

**MILTON ABBOT GROUPEd PARISH COUNCIL**  
(Parishes of Milton Abbot, Dunterton and Bradstone)

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**STANDING ORDERS**

Based on NALC Recommendations 1999

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## **MEETINGS**

1. Meetings of the Council shall be held at 1930 hrs unless the Council otherwise decides at a previous meeting.
2. **The Statutory Annual Meeting (a) 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 (b) in a year which is not an election year shall be held on the 2nd Thursday in May.**
3. **The other statutory meetings shall be held in the months of JULY, SEPTEMBER, NOVEMBER, JANUARY and MARCH.**

## **CHAIRMAN OF MEETINGS**

4. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

## **PROPER OFFICER**

5. Where a statute, regulation or order functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk:
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing pecuniary interests.
  - (c) To receive and retain plans and documents.
  - (d) To sign notices or other documents on behalf of the Council.
  - (e) To receive copies of byelaws made by a District Council.
  - (f) To certify copies of byelaws made by the Council.

(g) To sign summonses to attend meetings of the Council.

## **QUORUM**

6. THREE members shall constitute a quorum.
7. 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 such other as the Chairman may fix.

## **VOTING**

8. Members shall vote by show of hands, or, if at least two members so request by ballot
9. **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.**
10. **(a) Subject to (b) &(c) 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.**  
**(b) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and vice chairman until the end of their term of office he may not give an original vote in an election for Chairman.**  
**(c) The person presiding must give a casting vote when ever there is an equality of votes in an election for Chairman.**

## ORDER OF BUSINESS

*(In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)*

**11. At each Annual General 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.**

**(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 which have not been received as provided by law shall be received.**

**(e) To elect a Vice Chairman.**

**(f) To appoint an Responsible Finance Officer.**

**(g) To appoint representatives to external bodies.**

**(h) To appoint committees.**

**12. At every meeting other than the AGM the first business shall be to appoint a Chairman if the Chairman and Vice Chairman are 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.**

13. In every year not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees (*see Standing Order 26, below*).
14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency shall be as follows:-
  - (a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - (b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - (c) To deal with business expressly required by statute to be done.**
  - (d) To follow a standard agenda to include, matters arising, correspondence, financial matters, planning matters and items requiring urgent attention.
15. A motion to vary the order of business on the grounds of urgency may be proposed by the Chairman or by any other member and, if proposed by the Chairman, may be put to the vote without being seconded.

## **RESOLUTIONS MOVED ON NOTICE**

16. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least FIVE (5) clear days before the next meeting of the Council.
17. Every resolution or recommendation shall be relevant to

some subject which the Council has power or which affects its area.

## **RESOLUTIONS MOVED WITHOUT NOTICE**

18. Resolutions dealing with the following matters may be moved without notice:-
- (a) To appoint a Chairman of the meeting.
  - (b) To correct the minutes.
  - (c) To approve the minutes.
  - (d) To alter the order of business.
  - (e) To proceed to the next business.
  - (g) To refer a matter to a committee.
  - (h) To appoint a committee or any members thereof. (i) To adopt a report.
  - (j) To amend a motion.
  - (k) To give leave to withdraw a resolution or an amendment.
  - (l) To extend the time limit for speeches.
  - (m) To exclude the Public. (See No 44)
  - (n) To silence or eject from the meeting a member named for misconduct. (See No 22)
  - (o) To invite a member having an interest in the subject matter under debate to remain. (See No 35)
  - (p) To give the consent of the Council where such consent is required by these Standing Orders.

- (q) To suspend any Standing Order. ( See No 51)
- (r) To adjourn the meeting.

## **RULES OF DEBATE**

- 19. 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.
- 20.
  - (a) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - (b) An amendment shall not have the effect of negating the resolution before the Council.
  - (c) If an amendment be carried the resolution, as amended shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - (d) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (e) A motion or amendment may be withdrawn by the proposer with the consent of Council, which shall be signified without discussion.
  - (f) When a resolution is under debate no other resolution shall be moved except the following:-
    - (i) To amend the resolution
    - (ii) To proceed to the next business
    - (iii) To adjourn the debate
    - (iv) That the question be now put.

- (v) That a member named be not further heard
  - (vi) That a member named do leave the meeting
  - (vii) That the resolution be referred to a committee.
  - (viii) To exclude the public and press
  - (ix) To adjourn the meeting.
21. (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 rise, the Chairman shall call upon one of them to speak and the others resume their seats.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

## **DISORDERLY CONDUCT**

22. (a) No member shall at a meeting persistently disregard the ruling of the chairman, wilfully obstruct business or behave irregularly, offensively or improperly or in such a manner as to scandalise the Councillor bring it into contempt or ridicule.
- (b) If, in the opinion of the chairman, a member has broken the provisions of paragraph (a) , 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 with our discussion.

- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## **RIGHT OF REPLY**

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

## **ALTERATIONS OF RESOLUTION**

- 24. A member may, without the consent of his seconder, move amendments to his own resolution

## **RESCISSION OF PREVIOUS RESOLUTION**

- 25. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three (3) members of the Council, or by a resolution moved in the pursuance of the report or recommendation of a committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

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

- 26. 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 No 44).

## **RESOLUTIONS ON EXPENDITURE**

27. Any resolution and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

## **EXPENDITURE**

**28. Orders for the payment of money shall be authorised by resolution of the Council and signed by two (2) members.**

## **COMMITTEES AND SUB COMMITTEES.**

29. The Council may at its Annual Meeting appoint standing committees and at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- (b) may appoint persons other than members of the Council to any committee; and
- (c) may subject to the provisions of No 25 above at any time dissolve or alter the membership of a committee.

30. 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.

## **VOTING IN COMMITTEES**

31. Chairman of committees and sub committees shall in the case of an equality of votes have a second or casting vote.

## **ACCOUNTS AND FINANCIAL STATEMENT**

32. (a) Except as provided in paragraph (b) of this standing order or by statute, all accounts for payment and claims upon Council shall be laid before Council.
- (b) Where it is necessary to make payment before it has been authorised by Council, such payment shall be verified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chairman or Vice Chairman of the Council.
- (c) All payments ratified under sub- paragraph (b) of this Standing order shall be separately included in the next schedule of payments laid before Council.
33. The Clerk shall supply to each member at the ordinary meeting next after the end of the financial year a statement of receipts and payments.

## **ESTIMATES**

34. (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of November.
- (b) Any committee desiring to incur expenditure shall, not later than November give to the Clerk a written estimate of the expenditure recommended for the coming year.

## **INTERESTS**

35. If any member has any pecuniary interest direct or indirect, within the meanings of sections 94 - 95 of the local Government Act 1972, in any contract proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) or:-
- (a) The disability imposed upon him by those sections has been removed by the District Council; or
  - (b) The Council invite him to remain; or
  - (c) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
36. The Clerk shall record in the Minute book particulars of any notice given by a member or any officer of the Council of a pecuniary interest in a contract .
37. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall declare it and thereupon be invited to withdraw from the meeting.
38. If a candidate for any appointment under the Council is to his knowledge related to any of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship to the Clerk. A candidate who fails to so to do shall be disqualified for such an 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 37 shall apply.

## **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

39. (a) Canvassing of members of the Council or of any

committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such an appointment. The Clerk shall make known the purport of this sub-paragraph of this standing order to every candidate.

- (b) A member of the Councillor or any committee shall not solicit for any person any appointment under the Council or recommend any person for such an appointment or for promotion; but, . nevertheless, any such member may give a written testimonial of a candidates ability, experience or character for submission to the Council with an application for appointment.
40. Standing Orders 38 and 39 shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### INSPECTION OF DOCUMENTS

41. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the purpose with a copy.
- 42. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**
43. No member of the Council or any committee or sub committee shall be 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 order, instructions or directions unless authorised to do so by Council or the relevant committee or sub committee.

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

- 44. The public shall be admitted to all meetings of the Council and its committees which may, however temporarily exclude the public.**
- 45. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
46. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

## **CONFIDENTIAL BUSINESS**

47. (a) 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.
- (b) Any member in breach of the previous paragraph (a) of this standing order shall be removed from any committee or sub committee of the Council by the Council.

## **PLANNING APPLICATIONS**

48. (a) The Clerk shall record particulars of every planning application notified to the Council.
- (b) The Clerk shall refer every planning application to the Planning Sub-Committee, which shall consist of the Members for the Ward the application relates to.

## **STANDING ORDERS ON CONTRACTS**

49. (a) Neither the Council or sub committees are bound to accept the lowest tender.

- (b) If no tenders are received or if all tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it sees fit.
- (c) A notice issued under this standing order shall contain a statement of the effect of orders 38, 39, 40.

## **CODE OF CONDUCT ON COMPLAINTS**

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

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

- 51. 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.
- 52. A resolution permanently to add, vary, or revoke a standing order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

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

- 53. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.



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