

FRESHWATER PARISH COUNCIL

STANDING ORDERS

1 MEETINGS

- 1.1 Ordinary meetings of the Council shall be held immediately after the planning meeting but not before 7 pm on the first Tuesday of every month, unless the Council otherwise decides at a previous meeting.
- 1.2 The Annual Meeting (a) in an election year shall be held on the fourth day after the day of the election or within fourteen days thereafter; and (b) in a year, which is not an election year, shall be held on any day in May.
- 1.3 At least three other statutory meetings shall be held.

2 CHAIRMAN OF MEETING

- 2.1 The person presiding at a meeting may exercise all powers and duties of the Chairman in relation to the conduct of the meeting.
- 2.2 At all meetings of the council, the Chairman may at his/her discretion, and at a convenient time in the transaction of the business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council in 2000 and revised July 2012 shall apply to members of the council in respect of the entire meeting. Where, however, members of the council exercise their rights pursuant to Standing Order 2.3 below, members of the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
- 2.3 At all meetings of the Council, the Chairman may permit members of the council (including co-opted members as defined by s.49(7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council in 2000 and revised July 2012, shall apply to members of the council in respect of the entire meeting.

3 MAXIMUM TERM OF OFFICE OF PARISH COUNCIL CHAIRMAN

- 3.1 The office of Parish Council Chairman shall not be held by the same Councillor for more than two consecutive years.

4 PROPER OFFICER

- 4.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he or she shall be the Clerk:
- 4.1.1 To receive declarations of acceptance of office.
 - 4.1.2 To receive and record notices disclosing pecuniary interests.
 - 4.1.3 To receive and retain plans and documents.
 - 4.1.4 To sign notices and other documents on behalf of the Council.
 - 4.1.5 To receive copies of bye-laws made by an Isle of Wight Council.
 - 4.1.6 To certify copies of bye-laws made by the Council.
 - 4.1.7 To sign summonses to attend meetings of the Council.
- 4.2 In any other case, the proper officer shall be the person nominated by the Council and in default of nominations, the Clerk.

5 QUORUM

- 5.1 Four Members shall constitute a Quorum.
- 5.2 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 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 VOTING

- 6.1 Members shall vote by show of hands or, if at least four Members so request, by secret ballot.
- 6.2 If a Member so requires, the Clerk shall record the names of the Members who vote on any question so as to show whether they voted for or against it, such request to be made before the commencement of next business.
- 6.2.1 Subject to (6.2.2) and (6.2.3) 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.
- 6.2.2 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 in office, he/she may not give an original vote in an election for Chairman.
- 6.2.3 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

6.3 No proposer and seconder is required to be recorded, just 'it was resolved'.

7 ORDER OF BUSINESS

(In an election year Councillors should execute Declarations of Acceptance of Office in the presence of the proper officer previously authorised by the Council to take such declaration before the annual general meeting commences.)

7.1 At the Annual Meeting of the Council, the first business shall be:

7.1.1 To elect a Parish Chairman.

7.1.2 To receive the Chairman's Declaration of Acceptance of Office.

7.1.3 To elect a Vice Parish Council Chairman.

7.1.4 To confirm appointment of RFO.

7.1.5 To appoint Representatives and other Associations and/or Committees.

7.1.6. To approve and reaffirm Standing Orders and Financial Regulations.

Thereafter, the Council to follow the order set out in Standing Order 7.4.

7.2 At every meeting other than the Annual Meeting, the first business shall be the appointment of a Chairman if the Chairman and Vice Chairman be absent.

7.3 At least once a year the Council shall review the pay and conditions of service of existing employees.

7.4 At other meetings of the Council, the order of business shall be:

7.4.1 Apologies.

7.4.2 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 and if approved, be signed by the presiding Chairman as a correct record.

7.4.3 Questions from members of the public on items on the Agenda.

7.4.4 Reports / presentations by any other external bodies.

7.4.5 Reports by Isle of Wight County Councillors on items on the Agenda.

7.4.6 To deal with business expressly required by Statute to be done.

7.4.7 To dispose of business if any, remaining from the last meeting.

7.4.8 To receive and consider written reports and minutes of Committees.

- 7.4.9 Any other business which is specified in the summons.
- 7.5 The order of business may be varied at the discretion of the Chairman.
- 7.6 If the business to be transacted at any meeting is not completed within two and a half hours from the commencement of the meeting, such business will stand adjourned to the next meeting.

