

POULTON & PULFORD PARISH COUNCIL

STANDING ORDERS

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1 Meetings

- a 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 When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday, a day appointed for public thanksgiving or mourning shall not count.
- c 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 the meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d Meetings of the Council shall usually take place on the last Wednesday of every second month, starting in January at 7-00 PM. unless the Council decide otherwise at the previous meeting.
- e Public speaking will be allowed after the minutes of the previous meeting have been adopted and shall not exceed 10 minutes or at the discretion of the Chairman.
- f The Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for a oral response or to an employee for a

written or oral response.

- g A record of public participation session at a meeting shall be included in the minutes of that meeting.
- h A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). Before speaking, the person will state their name and address. The Chairman may at any time permit an individual to be seated when speaking.
- i Any person speaking at a meeting shall address his comments to the Chairman.
- j Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- k Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.
- l In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- m Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- n The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting or unable to Chair

the meeting due to Personal or Prejudicial Interests, a Councillor as chosen by the Councillors present shall preside at the meeting.

- o Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- p The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. *(See also standing orders 2 (i) and (ii) below.)*
- q The minutes of a meeting shall record the names of Councillors present, and apologies received.
- r The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- s An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. *(See also standing orders 7 & 8 below.)*
- t No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- aa If a meeting is or becomes inquorate no business shall be transacted.
- bb Meetings shall not exceed a period of 2 hours.

2 Ordinary Council Meetings

See also standing order 1 above

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such a day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7-00 PM.
- d In addition to the annual meeting of the Council, at least three ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-

elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

- i. Review and adoption of appropriate standing orders.
- ii. Review of representation on or work with external bodies and arrangements for reporting back.
- iii. Review of inventory of land and assets including buildings and office equipment.
- iv. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- v. Review of the Council's and/or employees' membership of other bodies.

3 Proper Officer

- a The Council's Proper officer,/Parish Clerk, shall do the following.
 - i [Sign and serve on Councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee, at least 3 clear days before the meeting.]

- ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee, (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
- iii. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.
- iv. Receive and retain copies of byelaws made by other local authorities.
- v. Receive and retain declarations of acceptance of office from Councillors.
- vi. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- vii. Keep proper records required before and after meetings.
- viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- ix. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- x. Arrange for legal deeds [to be sealed using the Councils common seal] OR [to be signed by 2 Councillors] and witnessed (See also model standing orders 14(a) and (b).]
- xi. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xii. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.

- xiii. Refer a planning application received by the Council to the [Chairman or in his absence Vice-Chairman of the Council] OR [Chairman or in his absence the Vice-Chairman] (if any) of the () Committee] within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [() committee].
- xiv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer consider the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 5 clear days before the meeting.
- d If the wording or the nature of a proposed motion is considered or unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming

meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

- e Having consulted the Chairman or Councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or nor to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i To appoint a person to preside at a meeting.
 - ii To approve the absences of Councillors.
 - iii To approve the accuracy of the minutes of the previous meeting.
 - iv To correct an inaccuracy in the minutes of the previous meeting.
 - v To dispose of business, if any, remaining from the last meeting.

- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x. To appoint a committee or sub-committee or any Councillors (including substitutes) thereto.
- xi. To receive nominations to a committee or sub-committee.
- xii. To dissolve a committee or sub-committee.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendations made by a committee or sub-committee or an employee.
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds [to be sealed by the Council's common seal]
OR [signed by two Councillors] and witnessed.
(See standing orders 14(a) and (b) below.)
- xvii. To authorise the payment of monies up to £1,000.00
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the affect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public from all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

xxii. To give the consent to the Council if such consent is required by standing orders.

xxiii. To suspend any standing order except those which are mandatory by law.

xxiv. To adjourn the meeting.

xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back activities of outside bodies.

xxvi. To answer questions from Councillors.

6 Code of conduct

a All Councillors shall adopt the code of conduct adopted by the Council.

b If paragraph 12(2) of the code of conduct has been contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, Councillors may exercise the right contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

c Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

7 Minutes

a No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.

- b Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

8 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may be reasonably be necessary to enforce it and /or he may adjourn the meeting.

9 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year,

10 Execution and sealing of legal deeds.

- a In accordance with a resolution made under standing order 14(a) above, any two

members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

11 Extraordinary meetings

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving time, venue and agenda for such a meeting must be signed by two Councillors.

12 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

13 Estimates/Precepts

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

14 Liaison with Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the Unitary Council representing its electoral ward.

15 Financial matters

- a Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,000.00 shall be procured on the basis of competitive quotes.

16 Allegations of breaches of the code of conduct

On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to Council.

Note

The above standing orders are based the "Model Standing Orders for Local Councils" issued by CHALC and were edited by Councillor Richard Fair and Councillor Melba Venables in June 2010 for adoption by the Poulton & Pulford Parish Council.

Casual Vacancies

1. According to section 87 of the 1972 Act a casual vacancy occurs when:
 - a. a councillor resigns; or
 - b. a councillor fails to attend meetings for six consecutive months (see paragraph 45 below); or
2. In cases (a) to (c) and (f) the council must immediately and in cases (d) and (e) as soon as practicable, give public notice of the vacancy by posting the notice in some conspicuous place or places within the parish or community - sections 87 and 232 of the 1972 Act refer.
3. In accordance with rule 5(3) of the 2006 Rules, if within 14 days after public notice has been given, at least ten electors give written notice to the proper officer of the principal authority of a request for an election to fill the vacancy, then a by-election must be held.
4. If no by-election is called the council must as soon as practicable after the expiry of the 14 day period fill the vacancy by co-option. If the vacancy falls within the six month period the council may but need not, fill the vacancy. It must, however, in the latter case, give public notice of the vacancy.
5. The council may co-opt whom it pleases to fill a vacancy, provided the person is qualified to be a councillor (see paragraph 7 above). The person co-opted must receive a majority of the votes of those councillors present and voting at the meeting where the co-option takes place. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates. Thus where candidate A receives four votes, and candidates B and C each receive two, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than two candidates it is desirable to eliminate the candidate with the least number of votes, so that the final vote is between two candidates only. If a council does not have appropriate standing orders, Model Standing Order 12 on page 102 of NALC's Publication "Standing Orders for Local Councils" (2010) may be adopted in respect of filling a casual vacancy.