

Monk Fryston Parish Council Document 002	Page 1 of 14
Standing Orders	Rev: 3
Prepared and Issued by: Bill Holmes	Issued: 5/3/13
Approved at Council Meeting Dated: 5/3/13 Minute reference 8a	

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Document Change History

Revision	Date	Author	Verified	Section	Change Description
1.1	4/12/13	BH	PS	SO 30	Minor Numbering Alterations
2	5/2/13	BH	PS	SO 9	notice period from seven to 5 days
3	5/3/13	BH	PS	SO 35	Amended

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Approved 05 Mar 13

1) Meetings

Meetings of the Council and its Committees shall be held at the Community Centre, Monk Fryston commencing at 19.30 unless the Council otherwise decides at a previous meeting.

2) The Statutory Annual Meeting

- a) **In an election year the Annual Parish Council Meeting 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 Parish Council Meeting shall be held on such day in May as the Council may direct.**
- c) **In addition to the Statutory Annual Parish Council Meeting 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) Chairman of 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.

4) Proper Officer

Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases, he shall be the Clerk or nominated officer: -

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing interests at meetings.
- 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 another local authority.
- f) To certify copies of bylaws made by the Council.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.
- i) In other cases the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

5) Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

1. If a quorum is not present or if during the meeting the number of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

6) Voting

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

2. **If a member so requires, the Clerk shall record the names of the members who voted on any questions so as to show whether they voted for or against it. Such a request shall be made before moving on to the next business.**
3. **Subject to (4) and (5) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
4. **If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
5. The person presiding must give a casting vote whenever there is an equality of votes in an election for the Chairman.

7) Order of Business

In an election year Councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer previously authorised by the Council to take such declaration, before the Annual Meeting commences.

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

- a) **To elect a Chairman of the Council.**
- 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 and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law, shall be received.**
- e) To elect a Vice-Chairman of the Council and receive his Declaration of Acceptance of Office.
- f) To appoint representatives to outside bodies or to note continued representation on bodies with a specified term of office.
- g) To consider the payment of any subscriptions falling to be paid annually.
- h) To inspect and deeds and trust investments in the custody of the Council as required.
- i) To list property in the ownership of the Parish Council.

And shall thereafter follow the order set out in Standing Order 7-3 (below)

1. **At every meeting other than the Annual Parish Council 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) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
2. 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. Standing Order 22 must be read in conjunction with this requirement.
3. 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) **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 which will not be covered in a later agenda item.
- e) To undertake any business associated with the police and then other external speakers who have come from out of the parish to advise on issues and discuss issues.
- f) To receive such communications as the person presiding may wish to lay before the Council.
- g) To receive and consider resolutions or recommendations in the order in which they have been notified.
- h) To answer questions from Councillors.
- j) To receive and consider reports from Officers of the Council.
- k) To authorise the signing of orders for payment.
- l) To authorise the sealing of documents.
- m) To accept minor items of report
- n) To accept items for the next agenda.

8) Urgent Business

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.

9) Resolutions Moved On Notice

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 five clear days before the next meeting of the Council.

1. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
2. The Clerk shall insert in the summons for every meeting all notices of motions or recommendation properly given in the order in which they have been received unless the member giving a notice has stated in writing that he intends to move at some later meeting or that he withdraws it.
3. 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 being given by such member.
4. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committees 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.
5. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affect its area.

10) Resolutions Moved Without Notice.

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

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion/resolution.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (see Order 33 below)
- o) To silence or eject from the meeting a member named for misconduct. (see Order 17 below)
- 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 below)
- r) To adjourn the meeting.

11) Minor Items

The Meaning of Minor Items which don't need to be listed on the Agenda and actionable by the Clerk between Meetings.

- a) The reporting of matters of safety to professional officers of other councils and statutory organisations.
- b) To report a problem, but not a solution to professional officers of other councils.
- c) To order the repair of a street light within the budget authorised by the Council.
- d) To initiate a search for information.
- e) To pay by duly signed cheque after checking - electric bills and street lighting repair bills within allocated budget and at agreed times of payment for bonafide repairs. All sums to be written on agendas for the following meeting or in the minutes of the meeting where the cheque is signed.

12) Questions.

A member may ask the Chairman of the Council or the Clerk any questions concerning the business of the Council, provided that 7 clear days' notice has been given to the person to whom it is addressed.

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

13) Rules of Debate.

No discussion shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

14) Resolutions

- a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it can be further discussed or put to the meeting.
 - b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period in the debate.
 - c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes unless by consent of the Council.
 - e) An amendment shall be either:-
 - i) To leave out words.
 - ii) To leave out words and insert others.
 - iii) To insert or add words.
 - f) An amendment shall not have the effect of negating the resolution before the Council.
 - g) 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.
 - h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - i) The mover of a resolution or of an amendment shall have a right of reply not exceeding 5 minutes.
 - j) A member, other than the mover of a resolution shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confirmed to some material part of a former speech by him who may have been misunderstood.
 - l) 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.
 - m) When a resolution is under debate no other resolutions 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 named member 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.
30. A member shall remain seated when speaking unless requested to stand by the Chairman.

