

NUTHALL PARISH COUNCIL

STANDING ORDERS **(revised 15/12/09)**

INDEX TO STANDING ORDERS

1. Ordinary meetings of the Council.
2. Extraordinary meetings of the Council.
3. Chairman of the meeting.
4. Proper Officer.
5. Quorum of meetings of the Council.
6. Voting.
- 7 - 12. Order of business
- 13 –14 Motions
- 15 –26 Rules of Debate
- 27 Closure
- 28 Presentation of Petitions
- 29 Disorderly Conduct
- 30 Right of Reply
- 31 Alteration of Motion
- 32 Rescission of Previous Resolution
- 33 Voting on Appointments
- 34 Discussions and Motions Affecting Employees of the Council
- 35 Expenditure
- 36 Sealing of Documents
- 37-43 Committees and Sub-Committees
- 44-45 Voting in Committees
- 46 Presence of Non-Members of Committees at Committee Meetings
- 47-48 Accounts and Financial Statement
- 49 Estimates
- 50 Interests
- 51 Canvassing of and Recommendations by Members
- 52-53 Inspection of Documents
- 54 Unauthorised Activities
- 55 - 57 Admission of the Public and Press to Meetings
- 58 Confidential Business
- 59 Standing Orders on Contracts
- 60 Variation and Revocation of Standing Orders
- 61 Liaison with County and Borough Councillors
- 62 Code of Conduct on Complaints
- 63-70 Parishioners Question Time
- 71 Recording of Meetings
- 72 Standing Orders to be given to Members

**NUTHALL PARISH COUNCIL
STANDING ORDERS**

MEETINGS OF THE COUNCIL

1. Ordinary Meetings of the Council

- (1) The ANNUAL meeting of the council shall be held:
 - (a) in a year of ordinary elections, on the second Tuesday following the first Thursday in May
 - and
 - (b) in any other year, on the third Tuesday in May.
- (2) The ORDINARY meetings of the Council shall be held on the third Tuesday of each month, except the month of August when no meetings shall be held.
- (3) Save where the Council varies this, all meetings shall be held at the Temple Centre, Nuthall, and shall commence at 7.30 p.m. and shall conclude no later than 9.30 pm at which point any unfinished business shall be included in the agenda of the next meeting unless an extension is approved by a majority of the persons present.

The Statutory Annual Meeting (a) in an election year shall be held on the Tuesday following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the third Tuesday in May.

2. Extraordinary Meetings of the Council

- (1) The Chairman of the Council may at any time call an extraordinary meeting of the Council.
- (2) If the office of Chairman is vacant, or if the Chairman is unable to act for any reason, the Vice-Chairman of the Council may at any time call an extraordinary meeting of the Council.
- (3) Any five members of the Council may call an extraordinary meeting of the Council if a requisition for such a meeting signed by those members has been presented to the Clerk.
- (4) Where any person or persons decide to call an extraordinary meeting of the Council, that decision shall be signified to the Clerk together with the business to be transacted by the person or persons concerned. The clerk shall thereupon ensure that the notices and summonses giving five clear days notice of the extraordinary meeting are published and sent out as soon as practicable.

3. Chairman of Meeting

- (1) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.
- (2) If it is necessary to choose a member of the Council to preside in the absence of the Chairman and Vice-Chairman the Clerk shall call for a nominee from the floor to take the chair.
- (3) If discussion arises on that motion (in 2 above) the Clerk shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting. In that event, for the avoidance of doubt, the clerk shall not have the right to vote on any nomination or matter.

4. Proper Officer

Where a statute, regulation or order confers functions or duties on the proper officer of the Council, that person shall be the Clerk. This provision covers amongst other things the power:

- (a) To receive declarations of acceptance of Office.
- (b) To sign notices or other documents on behalf of the Council.

- (c) To receive and retain plans and documents.
- (d) To receive and record notices of personal and prejudicial interests.
- (e) To receive copies of byelaws made by the Borough Council.
- (f) To certify copies of byelaws made by the Council.
- (g) To sign summonses to attend meetings of the Council.

In other cases the proper officer shall be the person nominated by the Council and, in default of nomination, the clerk.

5. Quorum of Meetings of the Council

Five members shall constitute a quorum at a Council meeting and the quorum of a committee or sub-committee meeting shall be one half of the membership.

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 Chairman may fix.

6. Voting

- (1) Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- (2) 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.
- (3) (a) Subject to (b) and (c) below, the Chairman 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.
 - (b) 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-Chairman until the end of their term of Office he may not give an original vote in an election for Chairman.
 - (c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
 - (d) When an existing Chairman is put forward for re-election to that position, he must vacate the Chair prior to the election taking place and a Councillor – not put up for election – must take over the Chair until after the election.

