



SHABBINGTON PARISH COUNCIL STANDING ORDERS

1 COUNCIL MEETINGS

1.1 Chairing meetings

The Chairman of the parish council (and in his absence the Vice Chairman) shall chair or preside at meetings of the council.

In the event that the person normally expected to preside at the meeting is not able to, those Members present should decide who amongst them shall preside. The Clerk should supervise the selection by inviting nominations and putting them to the vote. Where a chairman has to be selected, the meeting starts when the selection decision is made.

1.2 Quorum

No business shall be considered at a meeting of the parish council unless one-third of the total number of Councillors is present, or, where more than one-third of the Councillors are disqualified from acting, then one-third of the remainder is present. In any event, there must be no fewer than 3 Members present at a meeting.

Unless the quorum is met, the council meeting cannot commence, no business may be transacted and no decisions can be made.

A meeting which is inquorate is unlawful and those Members present are not competent to resolve that the meeting is adjourned. It is desirable to have a Standing Order which has the effect of declaring that the meeting shall stand adjourned if the quorum is not present within 30 minutes of the start time of the meeting.

In practical terms, the meeting should be reconvened.

1.3 Holding meetings

1.3.1 An annual meeting of the parish council shall be held every year in the month of May. In the year of ordinary elections of parish Councillors the annual meeting of the parish council shall be held within 14 days after the day on which Councillors elected take office

1.3.2 In addition to the annual meeting, ordinary meetings of the parish council will be held on the second Monday of each month with the exception of August.

1.3.3 An extraordinary meeting of the parish council may be called at any time by the Chairman or Vice Chairman in the absence of the Chairman.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

- 1.3.4 Any 2 Members of the parish council may submit a written request signed by them to the Chairman of the parish council to call an extraordinary meeting. In the event of the Chairman not calling an extraordinary meeting within 7 days of receiving the request, the 2 members may call an extraordinary meeting.
- 1.3.5 Meetings shall be held at a place, date and time fixed by the council. Meetings shall not be held in premises being used at the time for the supply of alcohol as permitted by the Licensing Act 2003 unless no other suitable room is available free of charge or at a reasonable cost.
- 1.3.6 Notice of the time and place of meetings must be fixed in a conspicuous place in the parish at least 3 clear days before the meeting. Where a meeting is called by Members of the council (1.3.4 above, Extraordinary meeting), the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting (the agenda).
- 1.3.7 All Members of the council (or the committee, if this is the case) shall be given at least 3 clear days written notice to their usual email address of all meetings of the council (or committee) from the Proper Officer specifying the business proposed to be transacted which will take the form of an agenda.

Agendas and any relevant background papers should, wherever possible, be published and circulated to Members with as much notice as possible.

1.4 Order of Business for Annual Parish Council Meetings

- 1.4.1 In accordance with Section 15 of the 1972 Local Government Act, the **first** business to be transacted at the Annual Meeting of a parish council is the election of the Chairman.

The parish council will also elect a Vice Chairman able to step in to the role of Chairman during any absence of the Chairman.

The person elected as Chairman is required to make and deliver his declaration of acceptance of office to the Proper Officer of the council at that meeting in the statutory prescribed form. If the declaration of office cannot be delivered at that meeting the parish council can resolve to do this at a later meeting.

- 1.4.2 Other business matters which may be dealt are:

- Record Members present.
- Record apologies for absence.
- Declarations of acceptance of office by Members.
If this is not possible a decision must be made as to the date of the meeting by which, or at which, it should be received.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

- Members' disclosures of interests in respect of relevant items of business on the agenda.
- Request for dispensations.
- Agree the minutes of the last meeting, to be signed by the Chairman.
- Comprehensive review of any arrangements delegating functions to committees, sub-committees, Officers and local authorities
- A review of arrangements to contribute to the expenses of another local authority that is exercising the functions of the parish council (s136 of the 1972 Act);
- A review of a parish council's ability to meet the criteria to qualify as a parish council eligible to exercise the power of well-being;
- Confirm the manner of public participation at council meetings.
- Review of any existing committees (and sub-committees) and their terms of reference and applicable Standing Orders are clear and still relevant
- Appoint any new committees and sub-committees, determining the terms of reference, the number of Members and term of office and to implement Standing Orders in relation to them;
- Receive nominations or make nominations to any committee or sub- committee;
- Set the dates, times and place of meetings of the council for the year;
- Receive recommendations from committees.

