

GREAT WYRLEY PARISH COUNCIL



STANDING ORDERS AND FINANCIAL REGULATIONS SEPTEMBER, 2019

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Great Wyrley Parish Council
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STANDING ORDERS AND FINANCIAL REGULATIONS

MEETINGS

1. Meetings of the Council shall be held at least 11 times in a year.
2. The Annual General Meeting shall be held in accordance with statutory requirements.

CHAIRMAN OF MEETING

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

PROPER OFFICER

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

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

QUORUM

5. Five members shall constitute a quorum, but a motion to suspend standing orders shall not be moved without written notice signed by twice as many members as constitute the quorum.
6. 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 set.

7. Members shall vote by show of hands or verbally or, if at least two Members so request, by signed ballot.
8. If a member so requires, the Clerk shall record the names of the Members who voted on any questions in order to show whether they voted for or against it or abstained.
9.
 - (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 will him/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.

PUBLIC PARTICIPATION

10. The Parish Council to allow the public to address the Parish Council with any issues or general concerns for a 15 minute period (in total) at the commencement of the meeting. Any question requiring a definitive answer will only be responded to on the proviso that the question has been put, in writing, to the Parish Council within the seven day period prior to the publication of the agenda for the meeting.
11. The Chairman may exercise his/her power to suspend standing orders to allow any person present in the public gallery to conclude their address should this be considered either beneficial to those present or deemed absolutely necessary. The Chairman will give a time definition of the extension i.e. a further 15 minutes etc.

ORDER OF BUSINESS

12. At each annual Meeting the first business shall be;
 - (a) To elect a Chairman or set a future date for this to take place.
 - (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 appoint representatives to outside bodies
13. At every meeting other than the 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.

14. Following completion of the first business of the Council, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows: -
 - (a) To read and consider the Minutes: provided that 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.
 - (b) Following consideration, to approve the signature of the Minutes by the presiding Chairman as a correct record.
 - (c) To deal with business expressly required by statute to be done.
 - (d) To receive such communications as the presiding Chairman may wish to put before the Council.
 - (e) To answer questions.
 - (f) To dispose of business, if any, remaining from the last meeting.
 - (g) To receive and consider reports from officers of the Council
 - (h) To receive and consider reports from County Councillors
 - (i) To receive and consider reports from District Councillors
 - (j) To receive and consider reports from Parish Councillors
 - (k) To receive and consider reports from outside bodies
 - (l) To consider any planning applications placed before the Council
 - (m) To authorise the signing of orders for payment.
 - (n) To consider any motions or recommendations in the order in which they have been modified.
15. A motion to vary the order of business on the ground 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.

RESOLUTIONS MOVED ON NOTICE

16. Except as provided by these Standing Orders, no new business may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least SEVEN clear days before the next meeting of the Council.
17. 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

18. 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 appoint a committee or any members thereof.
 - h) To adopt a report.
 - i) To authorise the sealing of documents.
 - j) To amend a motion.
 - k) To give leave to withdraw a motion or an amendment.
 - l) To extend the time limit for speeches.
 - m) To consider otherwise than in committee a question affecting an employee of the Council.
 - o) To exclude the press.
 - p) To exclude the public.
 - q) To silence or eject from the meeting a member named for misconduct.
 - r) To invite a member having an interest in the subject matter under debate to remain.
 - s) To give consent of the Council where such consent is required by these Standing Orders.

QUESTIONS

19. A member may ask the Chairman any question concerning business of the Council.
20. Every question shall be put and answered without discussion.
21. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

22. 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 seconded, and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him/her 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 intentions 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 shall exceed FIVE 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 or add others.
 - (iii) To insert or add words.
- f) An amendment shall not have the effect of negating the motion put 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 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 , 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 put now.
 - (v) That a member named be not further heard.
 - (vi) That a member named does leave the meeting.
 - (vii) To exclude the public or the press or both.
 - (viii) 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.
 - c) If two or more members indicate a wish to speak, the Chairman shall call upon one of them to speak and the others shall resume their seats.
 - d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

25. 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 shall forthwith put the motion. 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.

DISORDERLY CONDUCT

- 26.
- a) No member shall misconduct him/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 in to 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

27. 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.

ALTERATION OF RESOLUTION

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

RECISSION OF PREVIOUS RESOLUTION

29. 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 TEN members of the Council.
b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

30. 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.

DISCUSSION AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

31. If at a meeting there arises any questions relating to the appointments, 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.

