



Braunton Parish Council

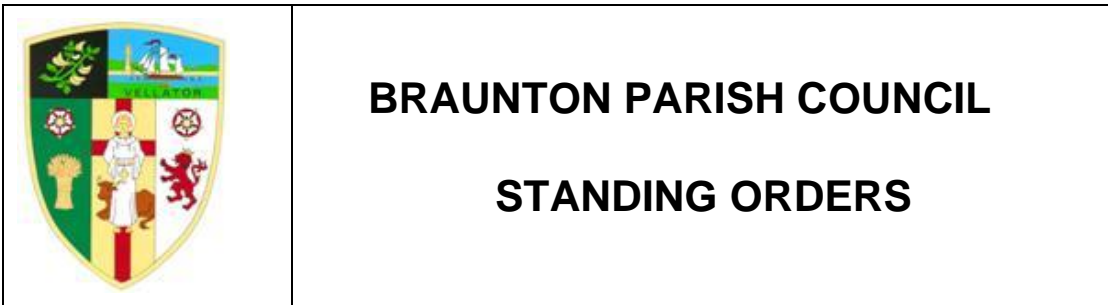
Standing Orders

Published September 2023

By resolution of the Council

Tracey Lovell

Clerk and Responsible Financial Officer



These Standing Orders were reviewed at the Full Council Meeting held on 12 September 2023 (Minute Ref:127/2023/24).

INTERPRETATION

The ruling of the Chair as to the Construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

Masculine gender shall include female and singular shall include plural.

MEETINGS

1. (a) Meetings of the full Council shall normally be held in the Council Chamber, Parish Hall at seven o'clock in the evening.
(b) Smoking is not permitted at any meeting of the Council.
2. The statutory Annual Meeting of the Parish Council:-
 - (a) In an election year shall be held within fourteen days of the election.
 - (b) In other years, shall be on such a day in May as the Council may decide.

The number of ordinary meetings shall be no less than three in any year.

An extraordinary meeting of the Parish Council may be called by the Chair (or Vice Chair in their absence) at any time; should any two members sign a request for an Extraordinary Meeting and the Chair (or Vice Chair in their absence) refuses or neglects to call a meeting within seven days, then any two members may convene (the two convening members not necessarily being the requisitioning members).

CHAIR OF MEETING

3. The Chair must preside at Council meetings, if present, or if he is absent the vice-Chair must preside. If both are absent the Council is required to appoint a Chair for the meeting from amongst the Councillors present, and this must be the first business at the meeting.

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

PROPER OFFICER

4. Where a statute, regulation or order confers 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 and non-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 bylaws made by a District Council.
 - (f) To certify copies of bylaws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.

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

QUORUM

5. Five members shall constitute a quorum.
6. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum then:-
 - (a) The Chair shall adjourn the meeting for 10 minutes and if at the end of that period there is still not a quorum then
 - (b) The business not transacted at that meeting shall be transacted at the next meeting.

VOTING

7.
 - (a) Members shall vote by show of hands, or, if at least two members so request, by secret ballot.
 - (b) In case of equality of votes the Chair shall have a casting vote.
 - (c) If the person presiding shall cease to be a member of the Council after the election of a Chair, he/she may not vote in the election but has a casting vote in the event of an equality of votes. The casting vote must be used in the Election of the Chair.
8.
 - (a) If a Member so requires the Clerk shall record his name and which way he voted on any question.
 - (b) If a Member proposes and this is seconded and voted in favour of, then 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.

In both (a) and (b) above the request must be made before the original vote.

VOTING ON APPOINTMENTS

9. Where there are more than two persons nominated for any position to be filled by Council, and of the votes given there is not an absolute majority in the 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 shall be taken and so on, until a majority of the votes is given in favour of one person.

ORDER OF BUSINESS

10. In an election year Councillors should execute Declarations of Acceptance office
 - (a) A person elected to the office of Chair shall, at the meeting at which he is elected;
 - (b) In the case of a councillor, before or at the first meeting of the Parish Council after his election;
 - (c) In either case if the Council at the meeting permit, or at a later meeting fixed by the Council;

Make in the presence of the Proper Officer of the Council and deliver to the Council a declaration of acceptance of office in the prescribed form by an order made by the Secretary of State and if he fails to do so his office shall thereupon become vacant.

