

**DUFFIELD PARISH COUNCIL**  
**STANDING ORDERS**

1. Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b) Additional meetings may be called at the request of one third of the elected members signified in writing to the Clerk.
- c) Smoking is not permitted at any meeting of the Council, its Committees and Working Parties.

2. The Statutory Annual Meeting

- a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected to take office and**
- b) **In a year that is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**

3. Other Meetings

- a) **In addition to the Statutory Annual Parish Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

4. Chairman of the Meeting

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

5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer:-

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing interests at meetings.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council
- e) To receive copies of bylaws made by another local authority.
- f) To certify copies of bylaws made by the Council.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.

## 6. Quorum of the Council

**Four members or one-third of the total membership, whichever is the greater shall constitute a quorum at meetings of the Council but where more than one-third of the members are disqualified at the same time the quorum is either three or one-third of the qualified members which ever is the greater, until such time as the membership has been increased to not less than two-thirds of the total.**

7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

8. For a quorum relating to a committee or sub-committee, please refer to standing order 49.

## 9. Voting

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

10. **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 a request must be made before moving on to the next business.**

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

(ii) **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 Chairman and Vice-Chair until the end of their term of office he may not give an original vote in an election for Chairman.**

(iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

## 12. Order of Business

*(In an election year Councillors should execute their Declarations of Acceptance of Office in the presence of a Member or the Council's proper officer, and be delivered to the Council at or before the first meeting [s.83 (4), LGA1972])*

**At each Annual Parish Council Meeting the first business shall be:-**

**a) To elect a Chairman of the Council**

**b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**

**c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**

**d) The Representation of the People Act 1985, Section 21 allows the elected members, provided there is a quorum (i.e. one third of the membership or a minimum of four, whichever is the greater) to co-opt members to fill the remaining vacancies [see (e) below for the procedure]. If the Council fails to exercise the power to co-opt within seven weeks (35 days computed under Section 4 of the Act) or if there is no quorum, the unitary council may order a fresh election to properly constitute the Council.**

- e) Casual vacancies, which may occur during the term of the Council, will be advertised on the Council's notice board and in the local press. An election to fill the vacancy shall be held if within fourteen days (calculated as per Section 4 of the Act) after public notice of the vacancy has been given, notice in writing of a request for such an election has been given to the Returning Officer by ten persons who are registered as local government electors in the parish. (Local Elections [Parishes and Communities] Rules 2006). If there are more candidates than vacancies, the candidate with the lowest number of votes will be excluded. If two candidates poll the same number of votes a separate vote to eliminate one of them will be held. Voting will continue with the lowest polling candidate being excluded until the number of candidates matches the number of vacancies.
- f) To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the council which have not been received as provided by law, shall be received.**
- g) To elect a Vice-Chairman of the Council.
- h) To appoint representatives to outside bodies.
- i) To appoint committees and sub-committees on the basis of political balance and to ensure that each member is nominated to serve on at least one committee.
- j) To consider the payment of any subscriptions falling to be paid annually.
- k) To inspect any deeds and trust investments in the custody of the Council as required; and shall thereafter follow the order set out in the Standing Order 15
- 13. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
14. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 31 must be read in conjunction with this requirement.
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
- a) Public participation session with respect to items on the agenda (with the Council hearing first from councillors with prejudicial interests who must leave the room immediately after they have made their representations, answered questions or given evidence i.e. they cannot remain in the room to hear the representations of others . After the close of the public participation session, when a parish council reaches any item of business which councillors have a prejudicial interest in, those councillors would need to leave the meeting room whenever **it becomes apparent that the business is being considered at that meeting** whether or not they had made representations etc in respect of it within the public participation session. This accords with paragraph 12 (1)(a)(ii) of the revised Model Code.
- b) To read and consider the Minutes; provided that if 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.
- c) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**

**d) To deal with business expressly required by statute to be done.**

- e) To receive any declarations of interest relating to the Code of Conduct (Standing Order 49)
- f) To dispose of business, if any, remaining from the last meeting.
- g) To receive and consider reports and minutes of committees.
- h) To receive and consider reports from officers of the Council.
- i) To receive and consider resolutions or recommendations in the order in which they have been notified. Resolutions or recommendations for the consideration of the Council must be communicated to the Clerk not less than one week prior to the meeting at which the resolution or recommendation is to be considered.
- j) To authorise the sealing of documents.
- k) To authorise the signing of orders for payment.

**16. 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.

17. Resolutions made by the Council will state the reason(s) for the resolution in the interests of transparency and accountability.

**18. Resolutions Moved On Notice**

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice of its terms and has communicated the notice to the Clerk at least 7 days before the next meeting of the Council, including the day of the meeting.

19. 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 considers it to be a matter of urgency, may allow it to be dealt with at the meeting which it was moved.

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

**21. Resolutions Moved Without Notice**

Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.

- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any member thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (See Order 58)
- o) To silence or eject from the meeting a member named for misconduct. (See Order 26)
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order. (See Order 67)
- r) To adjourn the meeting.

## 22. Rules of Debate

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 Chairman.

- 23. a) A resolution or amendment shall not be discussed unless it has been proposed , and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) 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.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
- e) An amendment shall be either:-
  - i) To leave out words.
  - ii) To leave out words and insert others.
  - iii) To insert or add words.
- f) An amendment shall not have the effect of negating the resolution before the Council.

- g) If an amendment be carried, the resolution, as amended, shall take 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, not exceeding 3 minutes.
- 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 a closure.
- k) A member may speak on a point of order of personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- l) 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.
- n) 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 does leave the meeting.
  - vii) That the resolution be referred to a committee.
  - viii) To exclude the public and press.
  - ix) To adjourn the meeting.

- 24. a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

## 25. Closure

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put “, only if (s)he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply

and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

*(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.)*

## 26. Disorderly Conduct

- a) **All members must observe the Model Code of Conduct for Parish and Town Councillors which was adopted by the council on 8<sup>th</sup> May 2007 a copy of which is annexed to these Standing Orders.**
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, willfully 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 acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board.**
- d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

## 27. Right of Reply

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## 28. Alterations of Resolution

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

## 29. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the name of at least 3 or one quarter of the Council's membership which ever is the greater, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

## 30. Voting On Appointment

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.

31. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any questions to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 58)

32. Resolutions on Expenditure

Any resolution [which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance and General Purpose Committee] and which, if carried, would in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or 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 [and the Finance and General Purpose Committee shall report on the financial aspect of the matters].

33. Expenditure

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

34. Committees

The Council may at its Annual Parish Council 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 34 above at any time dissolve or alter the membership of committee.

35. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee.

36. 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, and shall settle its programme of meetings of the year.

37. Special Meeting

The Chairman of a committee or the Chairman 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.

38. Sub-Committees

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

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

40. 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 sub-committee, the quorum of a committee or sub-committee shall be one-half of its committee or a minimum of three members, whichever is the greater.
41. 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.
42. Advisory Committees or working Groups
- 1) The Council may create advisory committee or advisory committee, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
  - 2) The Clerk shall inform the members of each advisory committee or working group of the terms of reference of the committee.
  - 3) An advisory committee or working committee may make recommendations and give notice thereof to the Council.
  - 4) An advisory committee or working committee may consist wholly of persons who are not members of the Council.

#### Voting Committees

43. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members request, by signed ballot.
44. **Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**
45. Presence of Non-Members of Committees at Committee Meetings

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

#### 46. Accounts and Financial Statement

- i) Except as provided in paragraph (ii) of this Standing Order or by statute, all accounts for payments and claims upon the Council shall be laid before the Council.
  - i) 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 Responsible Financial Officer or the Clerk if different. Such payments shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with approval of the Chairman or Vice-Chairman of the Council.
  - ii) All payments ratified under sub-paragraph (ii) of this Standing Order shall be separately included in the next schedule of payments before the Council.
47. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented as soon after as is practicable. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

#### 48. Estimates / Precepts

- c) The council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.

- ii) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than end of the month of November .

### **Interests**

- 49. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- 50. **The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- 51. If a candidate for any appointment under the Council is to their knowledge related to any member of or the holder of any office under the Council, they and the person to whom, they are related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
- 52. The Clerk shall make known the purpose of this Standing Order to every candidate.
- 53. Canvassing of And Recommendations By Members
  - i) Canvassing of members of the Council 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 purpose of this sub-paragraph of this Standing Order to every candidate.
  - ii) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 54. Standing Order Nos. 53 shall apply to tenders as if the person making the tender were a candidate for an appointment.
- 55. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 56. **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**
- 57. Unauthorised Activities

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 or sub-committee.

58. Admission of The Public and Press to Meetings

**The public and the media shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude** the public and press by means of the following resolutions:-

“That in view of the [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

59. The Council committee or sub-committee shall state the confidential reason for exclusion.
60. At all meetings of the Council, the Chairman may at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 8<sup>th</sup> May 2007 shall apply to members of the council in respect of the entire meeting. Where, however, members of the council exercise their rights pursuant to Order 70, below, members of the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
61. At all meetings of the Council, the Chairman may permit members of the council (including co-opted members as defined by s.49 (7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 8<sup>th</sup> May 2007 shall apply to members of the council in respect of the entire meeting.
62. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council except for an audio recording as an ‘aide memoir’ for the minute taker.
63. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
64. Confidential Business
- i) 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.
  - ii) Any member in breach of the provisions of paragraph (i) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

65. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer and shall aide by them.

66. 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 manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration. (See Appendix I)

67. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

68. 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.

69. 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.

70. The Council shall, at its first meeting of the year, review these Standing Orders, and shall make such amendments to them as are appropriate.