

STANDING ORDERS

for

LINTON PARISH COUNCIL

Linton Parish Council (hereinafter referred to as the Council) shall consist of seven (7) elected Councillors

All meetings and business shall be carried out in accordance to the current government legislation. At the time of the adoption of these Standing Orders the **BOLD TYPE** statements are legal requirements.

1. MEETINGS

Meetings of the Council shall be held in THE LINTON VILLAGE HALL on such dates and times as the Council may direct.

2. THE STATUTORY ANNUAL MEETING

a) In the 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.

b) In a year which is not an election year the Annual Parish Council Meeting shall be held on such a 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 take place 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

The Proper Officer shall be the CLERK and she/he shall:-

- a) Receive Declarations of Acceptance of Office
- b) Receive and record notices disclosing interests
- c) Receive and retain plans and documents
- d) Sign notices and other documents on behalf of the Council
- e) Receive copies of bylaws made by the Borough Council
- f) Sign and issue summons to attend meetings of the Council
- g) Keep proper records for all Council meetings

5 QUORUM of the COUNCIL

Three (3) members shall constitute a quorum at meetings of the Council

- a. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reasons of a declared interest) falls below the required quorum, the meeting shall be adjourned and the business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
- b. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members.

6. ASSUMPTION of EXECUTIVE POWER

Except when duly authorised by the full Council the Chairman or vice Chairman **do not** have executive powers. In the absence of such authority the responsible officer for carrying out the decisions is the CLERK or other appointed officer where such exists ie. FINANCE OFFICER

7. VOTING

Members shall vote by show of hands.

- a. 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 it. Such requests must be made before moving on to the next business.**
- b. Subject to (c) and (d) 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, whether or not he gave an original vote.**
- c. If the person presiding at the Annual Meeting of the Parish Council would have ceased to be a member of the council but for the statutory provision which preserves 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.**
- d The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**
- e. Chairmen of Committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

8. ANNUAL MEETING

At each ANNUAL MEETING of the PARISH COUNCIL 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 declaration of acceptance of office which has not been received as provided by law shall be received.

e) To elect a Vice-Chairman of the Council.

f) To appoint representatives to outside bodies.

g) To appoint committees and sub committees if required.

h) To consider the payment of any subscriptions falling to be paid annually.

i) To confirm other appointments.

9.. At every meeting other than the Annual Meeting of the Parish Council the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations and 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.

10.. After the first business has been completed the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

a) To read and consider the Minutes; provided that 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 adjourn the Parish Council Meeting to hear comments from the Public

f) To hear comments from County and Borough Councillors

g) To resume the Parish Council Meeting

h) To receive such communications as the person presiding may wish to lay before the Council

i) To receive and consider reports and minutes of committees

j) To authorise the signing of orders (cheques) for payment.

k) Any other business specified in the Agenda.

11. 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.

12. RESOLUTIONS MOVED ON NOTICE

a) Except as provided by Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk.

b) The Clerk shall date every resolution or recommendation when received

c) The Clerk shall insert in the Agenda for every meeting all notices of motion or recommendations properly given in the order that they have been received.

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

13. 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 a debate

g) To refer a matter to a member or Committee

h) To appoint a Committee

i) To adopt a Report

j) To amend a motion

k) To give leave to withdraw a resolution or amendment

l) To exclude the Public and Press

m) To silence or eject from the meeting a member named for misconduct

n) To give consent of the Council where such consent is required by these Standing Orders

o) To suspend any Standing Order

p) To adjourn the meeting.

14. QUESTIONS

a) Any member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council who may request 7 clear days notice of the question.

b) No question not connected with business under discussion shall be asked except during the part of the Meeting set aside for questions.

c) Every question shall be put and answered without discussion.

d) A person to whom the question has been put may decline to answer.

15. RULES OF DEBATE

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

b) A resolution or amendment shall not be discussed unless it has been proposed and seconded, or, until proper notice has been given. The chairman may ask for it to be put in writing and handed to him before it is further discussed or put to the meeting.

