

SWANWICK PARISH COUNCIL STANDING ORDERS



CONTENTS

Accounts & Financial Statement	8
Admission of the public and press to meetings	10
Alteration of resolution	7
Canvassing of and recommendations by members	9
Chairman of meeting	6
Closure	7
Code of conduct on complaints	10
Committees and sub committees	8
Confidential business	10
Discussions and resolutions affecting employees of the Council	7
Disorderly conduct	6
Dissolution	10
Expenditure	7
Inspection of documents	9
Members Interests	9
Meetings	3
Order of business	4
Planning applications	10
Presence of non members of committees and sub committee meetings	8
Proper Officer	3
Questions	5
Quorum	3
Rescinding of a resolution	7
Resolutions move on notice	6
Resolutions moved without notice	5
Resolutions on expenditure	7
Right of reply	7
Rules of debate	5
Standing orders to be given to members	10
Unauthorised activities	9
Variation, revocation and suspension of standing orders	10
Voting	3
Voting in committees	8
Voting on appointments	7

MEETINGS

1.
 - a. Meetings of the Council shall be held at 7.15pm at The Baptist Church, School Room at Chapel Street Swanwick unless the Council decides otherwise
 - b. All Meetings shall end at 9.00pm unless standing orders are suspended to conclude the meetings business.
 - c. Smoking is not permitted at any meeting of the Council.
2. The Statutory Annual Meeting:
 - a. in an election year shall be held on the Tuesday following the fifth day after the ordinary day of elections to the Council, or
 - b. in a year which is not an election year shall be held on the 3rd Tuesday in May.

CHAIR OF MEETINGS

3. The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.

PROPER OFFICER

4. Where a statute, regulation or order confers functions or duties on the proper office of the Council in the following cases, he/she shall be the Clerk:
 - a. To receive declarations of acceptance of office
 - b. To receive and record notices disclosing personal and prejudiciary interest
 - c. To receive and retain plans and documents
 - d. To sign notices and documents on behalf of the Council
 - e. To receive copies of byelaws made by the Borough Council
 - f. To certify copies of byelaws made by the Council
 - g. To sign invitations to attend meetings of the CouncilIn other cases the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.
 - h. That the clerk will draw up all agendas for Council and Committee meetings

QUORUM

5. The quorum is four or one third of total membership, whichever is the greater.
6. If a quorum is not present when the Council meets or if during a meeting the number of Councillors falls below a quorum, the business not transacted at that meeting shall be transacted at the next meeting or on any such other days as the Chair may fix.

VOTING

7. Members shall vote by show of hands, or, if at least two members request, by signed ballot.
8. 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.
9.
 1. Subject to 2 and 3 below the Chair 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 chair and vice chair until the end of their term of office he/she may not give an original vote in an election of chair.
 3. The person presiding must give a casting vote whenever there is an equality of votes in election for chair.

ORDER OF BUSINESS

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

10. At the Annual Meeting the first business shall be

1. To elect a Chair
2. To receive the Chair's declaration of acceptance of office, or if not then received, to be decided when it shall be received.
3. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
4. To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
5. To elect a Vice Chair
6. To appoint Committees

11. At every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Chair and Vice Chair 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. 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 for existing employees. (See standing order 35).

13. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall follow the relevant guidelines from Derbyshire Association of Local Councils and National Association of Local Councils.

14. A motion to vary the order of business on the ground of urgency.

- a. may be proposed by the Chair or by any member and, if proposed by the chair, may be put to the vote without being seconded, and
- b. shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

15. 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 10 clear days before the next meeting of the Council.

16. The Clerk shall dare every notice of resolution or recommendation when received by him/her shall number each notice in the order in which it was received and shall enter it in a book, which shall be open to every member of the Council.

17. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

18. If a resolution or recommendations 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.

19. 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 committee as the Council may determine for report; provided that the Chair, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

RESOLUTIONS MOVED WITHOUT NOTICE

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

- a. To appoint a Chair at 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 committee.
- h. To appoint a committee or members thereof.
- i. To adopt a report.
- j. To authorise the sealing of documents.
- k. To amend a motion.
- l. To give leave to withdraw a resolution or amendment.
- m. To extend the time limit for speeches.
- n. To exclude the public (See standing order 60).
- o. To silence or eject from the meeting a member named for misconduct (see standing order 30).
- p. To invite a member having an interest in the subject matter under debate to remain
- q. To give the consent of the Council where such consent is required by these Standing Orders.
- r. To suspend any Standing Order (see standing order 62)
- s. To adjourn the meeting.

QUESTIONS

22. A member may ask the Chair or the Clerk any question concerning business of the Council, provided notice of the question has been given to the person who it addressed before the meeting begins.

23. No questions connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

24. Every question shall be put and asked without discussion.

25. A person to whom a question has been put may decline to answer at that time but to provide an answer at a later time.

RULES OF DEBATE

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

27.a. A resolution of amendment shall not be discussed unless it has been proposed, and unless proper notice has already been given, it shall, if required by the Chair, be reduced to writing and handed to him before it is 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 of 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 or mover of a resolution shall exceed three minutes except by the consent of the Council.
- e. An amendment shall either be:
 - 1. To leave out words
 - 2. To leave out words and insert or add others
 - 3. To insert or add words
- f. An amendment shall not have the effect of negating the resolution before the Council.
- g. If an amendment were 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 five minutes.
- j. A member, other than the mover of the resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment, further amendment or on an amendment, or a point of order, or in personal explanation, or to move a closure.
- k. A member may rise to make a point or 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.
- 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 shall 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 resolution shall be moved except the following: -
 - 1. To amend the resolution
 - 2. To proceed to the next business
 - 3. To adjourn the debate
 - 4. That the question be now put
 - 5. That a member named be further not heard
 - 6. That a member named do leave the meeting
 - 7. That the resolution be referred to a committee
 - 8. To exclude the press and the public
 - 9. To adjourn the meeting.

