

# LYDIARD MILLICENT PARISH COUNCIL STANDING ORDERS

## 1 MEETINGS.

- 1.1* The Statutory Annual Meeting
  - 1.1.1* In an election year shall be held on the Thursday next following the fourth day after the ordinary day of elections to the Council, and
  - 1.1.2* In a year, which is not an election year, shall be held on the first Thursday in May.
- 1.2* Additional meetings shall normally be held on the first Thursday in all other months.
- 1.3* Proceedings shall not begin before 6 p.m., unless agreed at the previous meeting, and shall finish not later than two and a half hours after commencement, subject to a 15 minute extension with approval of Councillors present. Any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide.
- 1.4* The Standing Orders may be suspended at any time and for any period of time by resolution, to include monthly Parishioners Question Time and Matters Arising Reports.
- 1.5* Smoking shall not be permitted during meetings

## 2 CHAIRMAN OF THE MEETING.

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

### QUORUM.

- 2.2* Four members (based on one third of the normal number of eleven councillors) shall constitute a quorum.

## 3 PROPER OFFICER.

- 3.1* The Proper Officer of the Council is the Clerk. The Responsible Financial Officer of the Council is the Clerk. Other duties and

responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description.

- 3.2 Notwithstanding those duties and responsibilities it shall be the duty of the Clerk to advise Members on the content and interpretation of these Standing Orders.

## 4 VOTING.

- 4.1 Members shall vote by show of hands unless the meeting decides otherwise.
- 4.2 If a member so requires, the Clerk shall record the names of the members who voted on any motion so as to show whether they voted for or against it.
- 4.3 Subject to 4.3.1 and 4.3.2 below The Chairman may give an original vote on any matter put to the vote and, in the case of equality of votes, give the casting vote, whether or not an original vote was given.
  - 4.3.1 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 the Vice-Chairman until the end of the term of their office, he may not give an original vote in an election for Chairman.
  - 4.3.2 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- 4.4 Any motion shall be proposed and seconded.

## 5 RESOLUTIONS

- 5.1 Except as provided by these Standing Orders, no resolution may be removed unless the business to which it relates has been included on the Agenda.
- 5.2 Members may put an item or notice of resolution on the Agenda by giving the Clerk written notice of the item or resolution at least ten clear days prior to the meeting to which that agenda relates,
- 5.3 Every resolution, amendment or recommendation shall be relevant to some subject over which the Council has the power or which affects its area.
- 5.4 Resolutions on procedural matters may be moved without notice including those to vary the order of business on grounds or urgency or

procedural efficiency.

5.5 Such resolutions shall be put to the vote without discussion.

## 6 RULES OF DEBATE.

6.1 All remarks shall be addressed to the Chairman.

6.2 Corrections to the minutes shall be made by resolution and must be initialed by the Chairman.

6.3 The ruling of the Chairman on a point of order or on the admissibility of an item shall not be discussed.

6.4 A representative of the local Constabulary shall be allowed to speak at Council meetings at the discretion of the Chairman.

6.5 District Councillors and County Councillors who are not also Parish Councillors shall be invited to attend meetings and shall be sent copies of agendas, minutes and other relevant documentation. They may be allowed to speak (for a maximum of 5 minutes) at the Chairman's discretion.

## 7 RESCISSION OF PREVIOUS RESOLUTIONS

7.1 A decision of the Council (whether affirmative or negative) shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least three Members of the Council. When such a resolution has been disposed of, no similar resolution may be moved within a further six months.

## 8 ORDER OF BUSINESS.

**NOTE: In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of the Clerk before the Annual General Meeting.**

8.1 At each Annual General Meeting the first business shall be:

- a) To elect a Chairman. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the elections by way of insufficient nominations.

- d) Decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.
- 8.2 At every meeting other than the Annual General 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.

Then:

- a) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- b) To deal with the business expressly required by statute to be done.
- c) The order of business shall be stated on an agenda paper, which shall be delivered to each Member at least seven clear days prior to the date of the meeting along with the summons convening the meeting.

## **9 INTERESTS.**

- 9.1 The Clerk shall record in the Minute Book, particulars of any notice given by any member or any officer of the Council of a pecuniary and or non-pecuniary interest in a contract, and the book shall be open during reasonable hours of the day, by appointment with the Clerk, for inspection.

## **10 INSPECTION OF DOCUMENTS.**

- 10.1 All minutes kept by the Council and by any committee shall be open for inspection by appointment with the Clerk.

