors is present.**
6. If, prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by resolution, such resolution shall be recorded in the minutes of the meeting at which approval was given. 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 interest falls below the quorum, the business not transacted at the meeting shall be transacted at the next meeting.

### **VOTING**

- 7. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.**
- 8. If a member so requires, the Clerk of the Council shall record the names of the members who voted on any question so as to show whether they voted for or against it.**

9.     **(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 regardless of whether he or she gave, or did not give, an 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 provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he or she 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.**
- (4) The minutes of a meeting shall record the names of councillors present and absent**

### **ORDER OF BUSINESS**

10.    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)    To receive declarations of acceptance of office of previously elected Councillors.
  - (d)    To receive declarations of interest.
  - (e)    To receive apologies for absence.
  - (f)    To elect a Vice-Chairman
  - (g)    To appoint Committees and working parties.
  - (h)    To make appointments to other bodies.
  - (i)    Review of Standing orders and financial regulations.
  - (j)    Review internal audit procedures.
  - (k)    Confirm eligibility for the General Power of Competence.

And shall thereafter follow the order set out in Standing Order 12.

11.    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.
12.    After the first business has been completed, the order of business unless

the Council otherwise decides on the ground 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) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
  - (c) **After consideration to approve the signature of the Minutes by the Chairman of the meeting as a correct record.** If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate he/she shall sign the minutes to that effect.
  - (d) **To deal with business expressly required by statute to be done.**
  - (e) **To receive apologies for absence.**
  - (f) To dispose of business, if any, remaining from the last meeting.
  - (g) To receive and consider reports and recommendations for action from officers of the Council, Chairman, Planning, Finance, and other matters such as Highways, Footpaths, Tree Warden, Allotments, as appropriate.
  - (h) To consider resolutions or recommendations.
  - (i) To receive reports from other village organisations.
  - (j) Any other business specified in the summons.
  - (k) To receive questions from Parishioners. (See Standing Order 58)
13. 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.

### **RESOLUTIONS MOVED ON NOTICE**

- 14. 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 of the Council or the mover has given notice in writing of its terms and has delivered the notice to the Clerk of the Council at least 14 clear days before the next meeting of the Council.
- 15. The Clerk of the Council shall insert in the summons for every meeting all notices of motion or recommendation properly given.
- 16. 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.

17. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

### **RESOLUTIONS MOVED WITHOUT NOTICE**

18. 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 authorize the sealing of documents.
- (k) To amend a resolution.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To exclude the public (See Order 52)
- (n) To silence or eject from the meeting a member named for misconduct (See Order 24)
- (o) To invite a member having an interest in the subject matter under debate to remain (See Orders 43).
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order (See Order 60).

### **RULES OF DEBATE**

19. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be signed by the Chairman.
20. (a) A resolution or amendment shall not be discussed unless it has been included in the agenda and the mover has given written notice of its wording to the Proper Officer at least 14 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with

the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

- (b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of the order.
  - (c) 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.
  - (d) An amendment shall not have the effect of negating the motion before the Council.
  - (e) 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.
  - (f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (g) A member may make a point of order or a personal explanation. A member shall be heard forthwith. He or she shall confirm a personal explanation to some material part of a former speech, which may have been misunderstood.
  - (h) 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 may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - (i) 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 motion be now put to the vote
    - (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.
21. (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 and observe the authority of the Chairman at all times.

- (c) Members shall at all times confine their remarks to the subject under debate. In particular abusive or personal comments directed at any individual or organization whether they are present or not are expressly forbidden.
22. At the end of any speech a member may, without comment, move "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 or she 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 or she shall call upon the mover to exercise or waive his or her 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.
23. A member may, with the consent of his or her seconder, move amendments to his own resolution.
24. 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.
25. Members of the Public shall be bound by these rules when speaking in accordance with Standing Orders.

### **EXTRAORDINARY MEETINGS**

26. The Chairman of the Council may convene an extraordinary meeting of the council at any time.  
If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.  
The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.  
If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by members of the committee [or the sub-committee], any 4 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].



## **RESCISSION OF PREVIOUS RESOLUTION**

27. (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 four members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

## **CODE OF CONDUCT**

28. (a) All members will abide by the provisions of the Code of Conduct adopted by the Council on 2<sup>nd</sup> July 2012, in accordance with Sections 27 and 28 of the Localism Act 2011.
- (b) 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 scandalize the Council or bring it into contempt or ridicule.
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and hereafter 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.
- (d) 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.
- (e) All Councillors shall undertake training within six months of their Declaration of Acceptance of Office.

## **DISPENSATIONS**

29. (a) Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- (b) Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is

considering a Matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

**(c) Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.

A dispensation request shall confirm:

- a. i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- b. ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- c. iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- d. iv. an explanation as to why the dispensation is sought.

(d) Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required

(e) A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii. granting the dispensation is in the interests of persons living in the council's area or
- iii. it is otherwise appropriate to grant a dispensation.

## **FAILURE TO ATTEND MEETINGS**

30. If a member of a local authority fails throughout a period of six consecutive months from the 2<sup>nd</sup> date of his last attendance to attend any meeting of the Council, he/she shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. The failure to attend begins on the date of the first meeting at which the member fails to attend, and ends on the date of the last meeting at which the member fails to attend.

