

# **POULTON WITH FEARNHEAD PARISH COUNCIL**

## **STANDING ORDERS**

### **1. Meetings**

1.1 Meetings of the Council shall be held at 7.30 pm on the third Monday of every month, excluding August, at the Fearnhead Cross Centre, Insall Road, Padgate, unless the Council decides otherwise at a previous meeting. Meetings shall close no later than 9.30pm unless it is proposed and resolved by a simple majority of those present and voting at the meeting to suspend this Standing Order.

1.2 The Statutory Annual Meeting shall be held

- a) In an election year on or within 14 days following the day on which the councillors elected take office
- b) In a year which is not an election year shall be held on the third Monday in May.

1.3 Additional meetings shall be held as required.

### **2. Chairing of Meetings**

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

### **3. Proper Officer**

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

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

3.2 In any other case the proper officer shall be the person nominated by the Council.

### **4. Quorum of the Council**

4.1 Five members shall constitute a quorum.

4.2 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 prejudicial 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 Chairperson may fix.

4.3 For a quorum relating to the Executive Committee refer to Standing Order 19.5

## **5. Voting**

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

5.2 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. Such a request may be made before or after the vote but in any event before moving on to the next business.

5.3 Subject to (5.4) and (5.5) below the Chairperson 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.

5.4 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 Chairperson and Vice-Chairperson until the end of their term of office he may not give an original vote in an election for Chairperson.

5.5 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairperson.

## **6. Order of business**

(In an Election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declarations, before the Annual Meeting commences)

6.1 At each Annual Meeting the first business shall be:-

- a) To elect a Chairperson of the Council
- b) To receive the Chairperson's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- d) To decide when any declarations of acceptance of office and written undertakings to comply with the Code of Conduct adopted by the Council which have not been received as provided by law shall be received.
- e) To elect a Vice-Chairperson of the Council.
- f) To appoint members to the Executive Committee, which shall consist of seven members, including the Chairperson and Vice Chairperson

6.2 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairperson if the Chairperson and Vice-Chairperson 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.

6.3 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.

6.4 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 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) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- c) To deal with business expressly required by statute to be done.
- d) To dispose of business, if any, remaining from the last meeting.
- e) To receive such communications as the person presiding may wish to lie before the Council.
- f) To answer questions.
- g) To receive and consider reports and minutes of the Executive Committee.
- h) To receive and consider reports from the Clerk.
- i) To authorise the sealing of documents.
- j) If necessary, to authorise the signing of orders for payment.
- k) To receive and consider resolutions or recommendations in the order in which they have been notified.
- l) Any other business specified in the summons.

6.5 A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairperson or by any member and, if proposed by the Chairperson, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

## **7. Resolutions Moved On Notice**

7.1 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 in writing of its terms and has delivered the notice to the Clerk at least 8 clear days before the next meeting of the Council.

7.2. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

7.3. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

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

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

## **8. Resolutions Moved Without Notice**

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

- a) To appoint a Chairperson 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 the Executive Committee
- h) To adopt a report.
- i) To authorise the sealing of documents.
- j) To amend a motion.
- k) To give leave to withdraw a resolution or amendment.
- l) To extend the time limit for speeches.
- m) To exclude the public. (see Order 26 below)
- n) To silence or eject from the meeting a member named for misconduct. (see Order 11 below)
- o) To give the consent of the Council where such consent is required by these Standing Orders.
- p) To suspend any Standing Order.
- q) To adjourn the meeting.

## **9. Questions**

9.1 A member may ask the Chairperson or the Clerk any questions concerning the business of the Council provided notice of the question has been given to the person to whom it is addressed three clear days before the meeting.

9.2. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

9.3 Every question shall be put and answered without discussion.

9.4 A person to whom a question has been put may decline to answer.

## **10. Rules of Debate**

10.1 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution. An amendment to the minutes shall be either: -

- a) To leave out words.
- b) To leave out words and insert or add others.
- c) To insert or add words.
- d) An amendment shall not have the effect of negating the motion before the Council.