15) Chairman

- 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. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

16) Closure

At the end of any speech a member may, without comment, move “that the question is put now”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such a motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, 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.

17) Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the Council on 12th June 2012. Parish Council Document PC005**
- 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 bring the Council into disrepute.**
- c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer be heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Standards Board.**
- d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

18) Right of Reply

The mover of a resolution shall have a right of 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.

19) Alteration of Resolution

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

20) Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by special resolution, the written notice whereof bears the name of at least (4) 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.

21) Voting On Appointments

When 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.

22) Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order 33)

23) Resolutions on Expenditure

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

24) Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

25) Sealing of Documents

- 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.

26) Special Meeting

The Chairman of the Council may summon an additional meeting 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 Council. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

27) Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) 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 Responsible Finance

Officer. Such payment shall be authorised by the Proper Officer for payment with the approval of the Chairman or Vice-Chairman of the Council.

- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- 4) The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year, a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

28) Budgets/Precepts

Refer to Financial Regulations PC003

29) Interests

- 1) **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 12th June 2012 PCDOC005 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 2) **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- 3) **The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- 4) 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 for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
- 5) The Clerk shall make known the purpose of this Standing Order to every candidate.

30) Canvassing of and Recommendation by Members

- 1) Canvassing of members of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this standing Order to every candidate.
- 2) A member of the Council or 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.
- 3) Standing Orders 29.4, 30.1 & 30.2 shall apply to tenders as if the person making the tender were a candidate for an appointment.

31) Inspection of Documents

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

32) Unauthorised Activities

No member of the Council shall in the name of or on behalf of the Council: -

- a) Inspect any land 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.

33) Admission of the Public and Press to Meetings

- 1) **The public and press shall be admitted to all meetings of the Council, which may, however, temporarily exclude** the public and press by means of the Public Bodies (Admission to Meetings) Act 1960 as amended by Section 100A of the Local Government Act 1972, Schedule 12A. For the bone fide reasons of confidentiality described in the act.
- 2) The Council shall state the special reason for exclusion.
- 3) At all meetings of the Council, the Chairman may at their discretion and at a convenient time in the transaction of the business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- 4) The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- 5) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

34) Confidential Business

- 1) No member of the Council shall disclose to any person not a member of the Council any business declared to be confidential by the Council.
- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from the Council.

35) Liaison with County and District Councillors

- 1) An invitation and Agenda for each meeting shall be sent to the District Councillor(s).

- 2) A specific item will be included on each agenda for the District Councillor(s) to give an update to Council. The update shall be limited to 15 minutes. The Update from District Councillors will fall after the approval of the minutes of the previous meeting.
- 3) District Councillor(s) shall consider the content of the issued agenda. The Chairman shall be notified of any items the District Councillor(s) would like to contribute to discussions on. Any such notification shall be given at least 48 hrs prior to the meeting. At the discretion of the Chairman the District councillors shall be advised prior to the meeting if they will be permitted to contribute as requested.
- 4) In order to expedite the attendance of the District Councillor(s) the Chairman may, at his discretion, move forward those items indicated by the District Councillor(s). If the Chairman deems it not appropriate to move the items then the District Councillor(s) will need to be in attendance until that item arises.

36) Planning Applications

1. The Clerk shall, as soon as it is received, enter in a book kept for the purposes the following particulars of every planning application notified to the Council: -
 - a) the date on which it was received
 - b) the name of the applicant
 - c) the place to which it relates
 - d) a summary of the nature of the application.
2. On receipt of a planning application for consultation, the Clerk shall refer the application to the next agreed meeting of the Council, but if the Council is not due to meet within the time limit given for return of comments and the Planning Officer is unable to give sufficient extension of time, the Clerk will call a special meeting of the Council.

37) Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. Refer to Financial Regulations PC003

- 1) Such Regulations shall include detailed arrangements for the following: -
 - a) the accounting records and systems of internal control;
 - b) the assessment and management of risks faced by the Council;
 - c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - d) the financial reporting requirements of members and local electors and
 - e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.

38) 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 such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board.

39) Variation, Revocation and Suspension of Standing Orders

- 1) 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.
- 2) A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

40) 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 and written undertaking to observe the Code of Conduct adopted by the Council.

41) Annual Review

At each Annual Meeting of the Parish Council an item will be placed on the agenda reminding members of the existence of standing orders and the opportunity to review standing orders by the process set out in Standing Order 39.2. The Annual Council meeting in deciding to review the standing orders is recommended to either set up a working party or empower the Clerk to produce a draft of the alterations. Any changes in statute that requires a change of standing order shall be proposed without delay.

42) Annual Meeting Minutes

The minutes of the Annual meeting shall be approved at the next ordinary meeting that does not fall on the same night as the Annual Meeting.

43) Personnel Committee

Any matters relating to personnel and employment shall be delegated to the Personnel Committee. The members of the Personnel Committee will consist of the Chairman and Vice-Chairman.

44) Grants Committee

Terms of reference for the Grants Committee are defined in Parish Council Document PC004

45) Planting Committee

Terms of reference for the Planting Committee are defined in Parish Council Document PC006

46) Parish Council Land Policy

Details with respect to Parish council land and property are contained in Parish Council Document PC-DOC-008.