

STANDING ORDERS FOR MELTON CONSTABLE PARISH COUNCIL
(Revised 14th April 2009)

MEETINGS

1. (a) Meetings of the Council shall be held at Melton Constable Country Club at 7.30pm unless the Council otherwise decides at a previous meeting.
- (b) 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 second Tuesday after the day of the elections to the Council and**
 - (b) **in a year which is not an election year shall be held on the second Tuesday in May.**

3. **The three other statutory meetings shall be held on the second Tuesday in the months of February, August and October**

4. Eight additional meetings shall be held on the second Tuesday of January, March, April, June, July, September, November and December

5. Additional meetings may be called, either by the chair, or on the petition of at least 3 other members of the council

CHAIR OF MEETING

6. **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

7. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the clerk:
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record declarations of interest.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To receive copies of byelaws made by a District Council.
 - (f) To certify copies of byelaws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.

QUORUM

8. **Three members shall constitute a quorum.**

9. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared prejudicial interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.

VOTING

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

11. **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.**

12. (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 may not give an original vote in an election for Chair.**
- (3) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.**

ORDER OF BUSINESS

- 13. **At each Annual Parish Council Meeting the first business shall be**
 - (a) **To elect a Chair.**
 - (b) **To receive the Chair'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-Chair.
 - (f) To update the register of interests for members of the Parish Council and shall thereafter follow the order set out in Standing Order 16.
- 14. **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.**
- 15. In every year not later than the meeting at which the precept for next year are settled the Council shall review the pay and conditions of service of existing employees (See Standing Order 35, below.)
- 16. 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) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - (b) **To deal with business expressly required by statute to be done.**
 - (c) To receive declarations of interest from members in items on the agenda
 - (c) To dispose of business, if any, remaining from the last meeting
 - (d) To receive reports from District and County councillors (if they are present)
 - (e) To receive and consider reports from members of the Council.
 - (f) To consider resolutions or recommendations in the order in which they have been notified.
 - (g) To consider correspondence received by the Council
 - (h) To authorise the signing of orders for payment.
 - (i) Any other business
 - i) as specified in the summons.
 - ii) as brought to the attention of the Chair prior to the meeting.
- 17. A motion to vary the order of business on the ground of urgency may be :
 - (a) 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

- 18. 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 Chair, or the mover has given notice in writing of the nature of the item to be discussed and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.

19. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received.
20. 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.
21. If a resolution or recommendation 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.
22. Every resolution or recommendation must be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

23. Resolutions dealing with the following matters may be moved without notice:
 - (a) To appoint a Chair 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 amend a resolution.
 - (j) To give leave to withdraw a resolution or an amendment.
 - (k) To exclude the public. (see Order 51 below.)
 - (l) To silence or eject from the meeting a member named for misconduct.
(See Order 31 below.)
 - (m) To invite a member having an interest in the subject matter under debate to remain.
(See Order 45 below.)
 - (n) To give the consent of the Council where such consent is required by these Standing Orders
 - (o) To suspend any Standing Order. (See Order 59 below.)
 - (p) To adjourn the meeting.

QUESTIONS

24. A member may ask the Chair or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
25. Every question shall be put and answered without discussion.
26. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

27. No discussion 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 Chair.
28. (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 Chair, be reduced to writing and handed to him before it is further discussed or put to the meeting.

- (b) An amendment shall be either:
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
 An amendment shall not have the effect of negating the resolution before the Council.
 - (c) 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.
 - (d) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - (e) 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 and press.
 - (ix) To adjourn the meeting.
29. (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 at all times.
 - (c) If two or more members indicate a wish to speak , the Chair shall call upon one of them to speak and the others shall await their turn as indicated by the Chair.
 - (d) Whenever the Chair speaks during a debate all other members shall be silent.

CLOSURE

30. 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 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. (Note. Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

DISORDERLY CONDUCT

31. (a) No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule, or to make personal remarks about any other person or organisation
- (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 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 Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

ALTERATION OF RESOLUTION

32. A member may, with the consent of his seconder, move amendments to his 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 special resolution, the written notice whereof bears the names of at

- least two members of the Council.
- (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.

