
LOCKING PARISH COUNCIL STANDING ORDERS

**Re-Adopted 6th October
2018**

LOCKING PARISH COUNCIL STANDING ORDERS

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**LOCKING PARISH COUNCIL
STANDING ORDERS**

Re-Adopted 6th October 2018

Throughout the members' Handbook, wherever reference is made to 'he' or 'him' it should be interpreted as meaning 'he' or 'she, 'him' or 'her' as appropriate.

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.

The Risk Assessment systems prescribed by the Risk Assessment form held by the Clerk is to be considered an integral part of standing orders except where its provisions are specifically varied by these standing orders.

1. MEETINGS

- (1) Meetings of the Council, its committees and their sub-committees, shall normally be held at Locking Village Hall at 7.30pm, unless the Council has decided otherwise at a previous meeting, and shall be open to the public except as provided at 1.(6) Meetings should conclude by 9.30 PM.
- (2) Mobile phones must be switched off.
- (3) Smoking is not permitted at any meeting of the Council, its committees or sub-committees.
- (4) **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- (5) **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- (6) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- (7) **The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- (8) **An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting, shall be recorded in the minutes.**

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- (9) A motion 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.
- (10) Subject to Standing Order 1 (6) above, members of the public are entitled to speak once, and are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- (11) The period of time (which is at the Chairman's discretion) or which is designated for public participation in accordance with Standing Order 1(6) or 1(10) above, shall not exceed five minutes for any one person and such member of the public may only speak once unless invited by the Chairman to speak again.
- (12) In accordance with Standing Order 1 (10) above, a question asked by a member of the public during a public participation at a meeting shall not require a response or debate.
- (13) In accordance with Standing Order 1(12) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.
- (14) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- (15) A member of the public shall raise a hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- (16) Any member of the public speaking at a meeting shall address his comments to the Chairman.
- (17) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- (18) **Subject to any other Standing Orders which indicate otherwise, all questions at a meeting shall be decided by a majority of councillors present and voting thereon.**
- (19) **Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- (20) **The minutes of a meeting shall record the names of councillors present.**

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- (21) A summons to attend a meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post or email to the usual place of residence of every member of the council.

2. THE STATUTORY ANNUAL MEETING:

- (a) **In an election year, the annual meeting of the Council shall be held on a Thursday within 14 days following the day on which the new councillors elected, take office.**
OR
- (b) **In a year which is not an election year, it shall be held on the first Thursday in May.**
- (c) **If no other time is fixed, the annual meeting of the Council shall be held at 7:30pm.**

The THREE other statutory and additional meetings shall be held on the first Thursday of months equally spaced throughout the year.

3. CHAIRMAN OF MEETING

- (a) **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**
- (b) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- (c) **Subject to any standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- (d) **The Chairman of the Council and the committees of the Council shall be in term for 3 years (and no more than 4) and unless they step down, the Vice-Chair shall take over. In the year at the end of which the Chairman is due to step down, the Vice-Chairman shall understudy the Chairman.**

4. PROPER OFFICERS

The Council shall be responsible for:

Defining the job specification of the Clerk and/or proper officer

Appointing the Clerk or proper officer

The Council's Proper Officer shall be either (1) the clerk or such other employee as may be nominated by the Council from time to time or (2) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act

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as such during the Proper officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

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.52 below*)

The Council's Proper Officer shall do the following:-

- (a) Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting, it may electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting, provided any such email contains the electronic signature and title of the Proper Officer.**
- (b) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee. Always provided that the public notice with agenda of an extraordinary meeting of the Council by councillors is signed by them.**
- (c) Subject to standing orders 16 below, include in the agenda all motions in the order received unless a Councillor has given written notice at least 3 days before the meeting, confirming his withdrawal of it.
- (d) Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order (4) (b) above**
- (e) Make available for inspection the minutes of the meetings.
- (f) Receive and retain copies of byelaws made by other local authorities**
- (g) Receive and retain declarations of acceptance of office from Councillors**
- (h) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection
- (i) Keep proper records required before and after meetings
- (j) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same – see Section 8 (r).
- (k) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