1.5 Order of Business for Ordinary Parish Council Meetings

1.5.1 At ordinary meetings of a parish council, business will usually be dealt with in the following order:

- Record of Members present;
- Record of apologies from Members unable to be present.
- Declarations of interests with regard to items on the agenda.
- Agree the minutes of the last meeting and sign them.
- Public participation session with respect to items on the agenda (including an opportunity for Members with a prejudicial interest in any item of business on the agenda to make representations, answer questions and give evidence).
- To receive recommendations from committees
- To receive business motions from Members.
- Other business placed on the agenda (including health & safety report, finance, legal, Trust matters).

1.6 Public Participation Sessions

Under the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees.

Shabbington Parish Council will permit the public to participate in council meeting during the public session included on each agenda. Members of the public shall include a Member with a prejudicial interest in any business being considered, who will be entitled to make representations, answer questions and give evidence in



SHABBINGTON PARISH COUNCIL STANDING ORDERS

the same way as the public also enjoy this right, during the public participation session. (The Member may not vote on the matter if it is on the agenda however).

Public participation will be for up to 15 minutes in total. Speeches from individuals shall be limited to 5 minutes sessions. Immediate decisions on comments and representations made by the public, cannot be formally considered by the council until a matter is placed on the agenda for formal consideration, debate and decision.

No discussion shall take place on any question put or comment made. Where practical, the Chairman may respond to the question or indicate that a written response will be made. Additionally, members of the public may raise their hands if they are able to contribute to debate and, if recognised by the chairman, be invited to speak. Any point made must be a new one and they shall not engage in debate with councillors.

1.7 Role of Chairman

The Chairman or Member presiding over a meeting of a council is required, by common law, to keep order.

The Chairman shall control and complete the meeting's business, ensuring that comments are addressed to the Chairman and ensure that comments which are irrelevant or repetitious do not delay the meeting. The use of rude or disrespectful language and personal insults must not be allowed. If a member of the public or Member disregards the Chairman's request to modify their conduct the Council may resolve to have the person excluded from the meeting.

1.8 Rules of Debate

A matter or item of business for consideration before a meeting must be expressed as a motion in positive terms.

When a motion is passed, with or without amendment, by a majority of Members present and voting the motion becomes a resolution.

A procedural motion relates to procedure and form. Any Member at any time may move, between speakers, any of the following procedural motions:

- to proceed to the next business:
to move to the vote;
- to refer a matter to a committee.

An amendment is a motion to amend the substantive original motion being considered by the meeting.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

Original motions may be passed by resolution with or without amendment or may be thrown out.

Alternatively during consideration and debate in respect of any motion, there may be a procedural motion or a point of order.

A point of order may be made to the Chairman during the meeting. It must be raised as soon as the reason for it becomes apparent. The Member who was speaking before the point of order is raised must stop speaking and allow the Chairman to make a decision. The Chairman's decision shall be final.

Common examples of irregularities are:

- Use of irrelevant or improper language,
- Non-compliance with standing orders,
- the motion debated is not within the scope of the motion on the agenda.

- 1.8.1 A Member should provide written notice by email or in hard copy format to the Clerk, of an original motion he wishes to move 7 days in advance of a meeting.

The Clerk will consider if the motion is ultra vires or otherwise improper. If this is the case, the Chairman will be consulted and decide if the motion is valid for inclusion.

- 1.8.2 Motions are included in full on the agenda in the order they are received by the Clerk.

- 1.8.3 Motions cannot be discussed until they have been moved (by the Member who lodged the motion).

There is no legal requirement for a motion to be seconded but it is established practice in local authorities to second a motion to prompt discussion. The requirement to second a motion should be reflected in Standing Orders.

- 1.8.4 Normally only one motion may be discussed at a time. Dealing with more than one subject/issue at a time should be avoided where possible.

For example the motion "to purchase land to provide allotments or a field for recreational use" relates to two separate statutory functions but deals with many considerations, including whether land is required to ensure that the council meets a statutory duty to meet unmet demand for allotments or if the council should provide more land for recreational use.

In a situation when a motion deals with more than one subject issue, the Chair should request the mover to separate the component parts and move them one by one.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

If the separate components of the one motion (as in the example above) or two different motions share similar or common issues, the Chair may permit them to be moved together if this is conducive to the efficient conduct of business. However, to ensure the meeting considers only the relevant points, the discussion and voting on each motion should be separated.