8 RESOLUTIONS MOVED ON NOTICE

- 8.1 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 Parish Clerk.**
- 8.2 The Parish Clerk shall insert in the summons for every meeting all notices of motion or recommendation received at least 7 clear days before the date of the meeting 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.
- 8.3 If a resolution or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 8.4 Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

9 RESOLUTIONS MOVED WITHOUT NOTICE

- 9.1 Resolutions dealing with the following matters may be moved without notice.
- 9.1.1 To appoint a Chairman of the meeting.
- 9.1.2 To correct the minutes.
- 9.1.3 To approve the minutes.
- 9.1.4 To proceed to the next business.
- 9.1.5 To close or adjourn any debate.
- 9.1.6 To amend a motion.
- 9.1.7 To give leave to withdraw a motion or amendment.
- 9.1.8 To suspend Standing Orders. (Subject to Standing Order 24 below)
- 9.1.9 To exclude the press and/or public. (*See Standing Order 20 below.*)
- 9.1.10 Any item which arises from an item on the Agenda.

- 9.1.11 Any recommendation from a Committee.
- 9.1.12 To refer a matter to a Committee.
- 9.1.13 To appoint a Committee or any Members thereof.
- 9.1.14 To silence or eject from the meeting a Member named for misconduct. (See *Standing Order 12 below.*)

10 RECISION OF A PREVIOUS RESOLUTION

- 10.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least four members of the Council.
- 10.2 Where a special resolution has been disposed of, no similar resolution may be moved within a further six months.

11 CORRECTIONS TO MINUTES

- 11.1 No discussion shall take place upon the minutes except their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.

12 DISORDERLY CONDUCT

- 12.1 No Member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule or to undertake personal attacks.
- 12.2 If in the opinion of the Chairman, a Member has broken the provision of item (12.1) of this Order, the Chairman shall express the 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.
- 12.3 If either of the motions mentioned in item (12.2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

13 VOTING ON APPOINTMENTS

- 13.1 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.

14 DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 14.1 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 and press shall be excluded. (See *Standing Order 20.*)

15 COMMITTEES AND SUB COMMITTEES

- 15.1 The Council may at the Annual General Meeting appoint Standing Committees and at any other time appoint such other Committees as are necessary.
- 15.2 Any Committee of the Parish Council shall consist of the Chairman and Vice Chairman 'ex officio', together with such Members of the Council as shall have been duly elected normally at the Annual General Meeting of the Council and other co-opted members.
- 15.3 Each Committee thus constituted shall at its first meeting following the Annual General Meeting of the Council, elect from among its Members, a Chairman who shall hold office for the ensuing year unless a Chairman has already been elected at the Annual Meeting.
- 15.4 Each Committee will, through its Chairman/spokesman, be responsible to the Parish Council. Reports/Minutes of its proceedings shall be kept, shall be tabled and at each successive meeting of that Committee, shall be submitted for approval and the signature of the Chairman.
- 15.5 Reports/Minutes of each Committee meeting shall be submitted to the next following meeting of the Council for information.
- 15.6 All Members are entitled to attend any Committee meeting, but unless they are Members of such Committee, they may not participate except at the invitation of the Committee Chairman. They may not vote under any circumstances.
- 15.7 The Open Spaces Committee shall have full delegated authority to make decisions on behalf of the Parish Council and the Planning Committee shall have delegated authority to make representations on planning issues. Save as aforesaid committees of the Parish Council will be advisory and able to submit recommendations, but not empowered to take action unless otherwise agreed by the Parish Council.
- 15.8 Every Committee may appoint Sub-Committees for purposes to be specified by that Committee.
- 15.9 The quorum of a Committee or Sub-Committee shall be one third of its Members.
- 15.10 The Standing Orders relating to the Council apply equally to Committees and Sub-Committees.

16 INTERESTS

- 16.1 Members must observe the Code of Conduct.
- 16.2 The Clerk shall record in a book kept for the purpose, particulars of any notice given by any Member or any Officer of the Council of a personal or prejudicial interest and the book shall be open during reasonable hours of the day for the inspection of any Member.
- 16.3 If a candidate for any appointment under the Council is to his knowledge related to any Member or holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so 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 the Member shall be invited to withdraw from the meeting. The Clerk shall make known the purport of this Standing Order to every candidate.

