

# NEWBOROUGH PARISH COUNCIL

## STANDING ORDERS

These revised Standing Orders were presented for adoption by the Council at its **Meeting 5<sup>th</sup> October 2020.**

### Meetings

1. (a) Meetings of the Council shall be held in the Jubilee room or other suitable meeting room, when available, normally on the first Monday of each month at 7:30p.m. unless the Council otherwise decides at a previous meeting. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.

(b) The Chairman may, for certain special or urgent matters, call additional meetings of the Council on such day and at such hour as he/she may determine.

(c) Special meetings of a Committee may be called by the Clerk at the request of the Chairman of the Committee or on the request of a quarter of the whole number of the Committee delivered in writing to the Clerk. The summons to a special meeting shall set out the business to be discussed and no other business shall be considered at the meeting.

(d) (Covid 19) The Government has temporarily removed the legal requirement to hold public meetings in person. NPC now has the power to hold public meetings virtually by using video or telephone video conferencing technology. The public will still have access through remote means.

2. (a) In an election year the Statutory Annual Meeting shall be held on the Monday following the ordinary day of elections to the Council

(b) In a year which is not an election year, the Statutory Annual Meeting shall be held on the first Monday in May, or as near to the beginning of May as is practicably possible.

3. The other statutory meetings shall be held on the first Monday in the months of June, July, August, September, October, November, December, January, February, March and April unless the Council otherwise decides at a previous meeting.

4. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

5. At each statutory meeting a period of ten minutes, or, in exceptional circumstances longer at the Chairman's discretion, will be made available for members of the public to make representations, ask or answer questions and give evidence in respect of any item of business included in the agenda.

6. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than ten minutes.

7. A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.

### **Annual Parish Meeting**

8. The Annual Parish meeting shall be held annually on some day between 1 March and 1 June, both inclusive, in every year and shall be held on such days and at such times as may be fixed by the Parish Council.

9. The Chairman of the Council shall preside. If the Chairman is absent, the Vice Chairman shall preside. If the Chairman and Vice Chairman are absent, the meeting shall appoint a chairman before it proceeds to any business.

10. The Clerk shall record the proceedings of the meeting. If the Clerk is absent, the person presiding may record the proceedings or appoint another to do so.

#### **Chairman of Meeting**

11. The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

#### **Proper Offices**

12. Where a statute, regulation or order confers functions or duties on the proper officer 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 pecuniary interests
- (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 byelaws made by a Borough Council
- (f) to certify copies of byelaws made by the Borough Council
- (g) to sign summonses to attend meetings of the council

#### Quorum

13. Three members shall constitute a quorum, but a motion to suspend standing orders shall not be moved without written notice signed by five members.

14. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present 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 fix.

#### **Voting**

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

16. 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.

17. (1) Subject to 2 and 3 below, the Chairman may give an original vote on any matter put to the vote.

(2) Subject to 3 below the Chairman may not give an original vote in the election of the Chairman on any occasion when he/she will himself/herself immediately after such election retire from the Council.

(3) In any case of an equality of votes, the Chairman may give a casting vote provided always that he/she has rendered an original vote.

#### Order of Business

18. In an election year Councillors will execute Declarations of Acceptance of Office in each others' presence, or in the presence of a proper officer previously authorised by

the Council to take such declaration, before the annual meeting commences

19. At each Statutory 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 elect a Vice-Chairman

(d) To receive the Vice-Chairman's Declaration of Acceptance of Office, or if not then received, to decide when it shall be received.

20. At every meeting other than the Statutory 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) as are required by law to be made or if not then received to decide when they shall be received.

21. A motion to vary the order of business as set out in the Agenda on the grounds of expediency

(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

Resolutions Moved on Notice

22. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.

23. The Clerk shall date every notice of motion 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 the inspection of every member of the Council.

24. The Clerk shall insert in the agenda 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/she intends to move at some later meeting or that he/she withdraws it.

25. If a resolution or recommendation specified in the agenda be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

26. 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 Chairman, 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.

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

#### Resolutions Moved Without Notice

28. 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 receive bills and authorise payments required to be paid within 30 days
- (l) To amend a motion
- (m) To give leave to withdraw a motion or an amendment
- (n) To extend the time limit for speeches
- (o) To consider otherwise than in committee a question affecting an employee of the Council
- (p) To exclude the press
- (q) To exclude the public
- (r) To silence or eject from the meeting a member named for misconduct
- (s) To invite a member having an interest in the subject matter under debate to remain
- (t) To give the consent of the Council where such consent is required by these

#### Standing Orders

(u) To silence or eject from the meeting a member of the public named for abusive or disorderly conduct as determined by the Chairman

#### Questions

29. A member may ask the Chairman any questions concerning the business of the Council.

30. A member with or without notice may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.

31. Every question shall be put and answered without discussion.

32. A person to whom a question has been put may decline to answer.

#### Rules of Debate

33. No discussions shall take place upon the Minutes except upon their accuracy.

Corrections to the Minutes shall be made by resolution and must be initialled by the

### **Chairman**

34. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded

(b) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate

(c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.

(d) No speech shall exceed 10 minutes, except by consent of the Council (The mover of a resolution is sometimes allowed a longer time than others)

(e) 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

(f) An amendment shall not have the effect of negating the motion 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.