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- (l) Manage the organisation, storage of and access to information held by the Council in paper and/or electronic form.
- (m) Arrange for legal deeds to be signed by two councillors and witnessed.**
(See Section 30).
- (n) Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- (o) Record every planning application notified to the Council and the Council's response to the local planning authority in a record for such purpose.
- (p) Refer a planning application received by the Council to the Chairman (or in his absence the Vice-Chairman) of the Council or relevant Committee as appropriate within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next meeting of the Council or Committee as appropriate..
- (q) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

5. QUORUM

- (a) One-third of the whole number of the members of the Council must be present. In no case shall the quorum of a meeting be less than FIVE members.**
- (b) If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned.
- (c) Subject to model standing orders (6) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- (d) If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

6. CODE OF CONDUCT

- (a) All Councillors shall observe the Code of Conduct adopted by the Council.**
- (b) All councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.

- (c) **Councillors may exercise rights where members of the public are permitted to do so under Standing Orders.**
- (d) **Councillors with a prejudicial interest (see Section 26) in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

6.1 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- (a) On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer shall refer it to the Appeals Committee.
- (b) Where the notification relates to a complaint made by the proper officer, he shall notify the chairman of the Appeals Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the proper officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- (c) Where a notification relates to a complaint made by an employee (not being the proper officer), the proper officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- (d) The subject of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the proper officer and the chairman of the Appeals Committee shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - (i) Draft the summonses and agendas in such a way that the identity and subject matter of complaint are not disclosed.
 - (ii) Ensure that any background papers containing the information set out in standing order 6.1(a) above are not made public.
 - (iii) Ensure that the public and press are excluded from meetings as appropriate.
 - (iv) Ensure that the minutes of meetings preserve confidentiality.
 - (v) Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- (e) Standing Order 6A(d) above should not be taken to prohibit the Council (whether through the proper officer or the chairman of the Appeals Committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- (f) The Appeals Committee shall have the power to:
 - (i) Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter.
Seek and share information relevant to the complaint.

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- (ii) Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.

References in standing order 8A to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a councillor.

7. VOTING

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.

- (1) Subject to (2) and (3) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.**
- (2) If the person presiding at the Annual Meeting would have ceased to be a member of the Council, but for statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
- (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**
- (4) Where, immediately after a vote has been taken at a meeting of the Council / Committee / sub-Committee, any Member present so requests that their vote be recorded, their vote shall be registered in the minutes.

8. ORDER OF BUSINESS – ANNUAL MEETING

(In an election year Councillors should execute Declaration of Acceptance of Office in each other's presence, or in the presence of a Proper Officer previously authorized by the Council to take such declaration, before the Annual Meeting commences.)

- 8.1 The Chairman of the Council, unless he has resigned or become disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes. When the current Chairman has been re-elected as a member of the Council he may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

8.2 At each Annual Meeting the first business shall be:

- (a) To elect a Chairman.
- (b) To receive the Chairman's Declaration of Acceptance of Office or, if not then received, to decide when it shall be received.

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- (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, which have not been received as provided by law, shall be received.**
- (e) To elect a Vice-Chairman.
- (f) Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- (g) Review of the Terms of Reference for committees.
- (h) Receipt of nominations to existing committees.
- (i) Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- (j) Review and adoption of appropriate standing orders and financial regulations.
- (k) Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- (l) Review of representation on or work with external and arrangements for reporting back
- (m) In a year of elections, if a Council's period of eligibility to exercise the power of well being expired before the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- (n) Review of inventory of land and assets including buildings and office equipment.
- (o) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- (p) Review of the Council's and/or employees memberships of other bodies.
- (q) Establishing or reviewing the Council's complaints procedure.
- (r) Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 – see Section 4, Proper Officer.
- (s) Establishing or reviewing the Council's policy for dealing with the press/media.
- (t) Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