ORDER OF BUSINESS

- 7. At each ANNUAL meeting the first business shall be:
 - (a) to elect a Chairman
 - (b) to receive the Chairman's declaration of Acceptance of Office or, if not received, to decide when it should be received.
 - (c) to decide when any declarations of Acceptance of Office which have not been received as provided by law shall be received
 - (d) to elect a Vice-Chairman
 - (e) to appoint committees
 - (f) to appoint school governors
 - (g) to appoint representatives on outside bodies
- 8. At every meeting other than the Annual meeting the first business shall be to appoint a Chairman for the meeting if the Chairman and Vice-Chairman be absent.
- 9. 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.

10. 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) to receive apologies for absence
 - (b) to receive declarations of personal and prejudicial interests.
 - (c) to take as read and approve as a correct record the minutes of the previous meeting.
 - (d) to receive questions, if any, from members of the public
 - (e) to authorise the signing of orders for payments
 - (f) to receive as read Minutes of Committees
 - (g) to consider any recommendations
 - (h) any other business specified in the summons
11. A motion to vary the order of business on the ground or 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
12. An emergency motion may be considered at a meeting provided that written notice of the motion is given to the Clerk at the start of the meeting stating the terms of the motion and the reasons why the mover of the motion considers it to constitute an emergency motion. The motion may only be considered if by a majority the meeting consider that it should be included on the agenda for the meeting.

MOTIONS

13. Except as provided by these Standing Orders, no motion 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 in writing of its terms and has delivered the notice to the Clerk at least eight clear days prior to the meeting.
14. Motions dealing with the following matters may be moved without notice:
 - (a) To appoint a Chairman of the meeting
 - (b) To approve the Minutes
 - (c) To correct the Minutes
 - (d) To alter the order of business
 - (e) To proceed to the next business
 - (f) To close or adjourn the debate
 - (g) To refer a matter to a committee
 - (h) To appoint a committee or any members thereof
 - (i) To adopt a report
 - (j) To authorise the sealing of documents
 - (k) To amend a resolution
 - (l) To give leave to withdraw a resolution or an amendment
 - (m) To exclude the public and/or press
 - (n) To silence or eject from the meeting a member named for misconduct
 - (o) To suspend any Standing Order
 - (p) To adjourn the meeting

RULES OF DEBATE

15. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by inclusion in the Minutes of the meeting which approves the minutes with corrections.
16. A motion shall not be discussed unless it has been proposed and seconded.

17. No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed five minutes except by consent of the Council.
18. An amendment shall be either: –
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add words
19. Any amendment shall first be put to the proposer of the original motion for acceptance as part of the motion. If accepted it becomes part of the motion without debate.
20. If not accepted by the proposer of the original motion and on debate an amendment be carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
21. An amendment shall not have the effect of negating the motion before the Council.
22. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
23. Discussion on a motion is suspended whilst an amendment is debated and voted on.
24. A motion or amendment may be withdrawn by its proposer.
25. When a motion is under debate no other motion shall be moved except the following:
 - (a) to amend the motion
 - (b) to proceed to the next business
 - (c) to adjourn the debate
 - (d) that the question be now put
 - (e) that a member named be not further heard
 - (f) that a member named do leave the meeting
 - (g) that the motion be referred to a committee
 - (h) to exclude the public and press
 - (i) to adjourn the meeting
26. (a) The ruling of the Chairman on a point of order or the interpretation of standing orders or procedure or on the admissibility of a personal explanation is final.

(b) Members shall address the Chairman.

CLOSURE.

27. At the end of any speech a member may, without comments, 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 to the vote. If the motion 'that the question be now put' is carried, he shall call upon the mover of the original motion 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.

PRESENTATION OF PETITIONS

28. (1) At a meeting of the Council any member of the Council may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the authority have functions or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition must be satisfied that the petition is proper to be received.

(2) A member wishing to present a petition at a meeting shall give eight clear days notice of the intention to do so to the Clerk, or give reasons to the satisfaction of the Council for not doing so.

(3) The presentation of a petition shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.

DISORDERLY CONDUCT

29. (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such manner as to scandalise the Council or bring it into contempt or ridicule.

(b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, 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 the decision.

RIGHT OF REPLY

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

ALTERATION OF MOTION

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

RESCISSION OF PREVIOUS RESOLUTION

32. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof, delivered to the Clerk at least eight days before a meeting at which it is to be considered, bears the names of at least seven members of the Council.

(b) When a special resolution moved following 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

33. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is no absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND MOTIONS AFFECTING EMPLOYEES OF THE COUNCIL

34. 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 or Committee (as the case may be) has decided whether or not the public shall be excluded.