10.2 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.

10.3 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

10.3 The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.

10.4 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 an amendment, or on a point of order, or in personal explanation, or to move a closure.

10.5 A member may attract the attention of the Chairperson to make a point of order or a personal explanation. In such cases the member shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her that may have been misunderstood.

10.6 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.

10.7 When a resolution is under debate no other resolution shall be moved except the following: -

- a) To amend the resolution.
- 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 does leave the meeting.
- g) That the resolution be referred to a committee.
- h) To exclude the public and press.
- i) To adjourn the meeting.

10.8 The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be discussed

10.9 Members shall address the Chairperson.

10.10 Whenever the Chairperson rises during a debate all other members shall be silent.

### **11 Disorderly Conduct**

11.1 All members must behave in a manner required by the Code of Conduct.

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

11.3 If, in the opinion of the Chairperson, a member has broken the provisions of paragraphs 11.1 or 11.2 of this Order, the Chairperson 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 to leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

11.4 If either of the motions mentioned in paragraph 11.3 are disobeyed, that the Chairperson may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

### **12. Right of Reply**

12.1 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### **13. Alteration of Resolution**

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

### **14. Rescission of Previous Resolution**

14.1 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 names of at least eight members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

14.2 When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

## **15. Voting on appointments**

15.1 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.

## **16. Discussions and Resolutions Affecting Employees of the Council**

16.1 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 (see Standing Order 28.1).

## **17. Resolutions on Expenditure**

17.1 Any resolution (which is moved otherwise than in pursuance of a recommendation of the Executive Committee) and which, if carried, would in the opinion of the Chairperson, substantially increase the expenditure upon any service which is under the management of the Council 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.

## **18. Expenditure**

18.1 The Parish Council is authorised to make payments for salaries, Inland Revenue, Superannuation, utilities, office and cleaning supplies, insurance, subscriptions, repair and maintenance of property owned by the Council including existing contents, fixtures and fittings; and any other regular and routine payments that are required to enable the Council to continue to carry out its business. Where payments are made by cheque they must be signed by two members.

a) donations under LGA 1972 Section 137 should not exceed the limits set out in the Act

18.4 All donations shall be authorised by the full Council.

## **19. Committees**

19.1 The Council will at the Annual Meeting appoint the Executive Committee 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 and
- b) May subject to the provisions of Order 14 above at any time dissolve or alter the membership of a committee.

19.2 The Chairperson and Vice-Chairperson shall be members of the Executive Committee.

19.3 The Chairperson of the Parish Council shall be the Chairperson of the Executive Committee who shall hold office until the next Annual Meeting of the Council and shall settle its programme of meetings for the year.

19.4 The Chairperson of the Executive Committee 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 special meeting and no other business shall be transacted at that meeting.

19.5 Except where ordered by the Council in the case of the Executive Committee the quorum shall be 4.

19.6 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to the Executive Committee.

## **20 Substitutions**

20.1 A member of the Executive Committee, when summoned to a meeting that they cannot attend, should try to arrange for one of the other Cllrs to attend in their absence, to prevent committees failing to have a quorum.

20.2 The name of the substitute member should be provided to the Clerk in advance of the meeting.

20.3 Members of the Committee must co-opt the substitute onto the committee for the meeting in question, before any further business is carried out.

## **21. Voting in Committees**

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

21.2 Chairperson of the Executive Committees shall in the case of an equality of votes have a second or casting vote.

## **22. Presence of Non-Members of the Executive Committee at Committee Meetings**

22.1 A member who has proposed a resolution, which has been referred to the Executive Committee, of which he/she is not a member, may explain his/her resolution to the committee but shall not vote.



### **23. Accounts and Financial Statement**

23.1 Except as provided in 23.2 of this Standing Order or by statute, all accounts for payments and claims upon the Council shall be laid before the Council.

23.2 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 Clerk, in consultation with the chairperson. Such payment will be subsequently authorised by the Council.