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- (u) To consider the payment of any subscriptions falling to be paid annually.
 - (v) To inspect any deeds and trust instruments in the custody of the Council, and shall thereafter follow the order set out in Standing Order No.14 below.
- 8.3 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.**
- 8.4. 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 (*See Standing Order No.52 below*).
- 8.5. 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 a copy has been circulated to each member not later than the day of the 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 communication as the person presiding may wish to lay before the Council.
 - (f) To receive and consider reports and minutes of Committees.
 - (g) To receive and consider reports from Officers of the Council.
 - (h) To authorize the signing of documents
 - (i) To authorize the signing of orders for payment.
 - (j) To consider motions or recommendations in the order in which they have been notified.
 - (k) Any other business specified in the summons. The summons to a meeting of the Council must by law specify the business to be transacted: the Council cannot legally decide to take any action under the general heading "any other business" because these words do not specify any item of business. The rule prevents the Council deciding any business, which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information

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under "A.O.B." or the giving of a preliminary notification of important business for next time.

- (l) The minutes of a meeting shall record the names of Councillors present and absent.

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

- (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) shall be put to the vote without discussion.

9. MOTIONS MOVED ON NOTICE

- (a) Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least **THREE** clear days before the next meeting of the Council.
- (b) The Clerk may, before including a motion in the agenda received in accordance with standing order 9 (a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- (c) If the clerk considers the wording of a motion received in accordance with standing order 16 (a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the clerk in clear and certain language at least three days before the meeting.
- (d) If the wording or nature of a proposed motion is considered unlawful or improper, the clerk shall consult with the chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- (e) Having consulted the Chairman or Councillors pursuant to standing order 9 (d) above, the decision of the clerk as to whether or not to include the motion in the agenda shall be final.
- (f) The Clerk shall date every Notice of Motion or Recommendations when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- (g) 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.
- (h) If a motion 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

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postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

- (i) If the subject matter of a motion 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 Chairman, 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.
- (j) Every motion or recommendation shall be relevant to some subject over which the Council has power or which affects its area.
- (k) Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the clerk giving reasons for its rejection in a book for that purpose, which shall be open to inspection by Councillors.

10. MOTIONS MOVED WITHOUT NOTICE

Motions dealing with the following matters may be moved without notice:

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes of the previous meeting.
- (c) To approve the Minutes of the previous meeting.
- (d) To alter the order of business.
- (e) To dispose of any business remaining from the last meeting
- (f) To alter the order of business on the agenda for reasons of urgency or expedience.
- (g) To proceed to the next business.
- (h) To close or adjourn the debate.
- (i) To refer by formal delegation a matter to a Committee or to a sub-committee or an employee.
- (j) To appoint a Committee, a sub-committee, and/or any members thereof.
- (k) To adopt a report.
- (l) To authorize the sealing of documents.
- (m) To amend a motion
- (n) To give leave to withdraw a motion or an amendment.
- (o) To dissolve a committee
- (p) To extend the time limit for speeches.
- (q) To exclude the public. *(See Standing Order No.34 below)*
- (r) To silence or eject from the meeting a member named for misconduct. *(See Standing Order No.15 below)*
- (s) To invite a member having an interest in the subject matter under debate to remain. *(See Standing Orders No.26a and 26.2 below)*
- (t) To give the consent of the Council where such consent is required by these Standing Orders.
- (u) To suspend any Standing Order except those which are mandatory by law.**
- (v) To note the minutes of a meeting of a committee or sub-committee.
- (w) To consider a report and/or recommendations made by a committee or sub-committee.

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- (x) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- (y) To authorise the payment of monies in accordance with the Financial Regulations.
- (z) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- (aa) To give the consent of Council if such consent is required by standing orders.
- (bb) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- (cc) To answer questions from Councillors.
- (dd) To close or adjourn the meeting.