EXPENDITURE

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

SEALING OF DOCUMENT

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

(b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Standing Order may seal, on behalf of the Council, any document required by law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

37. 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.
38. The Chairman and Vice-Chairman ex officio shall be members of every committee.
39. 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.
40. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time by requesting the Clerk to issue a summons for the meeting. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
41. Every committee may appoint sub-committees for purposes to be specified by the committee with the terms of reference specified by the committee.
42. 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.
43. The Standing Orders regarding the calling and procedures of meetings of the Council shall apply to committee and sub-committee meetings insofar as they can be applicable unless they conflict with more particular standing orders relating to committees.

VOTING IN COMMITTEES

44. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
45. The Chairman of any committee or sub-committee shall in the case of an equality of votes have a second or a casting vote whether or not he has exercised his original right to vote.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

46. A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not otherwise debate the matter and shall not vote.

ACCOUNTS AND FINANCIAL STATEMENT

47. (a) 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 proper officer for payments with the approval of the Chairman and Vice-Chairman of the Council.
48. 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

49. This standing order was removed in its entirety (16/12/08).

INTERESTS

50. The Code of as contained in the Appendix to these Standing Orders shall apply to the Parish Council members.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

51. (a) 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 purport of this sub-paragraph of this Standing Order to every candidate.
- (b) 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.

INSPECTION OF DOCUMENTS

52. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or any committee.
53. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council. Minutes shall also be open to the inspection of any local government elector of the parish as required by section 228 Local Government Act 1972.

UNAUTHORISED ACTIVITIES

54. No member of the Council or of any committee or sub-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 directives unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

55. The public and press 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 and press interest that the public be temporarily excluded and they are instructed to withdraw'.
- (If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).
56. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
57. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or otherwise take such action as necessary to restore order.

CONFIDENTIAL BUSINESS

58. (a) 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.
- (b) Any member in breach of the provision of paragraph (a) of this Standing Order may be removed from any committee or sub-committee of the Council by the Council.

STANDING ORDER ON CONTRACTS

59. Where it is intended to enter into a contract exceeding £5,000 but not exceeding £20,000 in value for the supply of goods or materials or for the execution of works, the clerk shall give at least three weeks public 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 £20,000 similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.

- (a) Notices of a contract exceeding £20,000 shall state the general nature of the intended contract and 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.
- (b) Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this Order or as agreed by the Chairman and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- (c) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender.
- (d) 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.

VARIATION AND REVOCATION OF STANDING ORDERS

60. A motion 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. It will then become an agenda item and may be passed by a simple majority of all members present and voting at the meeting.

LIAISON WITH COUNTY AND BOROUGH COUNCILLORS

61. (a) A notice of meeting shall be emailed together with an agenda and invitation to attend to the County Councillor for the county electoral division and to the Borough Councillor or Councillors for the above wards. Minutes and payment lists will be made available via the Council website within a reasonable period of time of them being agreed by the Council.
- (b) This sub paragraph was deleted in its entirety (16/12/08)

CODE OF CONDUCT ON COMPLAINTS

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

PARISHIONERS QUESTION TIME

63. If a parishioner wishes to ask a question at a meeting of the Council of the Chairman or a member of the Council, notice in writing of such a question shall be given to the Clerk of the Council at least eight days before the meeting at which the question is to be asked.
64. No parishioner shall give notice of more than two questions for any meeting.
65. A list of the questions of which notice has been given shall be circulated to members of the Council at, or before, the meeting at which they are to be asked.
66. Every question shall be put and answered without discussion save as provided by paragraph 68, but the person to whom the question has been put may decline to answer it.
67. An answer to a question may be given by the person to whom it is addressed or by a substitute, and may take the form or
- a) an oral answer;
 - b) a reference to information contained in some publication;

- c) a written answer, which shall be circulated to members of the Council at the latest with the summons for the next Council meeting.
68. On receipt of an answer under 67 a) or b) the parishioner has the right to ask one supplementary question relating to the same subject matter as the original question provided that the Chairman of the meeting is satisfied that the questioning process has not become one of debate.
69. If a notice of a question has been given, and that question is not for any reason asked orally, and unless the parishioner who gave notice of it withdraws the question, the question shall be given a written answer in the same way as under 67 c).
70. Every question shall be relevant to some matter in relation to which the authority have functions or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them.

RECORDING OF MEETINGS

71. The recording of meetings of the Council and of meetings of committees and sub-committees by way of tape recording, video recording or other similar means shall only be done with the express consent of the Council, committee or sub-committee.

STANDING ORDERS TO BE GIVEN TO MEMBERS

72. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery of the member's declaration of acceptance of Office.

Approved by the Nuthall Parish Council
at a meeting held on 19th September 2002 amended Dec 2009