**Wimbotsham Parish Council**

STANDING ORDERS

**MEETINGS**

1 a) Meetings of the Council shall be held at the village hall at 7.00pm every six weeks unless the Council directs otherwise.

b) Smoking is not permitted at any meeting of the Council.

**THE STATUTORY ANNUAL MEETING**

**2 a) In an election year shall be held on or within 14 days following the day on which the councillors elected take office and**

**b) In a year which is not an election year shall be held on such a day in May as the Council may direct.**

**3. (England Only) In addition to the Statutory Annual 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.**

**CHAIRMAN OF THE MEETING**

**4. 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**

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

1. To receive declarations of acceptance of office.
2. To receive and record notices disclosing personal and prejudicial interests.
3. To receive and retain plans and documents.
4. To sign notices or other documents on behalf of the Council.
5. To receive copies of bylaws made by a District Council.
6. To certify copies of bylaws made by the Council.
7. To sign summons to attend meetings of the Council.
8. To keep proper records for all Council meetings.

# **QUORUM OF THE COUNCIL**

6. Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum.

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 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 Chairman may fix.

8. For a quorum relating to a committee or sub-committee, refer to Standing Order 40.

# **VOTING**

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

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

**11. a) Subject to (b) and (c) 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.**

**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 they 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.**

# **ORDER OF BUSINESS**

**12. At each Annual Meeting the first business shall be:-**

1. **To elect a Chairman of the Council**
2. **To receive the Chairman’s declaration of acceptance of office or, if not then received, to decide when it shall be received.**
3. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
4. **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.**
5. To elect a Vice-Chairman of the Council.
6. To appoint representatives to outside bodies.
7. To appoint committees and sub-committees.

and shall thereafter follow the order set out in the Standing Order 15.

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. 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:-

1. 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.
2. **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
3. **To deal with business expressly required by statute to be done.**
4. To dispose of business, if any, remaining from the last meeting.
5. To receive and consider reports and minutes of committees.

**URGENT BUSINESS**

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

1. May be proposed by the Chairman, and be put to the vote without being seconded, and
2. Shall be put to the vote without discussion.

# **RESOLUTIONS MOVED ON NOTICE**

17. 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. Notice of business must be given to the Clerk at least 10 clear days before the next meeting of the council.

18. 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.

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

# **RESOLUTIONS MOVED WITHOUT NOTICE**

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

1. To appoint a Chairman of the meeting.
2. To correct the Minutes.
3. To approve the Minutes.
4. To alter the order of business.
5. To proceed to the next business.
6. To close or adjourn the debate.
7. To refer a matter to a committee.
8. To appoint a committee or any members thereof.
9. To adopt a report.
10. To amend a motion.
11. To give leave to withdraw a resolution or amendment.
12. To exclude the public (see Standing Order 58),
13. To remove a member of the public for interrupting proceedings (see Standing Order 62).
14. To silence or eject from the meeting a member named for misconduct (see Standing Order 26).
15. To give the consent of the Council where such consent is required by these Standing Orders.
16. To suspend any Standing Order (see Standing Order 67).
17. To adjourn the meeting.

## **QUESTIONS**

21. No questions not connected with business under discussion shall be asked.

# **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 member shall direct their speech to the question under discussion or to a personal explanation or to a question of order.

b) An amendment shall be either:-

i) To leave out words.

ii) To leave out words and insert others.

iii) To insert or add words.

c) An amendment shall not have the effect of negating the resolution before the Council.

d) 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.

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

1. 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.

g) 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 do leave the meeting.

vii) The resolution be referred to a committee.

viii) 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 speak, the Chairman shall call upon one of them to speak.

c) 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, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he/she 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/she shall call upon the mover to exercise or waive their 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.)*

# **DISORDERLY CONDUCT**

**26. a) All members must behave in a manner required by the Code of Conduct adopted by the Council on 3rd July 2012, a copy of which is annexed to these Standing Orders.**

b) No member shall at a meeting persistently disregard the ruling of the Chairman, 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.

c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) or (b) 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.

d) If either of the motions mentioned in paragraph (c) 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.

# **RESCISSION OF PREVIOUS RESOLUTION**

29. 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 names of at least 4 members of the Council, 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.

# **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.

# **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

31. 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 No. 58.).

# **EXPENDITURE**

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

# **SIGNING OF DOCUMENTS**

33. A legal document shall not be signed on behalf of the Council unless authorised by a resolution. It shall be signed in the presence of the Council.

# **COMMITTEES AND SUB COMMITTEES**

34. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary clearly defining roles of the committees and any delegated powers, but subject to any statutory provision in that behalf:-

1. Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
2. May appoint persons other than members of the Council to any Committee; and
3. May, subject to the provisions of Standing Order 29 above, at any time dissolve or alter the membership of committee.

35. The Chairman and Vice-Chairman shall be ex-officio 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 for the year.

**SPECIAL MEETING**

37. 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.

# **SUB-COMMITTEES**

38. 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 a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

41. The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

# **VOTING IN COMMITTEES**

42. Members of committees and sub-committees entitled to vote shall by show of hands, or, if at least two members so request, by signed ballot.

43. **The Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

**PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

44. A member who has proposed a resolution, which has been referred to any committee of which they are not a member, may explain their resolution to the committee but shall not vote.