10.1 If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

11 QUESTIONS

- (a) A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- (b) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- (c) Every question shall be put and answered without discussion.
- (d) A person to whom a question has been put may decline to answer.
- (e) A Councillor may seek an answer to a question concerning any business of the Council provided three clear days' notice of the question has been given to the clerk.

12. RULES OF DEBATE

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.

- (1) Subject to standing orders 9 (a – e), a motion or amendment shall not be discussed unless it has been proposed and seconded.
- (2) A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (3) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (4) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

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- (5) A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- (6) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been recorded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- (7) A councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- (8) An amendment shall be either:
 - (a) To leave words out.
 - (b) To leave words out and insert or add others.
 - (c) To insert or add words.
- (9) A proposed or carried amendment to a motion shall not have the effect of rescinding or negating the original or substantive motion under consideration.
- (10) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (11) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

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

- (12) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood.
- (13) A motion or amendment may be withdrawn by the proposer with the consent of the seconder and 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.
- (14) When a motion is under debate no other motion shall be moved except the following:
 - (a) To amend the motion.
 - (b) To proceed to the next business.
 - (c) To adjourn the debate.
 - (d) That the question now be put.
 - (e) That a member named be not further heard.
 - (f) That a member named does leave the meeting.

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- (g) That the motion be referred to a Committee.
- (h) To exclude the public and press.
- (i) To adjourn the meeting.
- (j) To ask a person to be silent
- (k) To suspend any standing order, except those which are mandatory

(15) Members shall raise their hand if they wish to speak.

(16) (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.

(c) If two or more members raise their hands to speak, the Chairman shall call upon one of them to speak and the other/s shall remain silent until called to speak.

(d) Whenever the Chairman rises during a debate all other members present shall be silent.

(17) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

Subject to Standing Order 12 (17) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted on separately. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding five minutes.

Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of the debate and immediately before it is put to the vote.

During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting which he is concerned by.

A point of order shall be decided by the Chairman and his decision shall be final.

13. CLOSURE

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 a motion is seconded the Chairman shall put the motion but, in the case of a motion “to put the question”, only if he 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 shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the 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.)

14. MINUTES

- (a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- (b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing orders.
- (c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- (e) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph to that effect.
- (f) **All Minutes kept by the Council and by any Committee shall be open for the inspection by any member of the Council.**

15. DISORDERLY CONDUCT

- (1) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct the transaction of business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (2) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (1) 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.
- (3) If either of the motions mentioned in (2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them

16. RIGHT OF REPLY

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

17. RESCISSION OF PREVIOUS RESOLUTION

- (1) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written

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notice whereof bears the names of at least **EIGHT** members of the Council, or by a motion moved in the pursuance of the report or recommendation of a Committee.

- (2) When a special motion or any other motion moved under the provisions of paragraph (1) of this Order has been disposed of, no similar motion shall be moved within a further six months.

18. VOTING ON APPOINTMENTS

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. Any tie may be settled by the Chairman's casting vote.

19. LEGAL

- (1) When necessary, the Council shall appoint its own solicitor.
- (2) The Council shall take legal action in relation to criminal damage
- (3) Only the Council shall have the power to purchase, or dispose, land or buildings.
- (4) Making of Bye-laws
- (5) Making of application for planning or building consent.
- (6) Appointing and instructing representatives (including professional, if needed) for all types of planning appeals.

20. AUTHORISATION AND EXECUTION OF LEGAL DEEDS

- (1) A document shall not be signed on behalf of the Council unless its signing has been authorized by a resolution made under standing order.
- (2) **In accordance with a resolution made under standing order 20 (1) above, any TWO members of the Council named in a resolution may sign, on behalf of the Council, any deed or document required by law and the proper officer shall witness their signatures.**

21. COMMITTEES AND SUB-COMMITTEES

The Council shall at its Annual Meeting appoint Standing Committees (See Supplementary Provisions 2.2), and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf: It shall determine the number of persons to serve on the Standing Committees and shall draw up/review their Terms of Reference.