EXPENDITURE

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

SEALING OF DOCUMENTS

33. a) A document shall not be sealed on behalf of the Council unless sealing has been authorised by resolution.
b) Any two members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.

WORKING PARTIES

34. 1. There shall be Working Parties, whose name and number of members, [and the bodies to be invited to nominate members] shall be as follows: -
2. The Clerk shall inform the members of each Working Party of the terms of reference to the Council.
3. The Working Party may make recommendations and give notice thereof to the Council.
4. A Working Party may consist partly of persons who are not members of the Council.

ACCOUNTS AND FINANCIAL STATEMENT

35. 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. Unless it has been otherwise authorised by the Council, payment shall be authorised by the Chairman or Vice-Chairman of the Council. **If the RFO/Chairman and Vice Chairman are absent any urgent decisions to purchase goods and services or to make a payment will be made by three members of the Council.**
- c) All payments authorised under sub-paragraph b) of this Standing Order or made without authority of the Council shall be separately included in the next schedule of payments laid before the Council.
36. The Clerk shall supply to each member of the ordinary meeting next after the end of the Financial Year a statement of receipts and payments.

ESTIMATES

37. Should the Council desire to incur expenditure to be defrayed out of the rates it shall, not later than November, give to the Clerk a written estimate of the expenditure recommended for the coming year, and such estimate shall be submitted to the Council at its meeting in January.

INTERESTS

38. If any member has any pecuniary interest, within the meaning of Section 94-95 of the Local Government Act, 1972, in any contract, proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in Section 97(b) or –
- a) The disability imposed upon him/her by those sections has been removed by the District Council; or

- b) The Council invite to remain; or
 - c) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
39. 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.
40. If a candidate for any appointment under the Council is to his knowledge related to any member of or holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk.

A candidate who fails to do so 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 the Standing Orders on interests of members in contracts and other matters shall apply.

The Clerk shall make known the purpose of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

41. a) Canvassing of members 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 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.
42. Standing Orders No. 38 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

43. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council and if copies are available shall, on request, be supplied for the like purposes with a copy.
44. a) All minutes kept by the Council shall be open for the inspection of any member of the Council.
- b) The Minutes of the Council shall be open to inspection by any local government elector of the parish without charge.

UNAUTHORISED ACTIVITIES

45. No member of the Council 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; unless authorised to do so by the Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

46. The public and the press shall be admitted to all meetings of the Council which may, however, temporarily exclude the public or the press or both by means of the following resolution, viz:

"If confidential or business of a special nature is to be transacted, it is advisable in the public interest that the press and the public be temporarily excluded. They will be instructed to withdraw from the meeting".

A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a Parish Council but otherwise may:

- a) film, photograph or make an audio recording of a meeting;
- b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

If, and only if, the press can be excluded using the powers specified under schedule 12A of the LGA 1972

47. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
48. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that person be removed from the Council Chamber or that part of the Chamber open to the public to be cleared.

CONFIDENTIAL BUSINESS

49. No member of the Council shall disclose to any person not a member of the Council any business declared to be confidential by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

50. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillor or Councillors of the ward.

STANDING ORDERS ON CONTRACTS

51. (a) Where it is intended to enter into a contract exceeding £500 but not exceeding £25,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least ONE weeks notice of such intention in the same manner as public notice of meetings of the Council is given.

Where the value of the intended contract exceeds £25,000 similar notice shall be given in addition to all firms included in the appropriate standing approval list of contractors or if no such list is maintained then in such newspapers/websites circulating in the district as the Council shall direct or other list of contractors.

(b) The notice shall state the general nature of the intended contract and shall in addition state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

(c) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

(d) A notice issued under this standing order shall contain a statement of the effect of Standing Orders No. 38.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

52. Any part of the Standing Orders except those printed in bold types may be suspended by resolution in relation to any specific item of business.
53. 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.

STANDING ORDERS TO BE GIVEN TO MEMBERS

54. A printed copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office.

DURATION OF MEETINGS

55. All meetings of the Parish Council shall terminate at 9:30 pm prompt. Any business not completed at that hour shall be carried forward to the next meeting, except, where the Chairman at his discretion, considers it necessary to continue the meeting for a further 15 minutes.

DELEGATION OF POWERS

56. Delegated powers are given to three members of the Council to take action in an emergency, which would normally be in the absence of the Clerk. **If the RFO/Chairman and Vice Chairman are absent delegated powers are given to three members of the Council.**