

Mobberley Parish Council

Standing Orders

**Approved
by Full Council
10th May 2023**

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STANDING ORDERS for Mobberley Parish Council

1. MEETINGS

- 1.1. Meetings of the council shall be held at The Rajar Building at 19:00 on the first Monday of the month unless the council otherwise decides at a previous meeting.
- 1.2. The Statutory Annual Meeting
 - 1.2.1 In an election year this shall be held within fourteen days after that election.
 - 1.2.2 In a year, which is not an election year, shall be held on any day in May.
- 1.3. Ten additional meetings shall also be held on the first Monday of the month, except in August (unless otherwise agreed).

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.

3. PROPER OFFICER

- 3.1. 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: -
 - 3.1.1. To receive declarations of acceptance of office.
 - 3.1.2. To receive and record notices disclosing pecuniary interests.
 - 3.1.3. To receive and retain plans and documents.
 - 3.1.4. To sign notices and other documents on behalf of the Council.
 - 3.1.5. To receive copies of byelaws made by Cheshire East Council.
 - 3.1.6. To certify copies of byelaws made by Mobberley Parish Council.
 - 3.1.7. To sign summonses to attend meetings of the Council.
- 3.2. In any other case the proper officer shall be the person nominated by the Council and, in default of nominations, the Clerk.

4. QUORUM

- 4.1. The quorum for the Council will be one third of the total Councillor places, but in any case not fewer than 4 (including the Chairman).
- 4.2. 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 declared pecuniary interest, falls below the quorum. The business not transacted at that meeting shall be transacted at the next meeting or on such day as the Chairman may fix.

5. VOTING

- 5.1. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
- 5.2. If a member so requires, the Clerk shall record the names of the members who votes on any question so as to show whether they voted for or against it.
 - 5.2.1. Subject to (5.2.2) and (5.2.3) 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.
 - 5.2.2. 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.

5.2.3. The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

6. ORDER OF BUSINESS

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

6.1. At each Annual Meeting the first business shall be

6.1.1. To elect a Chairman.

6.1.2. To receive the Chairman's declaration of Acceptance of office or, if not received, to decide when it shall be received.

6.1.3. To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.

6.1.4. To elect a Vice-Chairman if appropriate.

6.1.5. To appoint committees and representatives.

6.2. 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

6.3. In every other 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 11 below.*)

6.4. After the first business has been considered, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows: -

6.4.1. 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.

6.4.2. After consideration to approve the signature of the Minutes by the person presiding as a correct record, initialling each page and signing and dating the final page.

6.4.3. To accommodate any Parishioners Comments – 15 minutes maximum

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

6.4.5. To receive and consider reports from officers of the Council.

6.4.6. To deal with business expressly required by statute to be done.

6.4.7. To receive financial report and authorise the signing of orders for payment.

6.4.8. To receive and consider reports and minutes of committee.

6.5. A motion to vary the order of business on the ground of urgency

6.5.1. 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

6.5.2. Shall be put to the vote without discussion.

7. RESOLUTIONS WITHOUT NOTICE

7.1. Resolutions dealing with the following matters may be moved without notice: -

7.1.1. To appoint a Chairman of the meeting.

7.1.2. To correct the Minutes.

7.1.3. To approve the Minutes.

7.1.4. To alter the order of business.

- 7.1.5. To proceed to the next business.
- 7.1.6. To close or adjourn the debate.
- 7.1.7. To refer the matter to a committee.
- 7.1.8. To appoint a committee or any members thereof.
- 7.1.9. To adopt a report.
- 7.1.10. To amend a resolution.
- 7.1.11. To give leave to withdraw a resolution or an amendment,
- 7.1.12. To exclude the public.
(See *Standing Order 22.1 below.*)
- 7.1.13. To silence or eject from the meeting a member named for misconduct.
(See *Standing Order 9 below.*)
- 7.1.14. To invite a member having an interest in the subject matter under a debate to remain.
(See *Standing Order 18.1 below.*)
- 7.1.15. To give the consent of the Council where such a consent is required by these Standing Orders.

8. CORRECTIONS TO MINUTES

- 8.1. 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.

9. DISORDERLY CONDUCT

- 9.1. 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.
- 9.2. If, in the opinion of the Chairman, a member has broken the provision of item (9.1) 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 leave the meeting, and the motion, if seconded shall be put forthwith and without discussion.
- 9.3. If either of the motions mentioned in item (9.2) is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

10. VOTING ON APPOINTMENTS

- 10.1. 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.

11. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 11.1. 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 shall be excluded (*See Standing Order 22.1.*)

12. EXPENDITURE

- 12.1. Orders for the payment of money shall be authorised by resolution of the Council and signed by two members under Section 6 of the Financial Regulations.