- 28. a. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b. Members shall address the Chair.
- c. Whenever the Chair rises during a debate all other members shall be seated and quiet.

CLOSURE

- 29. At the end of a speech a member may, without comment, move 'that the question be now put', 'that the debate be now adjourned' or ' that the Council do not adjourn'. If such a motion is seconded the Chair shall put the motion, but, in the case of a motion 'to put the question', only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion 'that the question be now put' is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right had 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

30. a. No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct the business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- b.If, in the opinion of the Chair, a member has broken the provisions of paragraph a. of this order, the Chair shall express that opinion **only to the Council** and thereafter any member may move that the member named shall 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.
- c.If the motion mentioned in paragraph b is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

31. 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 to reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

33. a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least six members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b. When a special resolution or any other resolution moved under the provisions of paragraph a of this order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

34. 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

35. 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 public shall be excluded (see standing order 60).

RESOLUTIONS OF EXPENDITURE

36. Any resolution which, if carried, would, in the opinion of the Chair, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee,

or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

EXPENDITURE

37. Payment of money for goods/services shall be authorised by members of the Finance Committee and signed by two Members.

COMMITTEES AND SUB COMMITTEES

38. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as necessary, but subject to any provision in that behalf:-
- a. shall not appoint any members of a committee so as to hold office later than the next Annual Meeting.
 - b. May appoint persons other than members of the Council to any committee: and
 - c. May subject to the provision of order 23 above at any time dissolve or alter the membership of a committee.
39. The Chair and Vice Chair ex-officio shall be members of every committee
40. Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice Chair who shall hold office until the next Annual Meeting of the Council, and shall settle its meetings as appropriate.
41. The Chair of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned, the requisition in writing 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.
42. Every committee may appoint sub committees for purposes to be specified by the committee.
43. The Chair and Vice Chair of the committee shall be members of every sub committee appointed by it unless they signify that they do not wish to serve.
44. Except where ordered by the Council or the appropriate committee in the case of a sub committee, the quorum of a committee or sub-committee shall be three.
45. The Standing Orders on rules of debate (except those parts relating to standing and speaking more than once) and the Standing Order on interests or members in contracts and other matters shall apply to committee and sub-committee meetings.

VOTING IN COMMITTEES

46. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
47. Chair of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

PRESENCE OF NON-MEMBERS OR COMMITTEES AT COMMITTEE MEETINGS

48. A member who has proposed a resolution, which has been referred to any committee of which is not a member, may explain his resolution to the committee but he shall not vote.

ACCOUNTS AND FINANCIAL STATEMENT

49. a. Except as provided in paragraph b of this standing order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

- b. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by two members, and by the proper officer for payments with the approval of two members of the finance committee.
 - c. All payments ratified under sub paragraph b of this standing order shall be separately included in the next schedule of payments laid before the Council.
50. The clerk shall supply each ordinary meeting after the end of the financial year a statement of receipts and payments.

MEMBERS INTERESTS

51. If any member has an interest, personal or prejudicial, in an agenda item, these interests must be registered at the commencement of any meeting or committee. Council have adopted The code of Conduct Guide for Members from the Standards Board for England May 2007 and have adopted paragraph 12(2) which allows members who have declared a prejudicial interest in an item to make representation on this item before leaving the meeting, at this item.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

52. A. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub paragraph of this Standing Order to every candidate.
B. A member of the Council or of any 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.
53. Standing order no 52 shall apply to tenders as if the person making the tender were a candidate for the appointment.

INSPECTION OF DOCUMENTS

54. A member may for the purpose of his 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.
55. a. All minutes kept by the Council and by any committee shall be open for the inspection by any member of the Council.
b. The minutes of the Council shall be open to inspection by a local government elector of the parish without charge. Any elector shall be entitled to request copies of Minutes, if any copies are supplied by the Clerk, a charge in line with the Freedom of Information Policy will be levied.

UNAUTHORISED ACTIVITIES

56. No member of the Council or of any committee or sub committee 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 or the relevant committee or sub committee

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

57. 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;
'That in view of the (special)(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'.
(Notes: The special reasons should be stated. If persons's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).
58. The clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
59. If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that he/she be removed from the Council meeting.

CONFIDENTIAL BUSINESS

60. 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, the 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

61. The Clerk shall, as soon as it received, note the response date for a planning application, and either;
- a. Ensure that the Planning Chair receive the application to deal with under delegated powers; or
- b. Notify the Borough Council that an extension of the consultation time is required to ensure that this is dealt with at the next ordinary planning meeting of the Council.

VARIATION, REVOCATION AND SUPENSION OF STANDING ORDERS

62. Any or every part of the Standing Orders may be suspended by resolution in relation to any specific item of business.
63. 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.

CODE OF CONDUCT ON COMPLAINTS

64. The Council shall deal with complaints of maladministration allegedly committed by the Council or by an officer or member in the manner recommended by the Monitoring Officer of Amber Valley Borough Council in conjunction with the Standards Board for England, Code of Conduct. May 2007 and the Council's Complaints Procedure as appropriate.

STANDING ORDER TO BE GIVEN TO MEMBERS

65. 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.

DISSOLUTION OF THE COUNCIL

66. Dissolution of the Council will only take place after advice has been sought from, and under the guidance of the appropriate Officer of the Borough Council.