(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 the closure.

(k) A member may rise to make a point of order or a personal explanation A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A member rising for these purposes shall be heard forthwith.

(l) A motion or amendment may be withdrawn by the proposer with the unanimous 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 resolution 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 member named 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 or the press or both

ix) To adjourn the meeting

35. (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

(c) If two or more members rise, the Chairman shall call upon one of them to speak

## **Closure**

36. 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 motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he/she shall forthwith put the motion. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive his/her 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**

37. (a) No member shall misconduct himself/herself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, or by behaving 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 Chairman, a member has so misconducted himself/herself 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.

(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 reasonably be necessary to enforce them.

## **Right of Reply**

38. 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 matters. After the right of reply has

been exercised or waived, a vote shall be taken without further discussion.

#### Alteration of Resolution

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

#### Rescission of Previous Resolution

40. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least three members of the Council

(b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

(c) This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendation of a committee.

#### Voting On Appointments

41. 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**

42. If any question arises at a meeting of the Council or of a committee thereof

(a) relating to the appointment, promotion, disposal, salary or conditions of service or as to the conduct of any persons represented by the Council, or

(b) relating to an identifiable individual, or

(c) which would be prejudicial to the public interest if discussed in public,

a motion to exclude the press and public shall be moved forthwith by the Chairman and put without debate.

#### Resolutions on Expenditure

43. Any motion which if carried, would in the opinion of the Chairman, 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**

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

### Sealing of Documents

45. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution

(b) The Chairman and Clerk may seal on behalf of the Council, any document required by law to be issued under seal.

### Committees

46. The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

(a) shall not appoint any member of a committee so as to hold office later than the next Annual meeting, and

(b) may at any time dissolve or alter the membership of a committee

47. The Chairman and Vice-Chairman may be members of every committee unless they signify that they do not wish to serve.

48. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.

49. The Chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of 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.

50. Every committee may appoint sub-committees for purposes to be specified by the committee.

51. The Chairman and Vice-Chairman of the committee may be members of every subcommittee appointed by it unless they signify that they do not wish to serve

52. 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.

53. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.

#### Voting in Committees

54. Members of committees and sub-committees shall vote by show of hands.

55. Chairman of committees and sub-committees shall have a second or casting vote

#### Presence of Non-Members of Committees at Committee Meetings

56. A member who has proposed a motion which has been referred to any committee of which he/she is not a member, may explain his/her motion to the committee but shall not vote

57. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he/she is not a member.

#### Financial Regulations

58. The Council will adopt Financial Regulations that govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.

59. It shall be the duty of the Council to review the Financial Regulations from time to time.

#### Interests

60. If any member has a personal or prejudicial interest in any matter to be discussed within the meaning of the Local Government Act 2000, then he/she is under obligation to declare that fact and, if the interest is prejudicial, to withdraw from the meeting room.

61. The Clerk shall maintain a register of interests declared by members of the Council which will be available at all meetings of the Council. The register shall be available for inspection by any member of the public at a reasonable pre-arranged time.

62. If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified from 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 the Standing Orders on interests of members in contracts and other matters shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

### **Canvassing of and Recommendations by Members**

63. (a) Canvassing of members 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 shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

64. Standing Orders No 63 and 64 shall apply to quotation as if the person making the quotation were a candidate for an appointment.

### **Inspection of Documents**

65. A member may for the purpose of his/her 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

66. In accordance with the Freedom of Information Act 2000, the Council has published a

scheme whereby members of the public may inspect specified documents and, on payment of a set charge, receive a copy of the same.

### **Unauthorised Activities**

67. Except for the permitted activities listed below, unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- (a) inspect any land and/or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions.

Permitted activities shall include matters of highways maintenance, grass cutting of Parish Council land, or any other future activity, provided it shall have been debated and approved by the Parish Council.

#### **Admission of the Public and Press to Meetings**

68. The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public or the press or both.

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

70. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

### **Confidential Business**

71. 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.

## **Planning Applications**

72. The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council:

- (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.

73. Planning Applications will normally be considered in the course of regular meetings. However, where the time between the receipt of an application and its return, normally three weeks, prevents such discussion taking place the Clerk will circulate it to individual councillors, requesting comments. The Clerk will prepare a response based on councillors' comments, discuss with the Chairman if there are any opposing views to be resolved, and then forward it to the Planning Department of the Borough.

### Variation, Revocation and Suspension of Standing Orders

74. Any one or more of the Standing Orders in any case of emergency or upon motion made or on notice duly given, may be suspended at any meeting so far as necessary, and business at such a meeting, provided that the majority of the members of the Council present or voting shall so decide.

75. A motion permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### Authority to Act between Meetings

76. At the beginning of each year, the Council may decide that executive powers be delegated to the clerk of the council for matters which require a decision before the next ordinary meeting. Under these powers the Clerk may, following consultation with the Chairman or Vice-Chairman of the Council or committee as appropriate, deal with urgent business. No such action may involve expenditure not already agreed in the budget or be in conflict with agreed Council policy. All actions taken under executive powers must be reported to the next meeting of the Council.

## **Standing Orders to be given to Members**

77. A copy of these Standing Orders shall be provided to each member by the Clerk upon delivery to him/her of the member's declaration of acceptance of office.