13. COMMITTEES AND SUB-COMMITTEES

- 13.1. The Council may at the 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: -
- 13.1.1.1 May at any time dissolve or alter the membership of the committee.
- 13.2. The Chairman or Vice Chairman of a committee shall be present at the committee meeting.
- 13.3. 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 Council, and shall settle its programme of meetings for the year.
- 13.4. 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 no 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.
- 13.5. The quorum for each committee remains one third of the committee members.
- 13.6. Every committee may appoint sub-committees for purposes to be specified by the committee.
- 13.7. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- 13.8. The Council from time to time may set up Steering Groups to undertake work on behalf of the Council. The Council will set their Terms of reference, and they will report periodically to the Council.

14. VOTING IN COMMITTEES

- 14.1. Members of committees and sub-committees shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 14.2. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

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

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

16. ACCOUNTS AND FINANCIAL STATEMENT

- 16.1. As laid down in the Financial Regulations or: -
- 16.1.1. Except as provided in item (16.1.2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
 - 16.1.2. Where it is necessary to make a payment before it has been authorised by the Council. Such payment shall be certified 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 Chairman or Vice-Chairman of the Council.
 - 16.1.3. All payments ratified under item (16.1.2) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- 16.2. The RFO shall supply to each member at the next ordinary meeting, after the end of the Financial Year a statement of receipts and payments.

17. ESTIMATES

- 17.1. The Council shall approve written estimates for the coming financial year as directed in section 2 of the Financial Regulations.
- 17.2. Any committee desiring to incur expenditure shall, not later than 31st October give to the Clerk a written estimate of the expenditure recommended for the coming year.

18. INTERESTS

- 18.1 All councillors shall observe the code of conduct adopted by the Council.
- 18.2 Councillors may exercise the rights contained in standing order (see 6.4.3) only if members of the public are permitted to
- 18.2.1 Make representations,
 - 18.2.2 Answer questions
 - 18.2.3 Give evidence relating to the business being transacted.
- 18.3 Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may
- 18.3.1 Make representations
 - 18.3.2 Answer questions and
 - 18.3.3 Give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

19. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 19.1. 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.
- 19.2. 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.
- 19.3. Standing Order No's 19.1 and 19.2 shall apply to tenders as if the person making the tender were a candidate for an appointment.

20. INSPECTION OF DOCUMENTS

- 20.1. 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.

- 20.2. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

21. UNAUTHORISED ACTIVITIES

- 21.1. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council
- 21.2. Inspect any lands or premises which the Council has a right or duty to inspect; or
- 21.3. Unless authorised to do so by the Council or the relevant committee or sub-committee.

22. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 22.1. Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.

23. CONFIDENTIAL BUSINESS

- 23.1. 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.
- 23.2. Any member in breach of the provision of item (23.1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

24. EMERGENCY BUSINESS

- 24.1 Should it be appropriate to convene a special meeting, then any emergency business will be handled by the Clerk, in consultation with the Chairman and one other Councillor. Actions will be reported promptly to the Council.

25. LIAISON WITH CHESHIRE EAST COUNCILLORS

- 25.1. A notice of meeting shall be sent together with an invitation to attend to Cheshire East Councillors for the ward.

26. PLANNING APPLICATIONS

- 26.1. The Clerk shall, as soon as it is received, enter a record for the purpose the following particulars of every planning application notified to the Council.
- 26.1.1. The name of the applicant:
- 26.1.2. The place to which it relates:
- 26.1.3. A summary of the nature of the application
- 26.1.4. The date for responses.
- 26.1.5. The date of the next Planning Committee meeting.
- 26.2. The Clerk shall refer every planning application first to the Chairman of the Planning Committee.

27. STANDING ORDER ON CONTRACTS

- 27.1. An official order or letter will be issued for all work or service paid for by the Council. All Councillors and Officers are responsible for obtaining good value for money at all times. An Officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction.
- 27.2. Orders for values **£1000 to £2000** require a **minimum of two quotations**; for values **above £2000 three quotations** where possible, (minimum two). Contracts exceeding £50000 require additional safeguards and will follow Proper Practice.
- 27.3. The Council will approve all estimates; while the Council is not obliged to accept the lowest quotation the reasons for accepting the quotations will be recorded.

28. CODE OF CONDUCT ON COMPLAINTS

- 28.1. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in accordance with the Council's Complaints Procedure.
- 28.2. The Council shall deal with any vexatious complaints following the Vexatious Complaints Policy.

29. STANDING ORDERS TO BE GIVEN TO MEMBERS

- 29.1. A copy of these Standing Orders shall be given to each member by the Clerk.
- 29.2. These and any other standing orders will be reviewed annually by the Clerk and the Chairman, and any amendments will be decided by the Council.
- 29.3. During the course of meetings of the Council, the Chairman's decision as to the interpretation of the standing orders will be final. In cases of doubt, the Council will seek the advice of the Cheshire Association of Local Councils.
- 29.4. The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and will be time limited.

30. COUNCILLOR TRAINING

- 30.1 It is strongly recommended that for best practice ALL new Parish Councillors should attend relevant training courses provided by Cheshire Association of Local Councils, within the first year of Office.