

ICKLEFORD PARISH COUNCIL

STANDING ORDERS

These Standing Orders were amended and adopted by Ickleford Parish Council at its meeting held on 1st May 2008.

1. MEETINGS

- (a) Meetings of the Council shall be held monthly normally on the 1st Thursday of the month in the Village Hall except for the month of August when no meeting is held. Within these meetings there is a 30 minute opportunity for open discussion with members of the public.
- (b) An Annual Parish Meeting shall normally be held in April in the Village Hall. The order of business of this meeting shall be
 - (1) To receive reports from the Chairman of the Parish Council and also the County Councillor and District Councillor for the appropriate ward or division.
 - (2) To consider resolutions of which written notice has been given.
- (c) Smoking is not permitted at any meeting of the Council.

2. THE STATUTORY ANNUAL MEETING

- (a) **In an election year the Annual Meeting of the Parish Council shall be held on, or within 14 days after, the day on which the councillors elected at the election take office and**
- (b) **In a year which is not an election year the Annual Meeting shall normally be held on the 1st Thursday in May but always in May.**

3. **In addition to the Statutory Annual Meeting, at least three other statutory meetings shall be held in each year on such dates and times and at such places as the Council may direct.**

4. 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.

5. PROPER OFFICER

The Clerk to the Council shall be deemed the Proper Officer of the Council to discharge the following statutory functions: -

- (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 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 summons to attend meetings of the Council.
- (h) To keep proper records for all Council meetings.

In addition the Clerk to the Council shall be deemed the Proper Officer of the Council in any other matters for which the Council has not specifically nominated another person.

6. 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.

7. If a quorum is not present or if during a 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.

8. VOTING

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

9. **If a member so requires, the Clerk shall record the name of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

10. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in case of an equality of votes may give a casting vote whether or not he gave an original vote.**

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for 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.

11. ORDER OF BUSINESS

At each Annual 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 which have not been received as provided by law shall be received.**
 - (e) To elect a Vice Chairman of the Council.
 - (f) To appoint one Governor for Ickleford School and one Governor for the Rand's Educational Foundation.
 - (g) To appoint representatives for Village Hall Committee, Ickleford Sports and Recreation Club Committee, Common Holders Committee and Parish Paths.
 - (h) To appoint Planning Advisories.
 - (i) To consider the payment of any subscriptions falling to be paid annually.
 - (j) To inspect any deeds and trust investments in the custody of the Council as required.
- and shall thereafter follow the order set out in Standing Order 15.

12. **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) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not received, to decide when they shall be received.**
13. In every year, not later than the meeting at which estimates for the next year are settled, the council shall review the pay and conditions of service of existing employees. Standing order 33 must be read in conjunction with this requirement.
14. In every year at the November meeting the Clerk's salary, duties and hours are to be reviewed. Any changes should be advised to the Clerk in writing and acknowledgment received. The terms and conditions, including the salary scales, for employment of the Clerk are as recommended by the National Association of Local Councils (NALC) and should be followed accordingly.
15. 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 date 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 receive such communications as the person presiding may wish to lay before the Council.
 - (f) To answer questions from Councillors.
 - (g) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - (h) To authorise the sealing of documents.
 - (i) If necessary, to authorise the signing of orders for payments.
 - (j) To receive reports of representatives on other committee including Governor for Ickleford School and Governor for Rand's Educational Foundation.
16. **URGENT BUSINESS**

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.
17. **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 9 clear days before the next meeting of the Council.

18. 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.
- (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 47).
- (o) To silence or eject from the meeting a member named for misconduct. (See Order 28).
- (p) To give consent of the Council where consent is required by these Standing Orders.
- (q) To suspend any Standing Order. (See Order 59).
- (r) To adjourn the meeting.

19. QUESTIONS

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

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

23. RULES OF DEBATE

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

- 24. (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 discussed or put to the meeting.
- (b) A member when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a late period of the debate.