17 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 17.1 Canvassing of Members or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph to every candidate.
- 17.2 A Member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion, but nevertheless, a Member may give a written testimonial for submission to the Council with an application for appointment.
- 17.3 Standing Order numbers (16.3), (17.1) and (17.2) shall apply to tenders as if the person making the tender were a candidate for an appointment.

18 INSPECTION OF DOCUMENTS

- 18.1 A Member may for any 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 like purpose with a copy.
- 18.2 All minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.

19 UNAUTHORISED ACTIVITIES

No Member of the Council or of any Committee or Sub-Committee shall in the name of, or on behalf of the Council, inspect any lands or premises which the Council has a right or duty to inspect, unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

20 ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 20.1 The public and press shall be admitted to all meetings of the Council and its Committees and Sub-Committee, which may however, temporarily exclude the public and press by means of the following resolution, viz:

“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 and press 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.)

- 20.2 The Clerk shall afford the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 20.3 If a Member of the public interrupts the proceedings at any meeting, the Chairman may after warning, order that he/she be removed from the Council Chamber.
- 20.4 Fifteen minutes will be the time set aside to receive statements from the public and any one member of the public shall have three minutes to deliver their statement. This time limit may be varied at the discretion of the Chairman.

21 CONFIDENTIAL BUSINESS

- 21.1 No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council, any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- 21.2 Any Member in breach of the provision of item (21.1) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

22 LIAISON WITH ISLE OF WIGHT COUNCILLORS

- 22.1 A notice of meeting shall be sent to any Isle of Wight Councillor where the Electoral Division which they represent is wholly or partially within the area of the Parish Council.

23 INTERNAL COMPLAINTS

- 23.1 If a Member is aggrieved in any way by the behaviour or comments of another Member they are encouraged to discuss this with the Member concerned outside of a formal meeting of the Parish Council, to see if a mutual understanding can be reached.
- 23.2 In more serious or difficult cases the aggrieved Member may wish to involve the Chairman or Vice Chairman to try to effect a resolution to the issue.

- 23.3 It is accepted that one of the roles of Parish Council Chairman is to help conduct the overall business of the Parish Council in a professional manner. This can on occasion, include the ability on their own initiative to speak to individual Members to try and resolve problems outside of a formal meeting.

24 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 24.1 Standing Orders 5, 6, 7, 8, 9 and 13 may be suspended by resolution in relation to any specific item of business.
- 24.2 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.

25 ACCOUNTS, ESTIMATES, CONTRACTS AND INSURANCE

- 25.1 For all financial matters, please refer to the Parish Council's Financial Regulations.
- 25.2 Legal documents to be signed by Chairman and Clerk and stamped with the Parish Seal.

26 DELEGATION OF AUTHORITY

- 26.1 It is normally expected that decisions taken on behalf of the Parish Council will be made by the whole Parish Council.
- 26.2 However, from time to time there may be a need for an urgent decision to be made before the next meeting of the Parish Council is due to be held. In such circumstances, and following consultation with the Parish Council Chairman, or in their absence, the Vice Chairman, the Parish Clerk is authorised to make decisions on behalf of the Parish Council. Such action is to be reported to the Council at the earliest opportunity for information.

27 DRESS CODE

- 27.1 Councillors are to wear appropriate attire befitting their positions as representatives of parishioners when representing the Parish Council.

28 RULES OF DEBATE

- 28.1 **All debate shall be addressed through the Chairman by raising of hand.**

Only one member may speak at a time, through the Chair.

No discussion shall take place on the minutes of previous meetings except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.

A Member shall, except as provided by these Standing Orders, only be entitled to speak once on any motion or amendment.

A Member shall direct comments to the question under discussion or to a personal explanation or to a point of order.

No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed two minutes except by consent of the Council.

The mover of a resolution shall have the right of reply not exceeding one minute.

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

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

Whenever the Chairman rises to his feet during a debate all other Members shall be seated and silent.

- 28.2 **Closure - A motion of closure** of a debate may be moved at any time but must be proposed and seconded without comment. The Chairman may refuse such motion if he feels that the question before the Council has not been sufficiently debated.

29 LATE ARRIVAL

Cllrs arriving late at a meeting should not join the meeting until the item under discussion is finished.

30 STANDING ORDERS AND FINANCIAL REGULATIONS TO BE GIVEN TO MEMBERS

- 30.1 A copy of these Standing Orders and the Parish Council's Financial Regulations shall be given to each Member by the Clerk upon delivery to him of the Member's declaration of acceptance of office.