EXECUTIVE POWERS

Only the Standing Committees shall have executive powers.

All Sub-Committees, Ad Hoc Committees and Working Parties shall be advisory only.

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The Council shall:

- a) not appoint any member of a Committee so as to hold office later than the next Annual Meeting.
- b) May appoint persons other than members of the Council to any Committee: and
- (c) May subject to the provisions of Standing Order No. 26 above, at any time dissolve or alter the membership of a Committee.
- (b) Shall determine their terms of reference
- (e) May permit committees to determine the dates of their meetings.
- (2) The Chairman and Vice-Chairman ex-officio shall be members of every Committee, part of the quorum, and may vote.
- (3) 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 Committee, and shall settle its programme of meetings for the year.
- (4) If after TWO meetings of a Committee it fails to appoint a Chairman, then the Committee should be disbanded and its responsibilities should revert to the full Council.
- (5) 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.
- (6) Every Committee may appoint Sub-Committees for the purposes to be specified by the Committee.
- (7) 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 or three members, whichever is the larger.
- (8) The Standing Orders on rules of debate and on interests of members in contracts and other matters shall apply to Committee and Sub-Committee meetings.
- (9) The Council may, in accordance with standing orders, dissolve a committee at anytime
- (10) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
- (11) The Council shall appoint and determine the term of office of councillor or non-

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Councillor. Members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting.

- (12) The Council may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the clerk three working days before the meeting that they are unable to attend.
- (13) An ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 21 (12) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.
- (14) In committees or sub-committees, a quorum must be one third of the total members of that committee, but not less than THREE members.

22. SUB-COMMITTEES

The Council/Committees shall draw up Terms of Reference for each Sub-Committee, this shall include membership.

23. ADVISORY AND AD-HOC COMMITTEES

The Council/Standing Committees may set up, with terms of reference, any ad-hoc committee they deem necessary.

These shall report in writing to the appointing body.

These reports should be circulated with Agendas. If this is not possible these should be in the hands of members at least 24 hours before the relevant meeting.

- (1) There shall be advisory Committees, whose name, and number of members, and the bodies to be invited to nominate members, shall be as follows:

<i>Name</i>	<i>Number of Members</i>	<i>Nominating Bodies</i>
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- (2) The clerk shall inform the members of each Advisory Committee of the Terms of Reference of the Committee.
- (3) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- (4) An Advisory Committee may make recommendations and give notice thereof to the Council.
- (5) An Advisory Committee may consist wholly of persons who are not members of the Council.
- (6) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

24 VOTING IN COMMITTEES

- (a) Members of Committees and Sub-Committees entitled to vote shall vote by a show of hands or, if at least TWO members so request, by signed ballot.
- (b) Chairmen of Committees and Sub-Committees shall in the case of equality of votes have a second or casting vote. Ex-officio members may make up a quorum and vote.

25. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

A member who has proposed a motion, which has been referred to any Committee of which he is not a member, may explain his motion to the Committee but shall not vote.

26. INTERESTS

If any member has any personal or prejudicial interest within the meaning of the 'Code of Conduct' (Section 3 of the Corporate Policy), they shall, while the matter is under consideration by the Council, withdraw from the meeting:- Unless

- (a) They have obtained a dispensation from the Monitoring Officer of the District Council
Or
- (b) the matter is under consideration as part of the report of a Committee and is not itself the subject of debate;
Or
- (c) they are invited to remain by the Council, they shall however, relinquish all voting rights.

26.1 The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of any personal or prejudicial interest as defined by the Council's Code of Conduct. The book shall be open during reasonable hours of the day for the inspection of any member.