- 1.8.5 Standing Orders are key to ordering debate and ensuring that this can be completed within the time allocated for the meeting. Standing Orders should provide members (and the public) with an opportunity to speak, consider information and exchange views but should not permit rude language, open ended protracted monologues/speeches or debate in respect of irrelevant considerations. Even clear Standing Orders regarding the formalities, style, order and length of comment by Members (and public) can be ignored. Whilst the Chair should not stifle relevant debate, he will be required to rule on a point of order e.g. when a comment or speech is irrelevant to the motion in debate.

It is sensible for Standing Orders to limit the number and length of speeches or comments by Members and not to permit Members other than the mover of the motion or the mover of an amendment to a motion to speak more than once on any one motion. This is important for Members and the public.

- 1.8.6 An amendment to a motion must relate directly to the subject matter of motion. It may seek to delete words, add words or require the motion or amendment to the motion to be referred to a committee for consideration or further consideration. An amendment must not have the effect of nullifying the recommendation or motion.
- 1.8.7 An amendment to the original motion cannot be discussed until it has been moved and seconded.
- 1.8.8 An amendment can be withdrawn at any time by the Member moving it.
- 1.8.9 Amendments to the original motion will be discussed together unless the meeting agrees to discuss them separately on the motion of any Member.
- 1.8.10 Amendments will be put to the vote in the reverse order in which they were moved.
- 1.8.11 An amendment which is carried shall become the substantive motion or recommendation and other amendments will not be put to the vote.
- 1.8.12 The order of speaking shall be:
- mover of the motion;
 - mover of first amendment;
 - mover of second amendment (and so on);
 - any other member wishing to speak;
 - right of reply of movers of amendments in reverse order;
 - right of reply of mover of recommendation or motion.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

- 1.8.13 A Member may speak only once in a debate except where the Member has a right of reply or where the Chair in her/his discretion permits it in the interests of debate.
- 1.8.14 During a debate, but between speakers, any Member may move a procedural motion:
- That the question be put to the vote immediately;
 - That the meeting move to the right of reply of the mover of the recommendation or motion and then to the vote;
 - To proceed to the next business.
- If seconded, the procedural motion shall be put to the vote immediately without discussion.

1.9 Voting

- 1.9.1 All questions to be decided by the council shall be decided by a majority of the members present and voting.
- 1.9.2 Unless otherwise provided by Standing Orders, Members shall vote by a show of hands. A Member's vote will only be counted if the Member is in the room of the meeting at the time the vote is taken.
- 1.9.3 Immediately before a vote is taken any Member may request that a vote is recorded. When a request is made the Chair, or other Member presiding, shall call the names of all the Members and after each name is called the Member shall state whether they are voting for or against the question put or abstaining. The record of voting shall be recorded in the minutes.
- 1.9.4 In the case of an equality of votes the Chair, or other Member presiding the meeting, has to give a casting vote in addition to their first vote.
- 1.9.5 The outgoing Chair must give a casting vote in the event of there being an equality of votes for the election of the Chair of the council at the annual meeting of the parish council.

Note:

Once a resolution has been passed, a decision by the council has been made; this ends the debate on the matter. Although it is widely accepted, and a matter of common sense, that a resolution cannot be rescinded at a meeting in which it was passed, a Standing Order could confirm this position.

A resolution passed at one meeting of a Council may be rescinded at a subsequent meeting if there are no practical obstacles or legal consequences (for example which affect or prejudice a third party who has relied on the former resolution).

In order to control the rescission of resolutions and to restrict attempts to resurrect previous unsuccessful motions, Standing Orders should prohibit motions to rescind resolutions passed in the preceding 6 months. A proposal to rescind a resolution must be treated as an original motion.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

1.10 Minutes

- 1.10.1 The minutes must record the names of Members present at the meeting and the existence and nature of any interest declared by Members.
- 1.10.2 The minutes are not a verbatim record of debate at a meeting but must accurately reflect the resolutions made and record voting if this is requested by a Member at that meeting.
- 1.10.3 The draft minutes of a meeting must be attached to the agenda for the next meeting for approval and signing by the Chair (or persons presiding the meeting).
- 1.10.4 There should be no discussion in respect of the draft minutes except that which relates to the motion to agree the accuracy of the draft minutes.
- 1.10.5 Any corrections shall be made by moving that the minutes are agreed with the corrections stated.