## **VOTING ON APPOINTMENTS**

31. 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.

## **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

32. (a) If at a meeting there arises any question relating to the Appointment, conduct, promotion, dismissal, salary or conditions of service, or 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 no. 52).
- (b) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

## **EXPENDITURE**

33. 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:
- (a) the keeping of accounting records and systems of internal controls;
  - (b) the assessment and management of financial risks faced by the council;
  - (c) the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - (d) the inspection and copying by councillors and local electors of the

- council's accounts and/or orders of payments; and
- (e) procurement policies (subject to standing order 45 below) including the setting of values for different procedures where a contract has an estimated value of less than £2500.00.
- (f) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

**Orders for the payment of money shall be authorized by resolution of the Council, and signed by two members and countersigned by the Clerk of the Council. See also Financial Regulations 5.3**

### **SEALING OF DOCUMENTS**

- 34. (a) A document shall not be sealed on behalf of the council unless its sealing has been authorized by a resolution.
- (b) Any two members of the Council may seal, on behalf of the council, any document required by law to be issued under seal.

### **COMMITTEES AND SUB-COMMITTEES**

- 35. The council may at the Annual Meeting appoint standing committees and working parties and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf -
  - (a) Shall not appoint any member to a committee so as to hold office later than the next Annual Meeting, except that the Chairman of a committee shall continue to hold that office until the first meeting of the committee following the Annual Meeting, and
  - (b) May subject to the provisions above at any time dissolve or alter the membership of a committee.
- 36. The Chairman of the Council shall be a member of every committee.
- 37. 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 subject to the provisions of Order 33(a) above.
- 38. 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 that meeting.
- 39. Every committee may appoint sub-committees for purposes to be

specified by the committee.

40. 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 third of its members and not less than three members.
41. The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and subcommittee meetings.
42. Members of committees and sub-committees shall vote by show of hands, or, if at least two members so request, by signed ballot.
43. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

#### **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

44.
  - (a) 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.
  - (b) Members attending meetings of committees of which they are not members shall sit in the public area.

#### **INTERESTS**

45. If any member has any pecuniary interest, direct or indirect, within the meaning of Sections 29 to 33 of the Localism Act 2011, in any contract, proposed contract or other matter, he or she shall, while it is under consideration by the Council withdraw from the meeting unless the disability imposed upon him or her by those sections has been removed by the council: or
  - (b) The Council invite him or her to remain: or
  - (c) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
46. The Clerk of the Council 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, unless the interest is sensitive in the manner described in Section 32 of the Localism Act of

2011. The book shall be open during reasonable hours of the day for the inspection of any member.
47. If any member has an interest within the ambit of Section 31 of the Localism Act 2011 he or she may not
- (a) participate in, or participate further in, any discussion of the matter at the meeting, or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting, subject to Section 33 of the Localism Act 2012.
48. If a candidate for any appointment under the Council is to his or her 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 of the Council. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk to the Council shall report to the Council or to the appropriate committee any such disclosure.

#### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

49. (a) Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk of the Council shall make known the purport of this subparagraph of this Standing Order to every candidate.
- (b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion: but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment
50. Standing Orders Nos. 46 and 47 shall apply to tenders as if the person making the tender were a candidate for any appointment.

#### **INSPECTION OF DOCUMENTS**

51. A member may for the purpose of his or her 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.
52. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under

the Freedom of Information Act 2000 and the Data Protection Act 1998.  
All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

53. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council. either
- (a) Inspect any lands or premises which the council has a right or duty to inspect: or
  - (b) Issue orders, unless authorized to do so by the Council or the relevant committee or sub-committee.

### **ADMISSION OF THE PUBLIC AND PRESS TO MEETING**

54. The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution, viz: "To exclude the press and public from the meeting for the consideration of the following matter(s) in view of the (personal) (confidential) nature of the business to be transacted".
55. The clerk of the Council shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
56. If a member of the public interrupts the proceedings at any meeting, or otherwise contravenes these Standing Orders, the chairman may, after warning, order that he or she be removed from the Council chamber.

### **CONFIDENTIAL BUSINESS**

57. (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, 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.

### **PLANNING APPLICATIONS**

58. The Clerk of the Council shall refer every planning application to the Planning working party following its receipt.

## **PUBLIC PARTICIPATION**

59. (a) In accordance with Standing Order 12 (j) the Public may, under direction of the Chairman, ask questions of the Parish Council and make representations in respect of the work of the Parish, District and County Councils. Members of the Public availing themselves of this opportunity will be subject to Standing Orders and in particular Standing Order numbers 21, 22, 24, 45 & 46.
- (b) 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.
- (c) A question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- (d) If, in the opinion of the Council, consideration of any specific items would be assisted by contributions from members of the Public, the Chairman may invoke the application of this Standing Order for that purpose.
- (e) A record of public participation shall be included in the minutes of that meeting.

## **CODE OF CONDUCT ON COMPLAINTS**

60. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member according to the Council's complaints procedure.

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

61. 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.
62. 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**

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