METHOD OF CO-OPTION

35. Where the Council is given the permission of the local authority to fill casual vacancies by co-option, the following method shall be used in all cases:
- (a) The Council shall place notices at prominent places within the parish, and in parish newsletters, detailing a closing date for notification of candidates interests to the Clerk.
- (b) If the number of candidates does not exceed the number of vacant seats, then the Council should co-opt these candidates by a single resolution, unless the Council considers there are very exceptional reasons why a candidate should not be co-opted.
- (c) If the number of candidates exceeds the number of vacancies, then a vote for each vacant seat shall be taken in turn.
- (d) Members shall vote by show of hands, or if at least two members so request, by signed ballot.
- (e) A successful candidate must have received an absolute majority of those present and voting. If no candidate receives an absolute majority then the candidate with the least number of votes will be struck off and a fresh vote(s) taken on the remaining candidates until an absolute majority is gained by one candidate. Any candidates struck off in this manner shall be eligible to stand for any remaining seats on the Council.
- (f) In the event of there being more than one candidate with an equal number of least votes, then the Chair shall have a casting vote to decide which candidate shall be eliminated.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

36. 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 has decided whether or not the public shall be excluded. (See Standing Order No. 51.)

EXPENDITURE

- 37. Orders for the payment of money shall be authorised by resolution of the Council and signed by the clerk and 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 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,
- (b) may appoint persons other than members of the Council to any Committee; and
- (c) may subject to the provisions of Order 33 above at any time dissolve or alter the membership of a committee.

39. The Chair and Vice-Chair shall be 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 programme of meetings for the year.
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 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.
42. These Standing orders shall also apply to committees of the Council.

ACCOUNTS AND FINANCIAL STATEMENTS

43. (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 the proper officer with the approval of the Chair or Vice-Chair of the Council. No such payment shall exceed £250.00.
(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.
44. The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of receipts and payments.

ESTIMATES

45. The Council shall approve written estimates and set the precept for the coming financial year at its meeting in the month of October.

INTERESTS

46. If any member has a personal or prejudicial interest as shown in the Local Authority (Model Code of Conduct) Order 2007 he shall declare it.
(a) A member has a personal interest in a matter if that matter affects the well-being or financial position of the member, members of their family, or people with whom they have a close association, more than it would affect the majority of people in the parish affected by the decision. After a personal interest is declared the member may remain in the meeting, speak and vote on the matter.
(b) An interest is prejudicial when a personal interest also affects the member's financial interests or relates to a licensing or regulatory matter, and also if a member of the public, who knows the relevant facts, would reasonably think the member's personal interest is so significant that it is likely to prejudice their judgement of the public interest. A member with prejudicial interest is allowed to speak on the matter when the meeting is adjourned for members of the public to speak, however the member must leave the room once they have finished speaking and cannot remain to observe the vote on the matter.
(c) All members of the parish council should adopt the ten general principles of public life as set out in the Code of Conduct Guide for Members 2007.
47. **The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.**

48. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall declare it and thereupon be invited to withdraw from the meeting.

INSPECTION OF DOCUMENTS

49. 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 with a copy.
50. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

51. No member of the Council or of any committee shall in the name of or on behalf of the Council:
- (a) Inspect any lands 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.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

52. **The public shall be admitted to all meetings of the Council and its committees which may, however, temporarily exclude the public** by means of the following resolution:
"That in view of the [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."
53. The Council shall state the special reason for exclusion.
54. At all meetings of the Council the Chair may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow members of the public and those Councillors with a prejudicial interest in items on the agenda to address the meeting in relation to the business to be transacted at that meeting. Members of the public who do not meet one of the following criteria may only speak if the Council considers this to be beneficial:
- i) Live within the parish boundaries of Melton Constable
 - ii) Own property in Melton Constable
 - iii) Operate a business from Melton Constable.
55. **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
56. If a member of the public interrupts the proceedings at any meeting, the chair may, after warning, order that he be removed from the Council Chamber.

CONFIDENTIAL BUSINESS

57. No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council or the committee as the case may be.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

58. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor for the district ward.

PLANNING APPLICATIONS

59. (a) 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:
- (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.
- (b) The Clerk shall refer every planning application to the Chair or in the Chair's absence to the Vice-Chair within 48 hours of receiving it.
- (c) Planning applications shall be available for inspection by members for a period of fifteen Minutes before the commencement of each Council meeting.

STANDING ORDER ON CONTRACTS

- 60. (a) Where it is intended to enter into a contract exceeding £350.00, at least two quotations shall, if at all possible, be obtained by the Council before awarding the contract.**
- (b) The Council is not bound to accept the lowest tender for any contract, and if all tenders are identical the Council may proceed as it sees fit.**

CODE OF CONDUCT ON COMPLAINTS

61. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

62. 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.
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.

STANDING ORDERS TO BE GIVEN TO MEMBERS

64. 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.