### **24. Estimates**

24.1 The Council shall approve written estimates for the coming financial year at its meeting in the month of January.

24.2 Any Councillor desiring to incur expenditure shall, not later than 1st December, give to the Clerk a written estimate of expenditure recommended for the coming year.

### **25. Interests**

25.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Council then he/she shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.

25.2 If a member who has declared a personal interest then considers the interest to be prejudicial, he/she must withdraw from the meeting during consideration of the item to which the interest relates.

25.3 The Clerk shall hold a copy of the Register of Member's Interests in accordance with instructions received from the Monitoring Officer of the Responsible Authority and/or as required by statute.

25.4 If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he is 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 any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

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

#### **25.6 Canvassing of and Recommendations by Members**

a) Canvassing of members of the Council, 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 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.

25.7 Standing Order nos. 25.4 and 25.6 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **26. Inspection of Documents**

26.1 A member may for the purpose of his/her 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 purpose with a copy.

26.2 All Minutes kept by the Council and by any committee shall be open for the inspection of any Member of the Council.

## **27. Unauthorised Activities**

27.1 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
- b) Issue orders, instructions or directions unless authorised to do so by the Council.

## **28. Admission of the Public and Press to Meetings**

28.1 The public and press shall be admitted to all meetings of the Council which may, however, temporarily exclude the public by means of the following resolution: "That members of the public including the press be excluded from the meeting due to the confidential nature of the following item(s) of business".

28.2 The Council shall state the special reason for exclusion.

28.3 At all meetings of the Council the Chairperson may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the Council.

28.4 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

28.5 If a member of the public interrupts the proceedings at any meeting, the Chairperson may, after warning, order that they be removed from the Meeting Room.

## **29. Confidential Business**

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

29.2 Any member in breach of the provisions of 29.1 of this Standing Order shall be removed from any committee of the Council by the Council.

### **30. Code of Conduct on Complaints**

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

### **31. Contracts**

31.1 Every contract made by the Council to which the power of making contracts has been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by direction of the Council or in an emergency by such a committee as aforesaid provided that these Standing Orders shall not apply to contracts which relate to items 31.2 to 31.6 below:

31.2 For the supply of gas, electricity, water, sewerage and telephone services.

31.3 For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.

31.4 For work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.

31.5 For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.

31.6 For goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.

31.7 Where it is intended to enter into a contract exceeding £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (31.1) the Clerk shall invite tenders from at least three firms.

31.8 When applications are made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

31.9 Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post.

31.10 If less than three tenders are received for contracts valued above £5,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

31.11 The Council shall not be obliged to accept the lowest or any tender.

### **32. Contact with the Press**

32.1 The Council shall have an official Spokesperson who will deal with all questions and requests for comments from the Press which are addressed to the Parish Council.

32.2 The Spokesperson shall only convey to the Press factual information, decisions made in Council and established Council policies. The Spokesperson shall not divulge to the Press any information declared to be confidential by the Council or a committee.

32.3 If the Spokesperson is asked for an answer or a comment on an issue on which the Parish Council does not have an existing minuted policy or decision, they shall give a holding reply only, and refer the issue to the Council at the next available opportunity.

32.4 The Spokesperson shall bring to the attention of the Council any and all comments and answers made on their behalf at the next available Council meeting.

32.5 The position of Spokesperson shall normally be held by the Clerk, although this may be varied by a resolution made in Council.

32.6 No individual Council member shall make any comment or answer to the Press other than as a private individual, and they must make it clear that they are expressing a private opinion rather than speaking on behalf of full Council.

### **33. Charges for providing photocopies of documents**

33.1 If a member of the public requests photocopies of Parish Council documents, and it is agreed that they can be made, the Council shall have the right to make a charge per sheet for the photocopying which is in line with the charge levied by public libraries for photocopying services. This does not affect statutory rights to inspect documents, nor exemptions from inspection.

### **34. Variation, Revocation and Suspension of Standing Orders**

34.1 A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned with discussion to the next ordinary meeting of the Council.

### **35. Standing Orders to be given to Members**

35.1 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 interest and acceptance of office.