26.2 If any member has a personal or prejudicial interest within the ambit of the National Code of Local Government Conduct, he shall declare it and thereupon withdraw from the meeting unless invited to remain by the meeting.

26.3 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he 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 or to the appropriate Committee any such disclosure. Where relationship to a member is disclosed Standing Order No.38 shall apply.

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

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27. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- (1) Canvassing of members of the Council or of any Committee, directly or indirectly, for any appointment to or by the Council shall disqualify the candidate from such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (2) A member of the Council or of any Committee or sub-committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or 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.

27.1 Standing Orders No. 26 shall apply to tenders as if the person making the tender were a candidate for an appointment.

28. INSPECTION OF DOCUMENTS

Subject to standing orders to the contrary or in respect of matters which are confidential, a member may for the purpose of his duty as such (but not otherwise), inspect any minutes or document in the possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

29. UNAUTHORIZED ACTIVITIES

No member of the Council or of any Committee or Sub-Committee shall in the name of or on behalf of the Council:

- (a) inspect any lands or premises which the Council has a right or duty to inspect;
or
- (b) issue orders, instructions or directions unless authorized to do so by the Council or the relevant Committee or Sub-Committee.

30. ADMISSION OF THE PUBLIC OR PRESS TO MEETINGS

- (a) **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 resolution:

"That in 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."

(Notes: The special reasons should be stated. Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public. If a person's advice or assistance is needed they may be invited by name to remain after the exclusion resolution is passed.)

- (b) The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
- (c) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the member of the public be removed from the Council Chamber.
- (d) Public admission will be in accordance with Standing Order 1(6) and Standing Orders 1 (10 to 17)**

31. COMMUNICATIONS AND RELATIONS WITH THE PRESS OR OTHER MEDIA

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- (b) In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles for the press or other media.
- (c) All communications, including to the media and other publications, shall be through the Clerk (or the Chairman in the Clerk's absence). The Clerk shall act only on the decisions of the Council and/or its Committees and shall communicate all decisions in writing or e-mail (where practicable) unless specifically authorised otherwise by the
 - (d) Council or the relevant Committee.
- (e) In an emergency where instructions have been given by a Chairman/Vice-Chairman of the Council/Committees they shall be ratified at the next meeting of the Council/Committees.
- (f) It is the responsibility of the Chairmen of the Village Hall/Park Committee and the Estates Committee to liaise regularly with the Clerk to ensure that the Council's requirements are fully met.

32. FREEDOM OF INFORMATION ACT 2000

- (a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- (b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the clerk to the chairman of the Council or the relevant committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the clerk in respect of Freedom of Information requests set out under standing orders.

33. COMPLAINTS BY THE PUBLIC

1. Locking Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If anyone is dissatisfied with the standard of service they have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how they may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with their concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. Complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - 3.2. Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council in 2008 and, if a
 - 3.3. Complaint against a councillor is received by the council, it will be referred to the Monitor Officer at North Somerset Council.
4. The appropriate time for influencing Council decision-making is by raising concerns before the Council debates and votes on a matter. Any member of the Council may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise their concerns in the public participation section of Council meetings. If they are unhappy with a Council decision, they may raise their concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. A member of the public may make a complaint about the council's procedures or administration to the Clerk. They may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will try to resolve their complaint immediately. If this is not possible, the Clerk will normally try to acknowledge their complaint within five working days.
7. If any person does not wish to report their complaint to the Clerk, they may make their complaint directly to the Chairman of the Council who will report their complaint to the Complaints Committee of the Council North Somerset Council or to the Council (as appropriate).
8. The Clerk or the Complaints Committee of the Council or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from the complainant and/or from staff or members of the Council.
9. The Clerk or the Chairman of the Council will notify any complainant within 20 working days of the outcome of their complaint and of what action (if any) the Council proposes to take as a result of their complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, the complainant will be kept informed.)