- c) 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.
- d) A member shall direct his speech to the question under discussion
- e) An amendment shall either be:-
 - 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 is 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) 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.
- j) When a resolution is under debate no other resolution shall be moved except the following:-

- i) To amend the resolution.
- ii) To proceed to next business.
- iii) To adjourn the debate.
- iv) That the question now be put.
- v) That a member named be not further heard.
- vi) The resolution be referred to a committee.
- vii) That a named member leave the meeting.
- viii) To adjourn the meeting.
- ix) To exclude the public and the press.

k) A member shall remain seated when speaking unless requested to stand by the Chairman

li) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed

lii) Members shall address the Chairman. If two or more members wish to speak the Chairman shall decide who to call upon.

liii) Whenever the Chairman speaks during a debate all other members shall remain silent.

16. DISORDERLY CONDUCT

a) ALL members must observe the Code of Conduct which was adopted by the Parish Council on 25th JUNE 2007

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, the member is under a duty to report the breach to the Standards Board (England).**

17. RIGHT OF REPLY

- i) The mover of a resolution shall have the right to reply immediately before the resolution is put and shall not introduce any new matter.
- ii) If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote.
- iii) After the right of reply has been exercised or waived, a vote shall be taken without any further discussion.

18. ALTERATION OF RESOLUTION

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

19. 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 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.

20. 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 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.

21. 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 a person employed by the Council it shall NOT be considered until the Council has decided whether or not the press and public shall be excluded.

22. RESOLUTIONS on EXPENDITURE

Any resolution which is moved other than in pursuance of a recommendation by a Committee or from members, 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 its disposal 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 member of a committee affected by it shall consider if they wish to report thereon.

23. EXPENDITURE

i) Orders (cheques) for the payment of money shall be authorised by resolution of the Council and signed by two (2) members.

ii) Orders (cheques) for work over £250 shall be authorised by a majority of members of the Council

24. COMMITTEES

a) The Council may at its Annual Meeting appoint committees and may at any other time appoint such committees as are necessary.

b) The Chairman and Vice Chairman shall be members of all committees unless they signify they do not wish to serve

c) The Chairman shall preside at committee meetings or, due to his absence the Vice-Chairman. If neither is present, those members present, shall elect one of their number to preside for that meeting.

d) The Chairman may summon an additional meeting of any committee at any time

e) The QUORUM of a committee shall be one half of its members.

f) The Standing Orders on rules of debate and the Standing Orders on interests of members in contracts and other matters shall apply to all committees

g) Voting shall be by a show of hands.

h) Chairmen of committees shall in the case of equality of votes have a second or casting vote.

25a ADVISORY COMMITTEES

i) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.

ii) The Terms of Reference of the committee shall be clearly specified

iii) The Advisory Committee may make recommendations and give notice thereof to the Council.

iv) The Advisory Committee may consist wholly of persons who are NOT members of the Council.

25b Presence of Non-Members of Committees at Committee Meetings

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

26 ACCOUNTS and FINANCIAL STATEMENTS

a) All accounts for payment and claims upon the Council shall be laid before the Council.

b) All payments shall be separately included in the schedule of payments laid before the Council

- c) The Responsible Finance Officer (normally the Parish Clerk) shall supply each member, as soon as possible after the end of the Financial Year, a Financial Statement prepared on the appropriate accounting basis for the year to 31st March. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to the Council for formal approval before the end of June.
- d) An internal Auditor shall be appointed, who is an independent and competent person, to carry out regular checks and to confirm on the Annual Return that systems of control are working.
- e) External Auditors are appointed by the Audit Commission to carry out the final audit and to issue the Statement of "limited assurance".

27. ESTIMATES and PRECEPTS

- a) The Council shall APPROVE written estimates for the coming financial year before the end of December.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of any proposed expenditure by the end of November.

28. INTERESTS

- a) If a member has a personal interest as defined by the Amended Code of Conduct adopted by the Council on 25th June 2007 then he shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- b) If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room during the consideration of the item to which the interests relates**
- c) Members MUST register their financial interests (as per the Code of Conduct) in the authority's register maintained under Section 81(1) of the Local Government Act 2000 (part 3 paras 12 to 15) by providing written notice to the Monitoring Officer. A copy of the Register shall be open during reasonable hours of the day for inspection by members of the public. It will be available at all meetings of the Council.**

29. INSPECTION of DOCUMENTS

ALL minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

30. UNAUTHORISED ACTIVITIES.

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

Inspect any land or premises which the Council has a right or duty to inspect or issue orders, instructions or directions unless authorised to do so by the Council or relevant committee.

