

GAMSTON WITH WEST DRAYTON AND EATON PARISH COUNCIL

STANDING ORDERS

(In these Standing Orders, all references to 'he' shall be deemed to include 'she')

Date to be reviewed: January 2023

Meetings

1 Meetings of the Council shall be held at a suitable venue (subject to compliance with law) in the villages at 7.00 pm on the second Thursday in each month – excluding August and December - unless the Council decides otherwise at a previous meeting.

2 The Statutory Annual Meeting in an election year shall be held on or within 14 days following the day on which the Councillors elected take office.

In the year which is not an election year, the Annual Parish Meeting shall be held on such day in May as the Council may direct.

3 In addition to the Statutory Annual Parish 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.

4 Additional meetings shall be held when necessary by giving three days clear notice in writing.

Length of Meetings

5 Meetings shall not normally last more than two hours.

Chairman of Meeting

6 If the Chairman is absent or leaves the meeting, the Vice-Chairman shall preside.

If both the Chairman and Vice-Chairman are absent, the Clerk will call the election of a member to preside.

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 Officers

7 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk:

- a) To receive declarations of acceptance of office
- b) To receive and record notices disclosing pecuniary interest
- 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 a District Council
- f) To certify copies of bylaws made by the Council
- g) To sign summons to attend meetings of the Council
- h) To be the Council's Financial Officer

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

Variation, Revocation and Suspension of Standing Orders

8 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.

9 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

10 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.

Confidential Business

11 No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council or committee. Any member in breach of the provisions of paragraph (a) above shall be removed from the Council or any committee. The agenda for each meeting shall include the item 'confidentiality'.

Liaison with County and District Councillors

12 A notice of meeting shall be sent together with an invitation to attend to the District Councillor for the ward.

Participation at a meeting by County and District Councillors

13 The Chairman may, at his discretion, permit a County or District Councillor presently representing the Parish to speak during the meeting. The contribution of these Councillors will be limited to providing information pertinent to matters dealt with by the Council. They shall not be permitted to enter into any debate of the Council unless the meeting is suspended in the normal way.

14 The Chairman may not exercise this power in the following circumstances:

- a) Where any member of the Council objects to such contributions;
- b) Where any member of the public present indicates that he also wishes to address the Council on the matter being discussed.

In these circumstances, unless a resolution to suspend the meeting is approved, no contributions from non-members will be permitted.

Planning Applications

15 a) The Clerk shall refer every planning application to the Chairman or, in the Chairman's absence the Vice-Chairman, as quickly as possible.

b) The following particulars of every planning application received by the Council shall be recorded in the minutes of the meeting at which it was discussed:

- i) The date on which it was received;
- ii) The name of the applicant;
- iii) The place to which it relates;
- iv) A summary of the nature of the application.

Quorum

16 A quorum of the Council shall be one-third of the full cCouncil.

17 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 that meeting shall be transacted at the next meeting or on such other day as the Chairman may arrange.

Voting

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

19 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.

20 (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 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 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.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

Notice of Meeting

21 At least three clear days before a meeting of the Council, a notice of the time and place of the meeting must be placed on the Council's notice boards.

22 A similar period before the meeting, the Clerk must send to the usual residence of each member of the Council a notice of the meeting, specifying the business it is proposed to transact so that the member who receives it can identify the matters which he will be expected to discuss. It is especially important that the agenda specify those matters which will, if approved, result in the Council entering into a financial or legal commitment.

Order of Business

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

23 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 decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- d) To elect a Vice-Chairman.

The Chairman is elected at the annual meeting of the Council. Subject to his willingness to continue in office, the Council can elect him for a second year. However he will not be eligible to stand again for election to the Chairmanship until at least two years have elapsed from the date he ceased to be Chairman. The Vice-Chairman is elected at the annual meeting of the Council. At the expiry of the Chairman's term of office, the Vice-Chairman will normally allow his name to be put forward for election to the Chairmanship.

24 At every meeting other than the Annual General 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.

25 After the first business has been completed, the order of business, unless the Council decides otherwise 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;
- e) To authorise the signing of accounts for payment;
- f) To decide the Council's view on Planning Applications;
- g) To deal with any other business specified in the agenda.

Interests

26 If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act 1972, in any contract, proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner:

- a) The disability imposed upon those sections has been removed by the District Council; or

- b) The Council invite him to remain; or
- a) The contract, proposed contract or other matter is under consideration as part of a report of a committee and is not itself the subject of debate.

27 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.

28 If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall, having declared it, be invited to withdraw from the meeting.

Inspection of Documents

29 All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

Admission of the Public and Press to Meetings

30 The public shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public by means of the following resolution:

'That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw'.

N.B. The special reasons should be stated.

The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

Discussions and Resolutions Affecting Employees of the Council

31 If at a meeting there arise any questions 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 public shall be excluded .

Expenditure

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

Voting in Committees

33 Members of committees and sub-committees shall vote by show of hands or, if at least two members so request, by signed ballot.

34 Chairmen of committees or 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

35 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 may not vote.

Accounts and Financial Statement

36 The Clerk shall supply a statement of receipts and payments to each member at the ordinary meeting next after the end of the Financial Year.

Estimates

37 The Council shall approve written estimates for the coming financial year at its meeting during the month of January.

Resolutions Moved Without Notice

38 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 close or adjourn the debate
- f) To refer a matter to a committee
- g) To appoint a committee or any members thereof
- h) To adopt a report
- i) To amend a resolution
- j) To give leave to withdraw a resolution or amendment
- k) To exclude the public
- l) To silence or eject from the meeting a member named for misconduct
- m) To invite a member having an interest in the subject matter under debate to remain
- n) To give the consent of the Council where such consent is required by these Standing Orders
- o) To suspend any Standing Order
- p) To adjourn the meeting
- q) To proceed to the next business

Rules of Debate

39 No discussion shall take place upon the Minutes except on their accuracy. Corrections to the Minutes shall be made by resolution and must be included in the Minutes of the current meeting.

40 The following rules shall be observed:

- 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 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) 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.

An amendment shall not have the effect of negating the motion before the Council.

- d) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution on which any further amendment may be moved.
- e) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- f) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- g) 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.
- h) 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
 - iii) That the question now be put
 - iv) That a member named be not further heard
 - v) That a member named do leave the meeting
 - vi) That the resolution be referred to a committee
 - vii) To exclude the public and press
 - viii) To adjourn the meeting
 - i) The Chairman's ruling on a point of order shall not be discussed

Closure

41 At the end of any speech a member may, without comment, move 'That the question now be put', 'That the debate is 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 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 now be 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.

Disorderly Conduct

42

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 Chairman's opinion, a member breaks the provisions of paragraph (a) of this order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member 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 be reasonably necessary to enforce them.

Alteration of Resolution

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

Rescission of Previous Resolution

44 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution.

Casual Vacancies

45 In the event of a vacancy arising between elections (resulting from either the resignation or death of a councillor, or from his disqualification for whatever reason), it must be publicly notified immediately.

46 If sufficient electors so request, an election will be held in the usual way. If no election is requested, the Council is free to co-opt a suitably qualified person to serve for the remainder of the retired councillor's term of office.

47 If two persons have been nominated to fill a particular vacancy, the Council shall take a vote amongst its members. If more than two have been nominated, and of the votes there is not an absolute majority in favour of one person, the person having the least 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.