1.11 Conduct

- 1.11.1 When speaking a Member must address the Chair.
- 1.11.2 Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chair in the proper management of the conduct of the meeting.
- 1.11.3 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructing business, the Chair may move that the Member be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.
- 1.11.4 If the Member continues to behave improperly after a motion that the Member be not further heard, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If the motion is seconded, it must be put to the vote immediately without discussion.
- 1.11.5 If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chair may adjourn the meeting for as long as they consider necessary.

Apart from Standing Orders reflecting statutory requirements, a parish council may suspend any of them by resolution in respect of a particular item of business.

2 COMMITTEE MEETINGS

Much of the above information relating to conduct and proceedings of meetings of full council applies to meetings of committees. In respect of committee meetings, the following applies:



SHABBINGTON PARISH COUNCIL STANDING ORDERS

2.1 Chairing meetings

- 2.1.1 At the first meeting following the Annual Meeting of the council every committee shall, before conducting any business, elect a Chair for the year. A committee may also elect a Deputy Chair. Alternatively, the council may appoint the Chairs and Deputy Chairs of committees at the time the committees are appointed.

A meeting of a council (or a committee and sub committee) cannot take place unless a person has been lawfully appointed to preside the meeting. In legal terms, the Chair of a meeting of a committee is vital because of their power, in the event of a equality of votes, to exercise a second or casting vote in addition to their own

The effect of s.99 of the 1972 Act and paragraph 11 of schedule 12 is that if the Chair (or in his absence the Vice Chair of the council) attends any meeting of the parish council including any committee of a council, he must preside and will enjoy the second/casting vote in the event of an equality of votes. This can cause problems if a council has delegated functions to a committee and intended Councillors other than the Chair (or Vice Chair) of the council to experience a chairmanship role.

There is no reason why any parish council should **not** appoint as Chair of any committee, a councillor who is not Chair (or Vice Chair) of the council. The council would need Standing Orders to the effect that the Chair (and Deputy Chair) shall not be appointed as the Chair or Vice-Chair of any committee (or sub committee).

2.2 Quorum

- 2.2.1 No business shall be dealt with unless the committee is quorate.

Note: If a parish council has not made standing orders in respect of its committees, then each committee shall by virtue of s. 106 of the 1972 Act, be entitled to implement standing orders regarding its quorum which should never be less than 3.

- 2.2.2 If there is no quorum the meeting will stand adjourned and should be reconvened.

2.3 Holding meetings

- 2.3.1 The Clerk will call the first meeting of the committee following consultation with the Chair.
- 2.3.2 Subsequent meetings shall be held at a place, date and time fixed by the committee. Meetings shall not be held in premises being used at the time for the supply of alcohol permitted by the Licensing Act 2003 unless no other suitable room is available free of charge or at a reasonable cost.
- 2.3.3 Notice of the time and place of meetings must be fixed in a conspicuous place in the parish at least 3 clear days before the meeting.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

- 2.3.4 All Members of the committee shall be given by email at least 3 clear days written notice of a meetings of a committee from the Clerk specifying the business proposed to be transacted (the agenda).

2.4 Order of business

- 2.4.1 Business will usually be dealt with in the following order:

- Record of Members present;
- Record apologies and reasons for absence;
- Declarations of interests (existence and nature) with regard to items on the agenda;
- Formal announcements from the Chair;
- Agreeing the minutes of the last meeting and signing them;
- Public participation session with respect to items on the agenda;
- Business placed on the agenda.

2.5 Voting

- 2.5.1 Subject to any legal requirement all questions to be decided by a committee shall be decided by a majority of the Members present and voting.
- 2.5.2 Unless otherwise provided by Standing Orders, Members shall vote by show of hands. A Member's vote will only be counted if the Member is in the room of the meeting at the time the vote is taken.
- 2.5.3 Immediately before a vote is taken any Member may request that a vote is recorded. When a request is made the Chair, or other Member presiding, shall call the names of all the Members and after each name is called the Member shall state whether they are voting for or against the question put or abstaining. The record of voting shall be recorded in the minutes.
- 2.5.4 In the case of an equality of votes the Chair, or other Member presiding the meeting, has to give a casting vote in addition to their first vote.