31. ADMISSION of the PUBLIC and PRESS TO MEETINGS

The public and press 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 (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that press and public be temporarily excluded and they are instructed to withdraw”. The Council shall state the special reason for the exclusion.

a) At all meetings of the Council the Chairman may, at his discretion adjourn the meeting at a convenient time to allow any member of the public to address the meeting in relation to the business being transacted at that meeting.

b) 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.

c) The Clerk shall afford the Press reasonable facilities for taking 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 expressed approval of the Council.

32. CONFIDENTIAL BUSINESS

NO member of the Council or of any committee shall disclose to any person not a member of the Council any business declared as CONFIDENTIAL by the Council or committee. Any member in breach of the above Standing Order shall be removed from that committee of the Council.

33. LIAISON with COUNTY and BOROUGH MEMBERS

A summons and Agenda for each meeting shall be sent to County and Borough Council Members with an invitation to attend.

34. PLANNING APPLICATIONS

The Clerk, as soon as it is received, shall mark the date on every Planning Application and shall advise the Chairman of its receipt.

i) The Planning Application shall be circulated as soon as possible to ALL appropriate members who will comment individually on the Application.

ii) Once all member have seen the application the folder MUST be returned to the Chairman who will choose one of the following:-

a) Make a recommendation for onward transmission to MBC to reflect the Councils opinions

b) Call a Site Meeting..

c) Take any other action as he considers necessary.

iii) The recommendation shall be reported to the Council as soon as possible.

iv) The decision on the Planning Application made by MBC shall be reported to the Council.

35. STANDING ORDERS on CONTRACTS

- a) Tenders shall be opened by the Clerk and at least three Councillors on the date specified and reported to the next meeting of the Council.
- b) Neither the Council or any committee is bound to accept the lowest tender.
- c) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring goods or materials or executing work as it thinks fit.

36. 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 a manner adopted by the Council except for those complaints which should be properly directed to the Standards Board (England).

37. VARIATION, REVOCATION and SUSPENSION of STANDING ORDERS

- i) Any or every part of Standing Orders except those printed in **bold type** may be suspended by resolution in relation to a specific item of business.
- ii) resolution 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.

38. COMPLAINTS PROCEDURE

- i) The Council is committed to providing a quality service to the residents of the Parish and to anyone who deals with the Parish Council.
- ii) The Council is determined to conduct its business in a fair and equitable manner and where complaints arise the Council will, in the first instance, attempt to resolve them by informal discussion.
- iii) FORMAL COMPLAINTS
 - a) If a FORMAL COMPLAINT is made the complainant shall write to the Clerk giving FULL details of the matter. The Clerk shall formally record the date of the complaint and shall acknowledge its receipt in writing within seven days .
 - b) The complaint shall be investigated by the Chairman (or Vice-Chairman in his absence) or if the complaint involves the Chairman and/or Vice- Chairman by a designated member of the Council.
 - c) A report of the investigation shall be produced for the complainant and for the Council.
 - d) This report shall include any proposed remedy.
 - e) The report may be accepted, rejected or amended by the Council which may decide to discuss the matter with the complainant directly at the time of the consideration of the report
 - f) At all times the complaint shall be dealt with in CONFIDENCE and with due regard to the non-disclosure of exempt information.

39. 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

At a meeting of the Linton Parish Council held on Monday 8th September 2008 it was agreed that these STANDING ORDERS be adopted forthwith and should replace all previous Standing orders of the Council

Signed Chairman

.....Parish Clerk

ADDITIONAL ITEM

CONFIDENTIALITY

32a The Council undertakes that all its dealings are open to the public, but in exceptional circumstances may choose to go into as "in camera" or part 2 session where a matter of staffing contract and tender, or sensitivity to an individual or group or persons involved,;for example where the release of information could be personally damaging to those concerned if generally known

The Council will decide accordingly if the minutes of such items should remain confidential. Confidential items should be minuted on different coloured paper and filed separately.

(The Council will ensure that where Confidential Information has been received from another Local Authority, for example, in relation to Enforcement proceedings that this information is dealt with "in camera" and that the minutes remain confidential)