# **ACCOUNTS AND FINANCIAL STATEMENT**

45. 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. Such payment 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 the approval of the Chairman or Vice-Chairman of the Council.

c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

46. The Responsible Financial Officer shall supply to each member at the ordinary meeting next after the end of the Financial Year a Financial statement of receipts and payments for the Council.

# **ESTIMATES / PRECEPTS**

47. a) The Council shall approve written estimates for the coming financial year at its last meeting of the year

b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than November Meeting

c) The council shall approve written estimates for the coming financial years Precept at the January Meeting

# **INTERESTS**

**48. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 3rd July 2012 then they shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.**

**49. If a member who has declared a personal interest then considers the interest to be prejudicial, they must withdraw from the meeting during consideration of the item to which the interest relates.**

50. 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.

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 from 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.

52. The Clerk shall make known the purport of Standing Order 51 to every candidate.

# **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

53. 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.

54. Standing Orders. 51 and 53 shall apply to tenders as if the person making the tender were a candidate for an appointment.

# **INSPECTION OF DOCUMENTS**

55. A member may, for the purpose of their 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.**

# **UNAUTHORISED ACTIVITIES**

57. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

1. Inspect any lands or premises which the Council has a right or duty to inspect; or
2. Issue orders, instructions or directions,

unless authorised to do so by the Council or the relevant committee or sub-committee.

# **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

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

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

59. The Council shall state the special reason for exclusion.

60. At all meetings of the Council the Chairman 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 and those Councillors with a prejudicial interest in items on the agenda to address the meeting in relation to the business to be transacted at that meeting. Total speaking time to be 10 minutes

**61. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.** Filming, photographing, recording, broadcasting or transmitting the proceedings of any meeting of the Council,[or] a committee [or sub-committee] should be conducted in accordance with the Council’s Protocol.

62. 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.

# **CONFIDENTIAL BUSINESS**

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63. 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 provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

# **LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

64. A notice of meeting shall be sent together with an invitation to attend to the County, Borough, Unitary or District Councillor for the appropriate ward.

65. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council or Planning Authority shall be transmitted to the County Councillor for the division or to the Planning Authority Councillor for the ward as the case may require.

**COMPLAINTS**

66. a) 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.

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b) Code of Conduct Complaint Notifications will be received by the Parish Clerk from the Monitoring Officer.

If no further action is determined by the Local Assessment Sub Committee then the Notification is retained on file with no disclosure to other Members.

If there is to be a local investigation and ‘rare circumstances’ regarding confidentiality do not apply then reference to the complaint shall be reported to Council in Open Session.

If ‘rare circumstances’ regarding confidentiality do apply then the complaint shall be reported to Council in Closed Session.

The Parish Clerk shall provide on request further information to assist investigation unless the complaint is made by the Clerk, when the Chairman or failing that the Vice-Chaiman, shall provide any further information to assist investigation.

The nature of further information provided to assist an investigation shall remain confidential and not shared with councillors.

The final determination of an investigation will be reported to Council in Open Session in the same way that the local Standards Committee makes it public.

**VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

67. 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.

**STANDING ORDERS TO BE GIVEN TO MEMBERS**

69. A copy of these Standing Orders shall be given, by the Clerk, to each member of the Council upon receipt by the Clerk of the member’s declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council and following any major amendment to these Standing Orders.

**FILLING OF A CASUAL VACANCY**

70. In the event that a casual vacancy is created and the Returning Officer at King’s Lynn Borough Council confirms that a poll has not been claimed, the following procedure shall be followed to co-opt additional members onto the Council:-

1. A notice shall be placed on the Parish Council notice boards advertising the vacancy, requesting that interested parties submit a letter to the Council via the Clerk stating their interest, together with details of why they would like to be a member of the Council. A response deadline of 21 days after the date of the notice shall be given.
2. On receipt of an expression of interest, the Clerk will send to the candidate a copy of the Council’s Code of Conduct and a declaration form for return to verify that the individual is qualified to be a member of the council.
3. The Clerk shall keep this declaration form confidentially until after the vacancy has been filled, whereupon the form for the successful candidate shall be retained and any forms for unsuccessful candidates shall be destroyed as confidential waste.
4. Prior to the next full Council meeting, copies of correspondence from all candidates shall be circulated to all Councillors.
5. At the next full Council meeting, after due consideration, a vote shall be taken by secret ballot, in accordance with the procedures detailed in Standing Order 30. The minutes shall record the results of the voting and that an absolute majority was achieved.
6. The successful candidate must sign a declaration of acceptance of office and must undertake to abide by the Council’s Code of Conduct before acting as a member of the Council.

**LOCAL STANDING ORDERS**

71. The Chairman shall not hold office for more than 2 consecutive election terms.

**CORRESPONDENCE**

72. Anonymous letters to be circulated to councillors as Private and Confidential. No action to be taken and original letter to be returned to clerk to be kept on file for appropriate time period

73. Petitions presented to Council to be treated as a single item of correspondence, accepted, circulated and if requested, matter to be included on future agenda

**RESPONSES TO THE PRESS**

74. Responses to the press relating to matters discussed by the Parish Council shall be dealt with, in the first instance, by the Parish Clerk. The Parish Council Clerk, Chairman and vice-Chairman are authorised to give the views of the Council to the press on any non-confidential subject discussed by Council. Whenever possible any information given to the press shall be given in writing so as not to leave interpretation open to misunderstanding and misreporting. At no time shall the personal views of either members or officers of the Council be given to the press in such a way that they could be interpreted as a view of the Council as a whole.