2.6 Minutes

- 2.6.1 The minutes must record the names of Members present at the meeting and the existence and nature of any interest declared by Members.
- 2.6.2 The minutes are not a verbatim record of debate at a meeting but must accurately reflect the resolutions made and record voting if this is requested by a Member at that meeting.
- 2.6.3 The draft minutes of a meeting must be attached to the agenda for the next meeting for approval and signing by the Chair (or persons presiding the meeting).



SHABBINGTON PARISH COUNCIL STANDING ORDERS

2.6.4 There should be no discussion in respect of the draft minutes except that which relates to the motion to agree the accuracy of the draft minutes.

2.6.5 Any corrections shall be made by moving that the minutes are agreed with the corrections stated.

2.7 Attendance by Members

2.7.1 Any Member not being a Member of a committee may attend any meeting of the committee but their right to participate in the meeting will be equal to the public's right to do so and should be governed by Standing Orders.

2.8 Individual Members

2.8.1 A Member cannot individually exercise any statutory functions of the council on behalf of the council.

Appointment of Committees and Delegations

The parish council will appoint the following committees with the composition, quorum and role and functions indicated:

Planning Committee (if appointed)

In general, work will be undertaken at full council meetings by all members.

- Such committee will comprise --- Members.
- The quorum of the Committee shall be --- 3 members.
- The Committee shall undertake the following roles and functions:
 - To make recommendations to the council:
 - In relation to the approval or otherwise of any development plan or strategy proposals under planning legislation affecting the parish;
 - In respect of representations to the Local Planning Authority in support of any departure application;
 - In relation to any arrangements between the parish council and the Local Planning Authority about the involvement of the parish council in the discharge of planning functions;
 - To make representations to the Local Planning Authority on any application referred to the parish council and on any other planning matter that affects the parish.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

Parish Community Safety Committee (if appointed)

Otherwise work will be undertaken at full council meetings.

- The Committee will comprise --- Members.
- The quorum of the Committee shall be --- Members.
- The Committee shall undertake the following role and functions:
 - Keep under review the safety of the community within the parish and make recommendations to the council on any matters involving community safety;
 - Liaise with the emergency services in relation to community safety matters;
 - Liaise with the local planning and highways authorities on community safety matters affecting the parish in relation to their functions;
 - Liaise with the district council, county council, NHS bodies, Environment Agency and other public bodies on community safety matters affecting the parish;
 - Encourage and support community involvement in community safety initiatives within the parish.

Delegation to Employees

The Parish Clerk

- The Clerk shall be the proper officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972;
- The Clerk should monitor and be responsible for all incoming and outgoing council correspondence;
- The Clerk shall manage all employees (not including any variation of employment contracts and not any matters relating to grievances lodged against him/her) of the council and has the authority to take disciplinary action excluding termination of employment under agreed procedures;
- The Clerk shall make arrangements to pay salaries and wages to all employees of the council (subject to the council's financial regulations);
- The Clerk shall, in the first instance, handle and acknowledge all complaints regarding the council (except where the complaint relates to the clerk);
- The Clerk shall arrange and call meetings of the council, its committees and sub-committees in consultation with the relevant Chair;
- The Clerk shall carry out and implement any council, committee or sub-committee decision;
- The Clerk shall, in the first instance, handle all requests for information under Freedom of Information Act 2000.



SHABBINGTON PARISH COUNCIL STANDING ORDERS

Access to Information Arrangements

Access to meetings:

The public and press are entitled to attend any meeting of the council or any committee unless excluded by formal resolution in relation to any matter of business.

Notice of all meetings and agenda for meetings will be placed at least three clear days before the meeting. Agenda for meetings will also be put on the parish council website.

The public may put questions and/or make comments to meetings of the parish council in accordance with Standing Orders as follows;

The taking of photographs and video and sound recording by any person at any meeting may only be done with the permission of the council or committee which will not be unreasonably withheld.

Access to documents:

A reasonable number of copies of agendas shall be available from the Clerk for the public attending meetings.

Minutes of meetings shall be available free to the public on application to the Clerk (bulk and multiple applications may be subject to a copying charge).

Agreed minutes shall be available from the Parish Clerk on request, provided free of charge, and on the parish council's website.

A reasonable number of open reports submitted to meetings of the council and committees shall be available from the Clerk for the public attending meetings.

Open reports may subsequently be obtained by the public on application to the Clerk (a copying charge may be applied).

Applications under the Freedom of Information Act should be addressed to the Clerk.

Applications for personal information under the Data Protection Act 1998 should be addressed to the Clerk.