- (c) A member shall direct their 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 10 minutes and no other speech shall exceed 10 minutes except 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 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.
25. A member shall remain seated when speaking unless requested to stand by the Chairman.
26. (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.
27. CLOSURE
- At the end of any speech a member may without comment, move “that the question be now put”, “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.
28. DISORDERLY CONDUCT
- (a) **All members must observe the Revised Code of Conduct which was adopted by the Council on 8th May 2007 specifically including paragraph 12(2), a copy of which is annexed to these Standing Orders.**
- (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 broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter 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. **If a member reasonably believes another member is in breach of the code of conduct, that member is under duty to report the breach to the Standards Board.**

29. RIGHT OF REPLY

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 a new matter. After the right of reply has been exercised or waived. A vote shall be taken without further discussion.

30. ALTERATION OF RESOLUTION

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

31. RESCISSION OF PREVIOUS RESOLUTION

- (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 3 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.

32. VOTING ON APPOINTMENTS

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 last 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.

33. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises 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 press and public shall be excluded (See Order 47).

34. RESOLUTION ON EXPENDITURE

Any resolution which, 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 any committee, or 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 too report thereon.

35. SEALING OF DOCUMENTS

A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution. The Chairman and Vice-Chairman of the Council will seal, on behalf of the Council, any document required by law to be issued under the seal.

36. SPECIAL MEETINGS

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.

37. INTERESTS

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 8th May 2007 then he shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature that interest as required.

38. **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 interests related. However, if the member has a prejudicial interest in any business of Ickleford Parish Council's, they may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.**

39. **The clerk may be required to compile and hold a register of member's interest in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

40. 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 to do so 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 a relation to a member is disclosed, Standing Orders 37 and 38 shall apply as appropriate.

41. The clerk shall make known the purpose of Standing Order 40 to every candidate.

42. CANVASSING OF AND RECOMMENDATIONS BY MEMBER

(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 purport of this subparagraph of this Standing Order to every candidate.

(2) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such an 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.

43. Standing Orders 40 and 42 shall apply for tenders as if the person making the tender were a candidate for an appointment.

44. INSPECTION OF DOCUMENTS

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.

45. **All minutes kept by the Council shall be open for the inspection of any member of the Council.**

46. UNAUTHORISED ACTIVITIES

No member of the Council shall in the name 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.

47. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

The public and press shall be admitted to all meetings of the Council, 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.”

48. The Council shall state the special reason for exclusion.
49. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to make representations, give evidence or answer questions at the meeting in relation to the business to be transacted at that meeting.
50. 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.
51. 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.

52. 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 by the Council.
- (3) Freedom of Information Act 2000. Under section 36 of the Freedom of Information Act 2000 (the Act) for Parish Councils, the Clerk to the Council has Primary Authorisation and the Chairman of the Council has Secondary authorisation.

53. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

A summons and Agenda for each meeting shall be sent together with an invitation to attend, to the County Councillor and District Councillor for the appropriate ward or division.

54. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

55. PLANNING APPLICATIONS

(1) The clerk shall, as soon as it is received, enter in a book kept for the purpose 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) The clerk shall refer every planning application to one of the planning advisories within 48 hours of receiving it.

56. ACCESS TO PROPERTIES VIA ICKLEFORD VILLAGE GREEN

Ickleford Parish Council has established that when a property is sold that requires access over the Village Green, under the Land Act of 2000, they can reserve the right to impose a one off charge to the buyer of the property. This charge is calculated by: -

- (1) Properties built prior to 1905
A charge of 0.25% of the value of the property may be made
- (2) Properties prior between 1905 and 1930
A charge of 0.5% of the value of the property may be made
- (3) Properties built after 1930
A charge of 1% of the value of the property may be made.

57. FINANCIAL REGULATIONS

All procedures outlined in the Financial Regulations adopted by the Council on 1st May 2008 must be followed at all times, a copy of these is annexed to these Standing Orders.

58. CODE OF CONDUCT COMPLAINTS

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such a manner as adopted by the Council except those complaints which should be properly directed to the Standards Board for consideration.

59. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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.

60. 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.

61. 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.