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

- 11.1 The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public, and/or press, by means of the resolution expressed in 11.2
- 11.2 'That in the view of the (special) (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'.

**Note:**

**The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.**

**In such circumstances, no member of the Council shall disclose to any person, not being a Member of the Council, any business declared to be confidential by the Council.**

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

*11.4* Minutes of such business may or may not be included in the minutes of the meeting in a full or abridged version or not at all, at the discretion of the members present.

## **12 CODE OF CONDUCT ON COMPLAINTS.**

*12.1* The Council shall deal with any complaints of misadministration allegedly committed by the Council or by any officer or member in the manner recommended by the N.A.L.C.

(See circular 2/86, revised in 1995 or later)

## **13 STANDING ORDERS TO BE GIVEN TO MEMBERS.**

*13.1* A copy of these Standing orders shall be given to each member by the Clerk upon receipt of the member's declaration of acceptance of office.

## **14 NON-ATTENDANCE AT MEETINGS.**

*14.1* A Councillor who fails to attend any Council meetings, or Council Committee meetings, for a period of six consecutive months ceases to be a councillor unless the councillor has a statutory excuse or the reason for absence has been approved by the Council. It is therefore good practice not only to present apologies but also to give reasons for non-attendance and for the reason to be recorded in the minutes.

## 15 DELEGATION

*15.1* By virtue of S101 of LGA 1972 a council may delegate its functions to:

- a)* A Committee
- b)* A Sub-Committee or
- c)* An Officer of the Council
- d)* A Local Authority.

**Note:**

**This does not mean delegation of power to the Chairman.  
An officer of the Council is the Clerk.**

## 16 MINUTES.

*16.1* They should be short as is consistent with clarity and accuracy. They are intended to be formal records of official acts and decisions, not reports of speeches made by councillors. The Chairman must sign them at the next meeting.

## 17 NOTICE.

*17.1* 7 clear days before a Council meeting takes place, notice of the time and place of such meeting must be conspicuously displayed within the parish, i.e. on the Parish notice boards.

## 18 AGENDA.

*18.1* In addition to the public notice, the Clerk is required to serve upon every councillor a summons to attend the meeting, specifying the business to be transacted, at least three clear days before the meeting.

## 19 ITEMS FOR AGENDA.

*19.1* Any business for inclusion on the Agenda must be received by the Clerk 10 clear days before the Parish Council meeting takes place.

## 20 ANNUAL PARISH MEETING.

20.1 The Annual Parish Meeting must be held between 1<sup>st</sup> March and 1<sup>st</sup> June and is chaired by Chairman or Vice Chairman if present.

20.2 The order of business at the Annual Parish Meeting shall be as follows:

- a) To receive Annual Report from the Parish Council.
- b) To receive a statement of the Parish Council accounts for the year to the previous 31<sup>st</sup> March, if they are complete.
- c) To receive the Council's observations on its finances for the current year.
- d) To receive reports or statements from representatives of Voluntary and Charitable Organisations in the Parish, e.g.
  - Lydiard Millicent Educational Trust
  - Lydiard Millicent Parish Hall
  - Cleobury Charity
  - War Memorial Church Clock Fund
  - Lydiard Millicent PTA
  - Lydiard Millicent Pre-School
  - Lydiard's Magazine
  - Any other appropriate recognised body.
- e) To receive reports from any other invited bodies.
- f) To consider resolutions of which written notice of a minimum 7 days has been given.
- g) To deal with any other items of community interest.

## 21 EXPENDITURE.

21.1 Orders for the payment of money shall be authorised by resolution of the Council, and cheques signed by three members, one of which must be the Chairman or the Vice-Chairman.

21.2 The Clerk is authorised with agreement of Chairman or Vice-Chairman to spend or commit up to £100 for any emergency purposes during the month, to be ratified at the following meeting.

## 22 CONTRACTS.

- 22.1 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, 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.
- 22.2 Notice of a contract exceeding £5,000 shall state the general nature of the intended contract and state the name and address of the people to whom any tenders are to be addressed and the last date by which those tenders would reach that person in the ordinary course of post.
- 22.3 Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified and shall be reported upon by the person who opened them to the Council.
- 22.4 Neither the Council nor any Sub-Committee is bound to accept the lowest tender.
- 22.5 If no tenders are received or if all tenders are identical the Council shall make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

Lydiard Millicent Parish Council, 28th April 2005.