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10. If they are dissatisfied with the response to their complaint, they may ask for their complaint to be referred to the Complaints Committee of the Parish Council or to the full Council (as appropriate) and (usually within eight weeks) they will be notified in writing of the outcome of the review of the original complaint.

34. CONFIDENTIAL BUSINESS

- (1) No member of the Council or 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.
- (2) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature
- (3) Any member in breach of the provisions of paragraph (1) or (2) of this Standing Order may be removed from any Committee or Sub-Committee of the Council by a resolution of the Council.

35. LIAISON WITH NORTH SOMERSET COUNCILLORS

- (a) Notices of meetings shall be sent together with an invitation to attend to the two North Somerset Councillors for the Hutton and Locking Wards, and to the beat PC for this area.
- (b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the North Somerset Council shall be transmitted to the North Somerset Councillors for the ward as the case may require.

36. MATTERS AFFECTING COUNCIL EMPLOYEES

This section is subject to any provisions of standing order 6.

- (a) If a meeting considers any matter personal to a Council employee, or potential employee, it shall not be considered until the Council or the relevant committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to standing orders.
- (b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the chairman, or in his absence the vice-chairman, of the relevant committee or sub-committee, of any absence occasioned by illness or urgency and that person shall report such absence to the relevant committee at its next meeting.
- (c) The chairman, or in his absence the vice-chairman of the Council, shall annually in December, or upon a resolution, conduct a review of the performance and/or appraisal of the Clerk/RFO employee and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council. The Chairman or vice-chairman of the standing committees shall carry out similar appraisals of any other employees whose work falls within their remit.

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- (d) Subject to the Council's policy regarding handling of grievance matters, the Council's most senior employee, or in his absence another employee, shall contact the chairman or in his absence the vice-chairman, of the relevant committee or sub-committee in respect of an informal grievance matter. This shall be reported back and progressed by resolution of that committee.
- (e) Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the chairman or vice-chairman of the relevant committee, this shall be communicated to another member of the relevant committee, which shall be reported back and progressed by resolution of that committee or sub-committee.
- (f) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance and capabilities, grievance and disciplinary matters.
- (g) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- (h) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- (i) Only persons with line management responsibilities shall have access to employee records referred to in standing orders (g) and (h) above if so justified.
- (j) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders (g) and (h) above shall be provided only to the clerk and/or the chairman of the Council and/or the chairman of the relevant committee or sub-committee.

37. PLANNING APPLICATIONS

- (1) The Clerk shall, as soon as it is received, enter in a record kept for the purpose the following particulars of every planning application notified to the Council:
 - (a) the date on which it was received;
 - (b) the name of the applicant;
 - (c) the place to which it relates;
 - (d) a summary of the nature of the application.
- (2) The Clerk shall refer every planning application to the Chairman or in the Chairman's absence to the Vice-Chairman within 48 hours of receiving the application.

- (3) The Council shall make its views on all planning matters known in writing to the appropriate authority

38. STANDING ORDER ON CONTRACTS

Covered under Financial Regulation No.11

The Council or an authorised committee or working group shall re-negotiate, if necessary, the terms of the street lighting maintenance contract and any other matters relevant to the street lights owned by the Council. The results of any such re-negotiation shall be reported back and approved by the Council.

39. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- (a) 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.
- (b) A motion to add, vary, or revoke one or more of the Council's Standing Orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least three councillors.

40. STANDING ORDERS TO BE GIVEN TO COUNCILLORS

- (a) **A copy of these Standing Orders shall be given to each new Member by the Clerk, upon delivery to him of the Member's Declaration of Acceptance of Office.**
- (b) **The Chairman's decisions to the application of Standing Orders at meetings shall be final.**
- (c) **A councillor's failure to observe Standing Orders more than three times in one meeting may result in him being excluded from the meeting in accordance with Standing Orders.**

41. RETENTION AND DISPOSAL OF DOCUMENTS

See Section 8 of the Corporate Policy (Briefings/Topic Notes).