11. At each Annual Meeting the first business shall be
 - (a) To elect a Chair and receive declaration of acceptance of office or if not received, to decide when it shall be received.
 - (b) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - (c) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - (d) To elect a Vice-Chair
 - (e) To elect Chair of Finance and Administration Committee
 - (f) To appoint committees
 - (g) To elect Lead Member for Planning
 - (h) To elect Deputy Lead Member for Planning
 - (i) To set a calendar of meetings for the forthcoming year
 - (j) Any other business as defined in the Summons and Agenda
12. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency shall be as follows:-
 - (a) Receive apologies and accept reason for non-attendance.
 - (b) Record members not in attendance and no apologies given.
 - (c) Receive Declarations of interest

- (d) Receive items for information not on the agenda, which in the opinion of the Chair should be brought to the attention of the Council.
 - (e) Questions from the public
 - (f) To consider any dispensation requests
 - (g) Approve and sign Minutes.
 - (h) To receive and adopt the Minutes of committees and the recommendations contained therein.
 - (i) Police Representation
 - (j) To receive report from Devon County Councillor
 - (k) To receive report from North Devon District Councillor
 - (l) To receive report from representatives on outside bodies.
 - (m) To deal with planning applications.
 - (n) To authorise and sign the order of payments.
 - (o) To deal with business expressly required by statute to be done.
 - (p) To dispose of business, if any, remaining from the last meeting (quorum).
 - (q) Any other business specified in the summons.
13. A motion to vary the order of business on the ground of urgency
- (a) may be proposed by the Chair or by any member and, if proposed by the Chair may be put to the vote without being seconded, and
 - (b) shall be put to the vote without discussion.

AGENDA AND SUMMONS

14. No items of business may be considered at a meeting unless it has been included on the Agenda for the meeting, which Agenda shall have been available for inspection at least three clear working days prior to the meeting.
15. The Summons and Agenda shall be sent out at least five days before a programmed meeting of the Full Council.

MINUTES

16. No discussion shall take place upon the Minutes except upon their accuracy, and any question of their accuracy shall be raised by motion.
17. All Minutes presented for signature shall be consecutively numbered.
18. Minutes of the proceedings of each Committee shall be printed and, except in the cases of urgency, forwarded to each member of the Council with the summons for the meeting of the Council at which time such Minutes and the Resolutions contained therein shall be submitted for adoption.

MATTER OF URGENCY

19. Where an item does not conform to S.0 14 above and is of such urgency and importance that it cannot be dealt with under delegated powers, nor wait until the next scheduled meeting of the Parish Council or its committees, the Chair may agree to take the item as a "Matter of Urgency" providing that there is a specific Resolution to this effect, and the Minutes of the Meeting record the special reasons justifying the decision.

MOTIONS MOVED WITHOUT NOTICE

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

- (a) To appoint a Chair of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To consider a newly raised dispensation request
- (e) To alter the order of business.
- (f) To proceed to the next business.
- (g) To close or adjourn the debate.
- (h) To refer a matter to a committee.
- (i) To appoint a committee or any members thereof.
- (j) To amend a motion.
- (k) To give leave to withdraw a motion or an amendment.
- (l) To extend the time limit for speeches.
- (m) To exclude the public.
- (n) To adopt a report.
- (o) To authorise the sealing of documents.
- (p) To silence or eject from the meeting a member named for misconduct.
- (q) To give consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order.
- (s) To adjourn the meeting.

RULES OF DEBATE

21. (a) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (b) If a second motion is proposed and seconded, voting shall take place on the second motion first.
- (c) 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.
- (d) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (e) No speech by a mover of a motion shall exceed five minutes, and no other speech shall exceed five minutes except by consent of the

Chair. (The mover of a motion is sometimes allowed a longer time than others).

- (f) An amendment shall be either:-
 - (i) To leave out words.
 - (ii) To leave out words and insert or add others.
 - (iii) To insert or add words.
- (g) An amendment shall not have the effect of negating the motion before the Council.
- (h) If an amendment be carried the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (j) The mover of a motion or of an amendment shall have a right of reply.
- (k) A member, other than the mover of a motion, shall not, without leave of the Council, speak more than once on any motion except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (l) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be confined to some material part of a former speech by him, which may have been misunderstood.
- (m) A motion or amendment may be withdrawn by the proposer.
- (n) When a motion is under debate no other motion shall be moved except the following:-
 - (i) To amend the motion.
 - (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 to leave the meeting.
 - (vii) That the motion be referred to a committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
 - (x) To consider a newly raised dispensation request.

- 22. (a) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chair.
- (c) If two or more members wish to speak the Chair shall call upon one of them to speak first.
- (d) Whenever the Chair rises during a debate all other members shall be seated and silent.

CLOSURE

- 23. 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 motion is seconded the Chair 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 that 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.)

DISORDERLY CONDUCT

24. (a) No member shall at a meeting persistently disregard the ruling of the Chair, 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.
- (b) If, in the opinion of the Chair, a member has broken the provisions of paragraph (a) of this Order, the Chair 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.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

25. The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed the mover of an 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.

ALTERATION OF MOTION

26. A member may with the consent of his seconder, move amendments to his own motion.

RESCISSION OF PREVIOUS MOTION

27. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least 6 members of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

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

DISCUSSIONS AND MOTIONS AFFECTING EMPLOYEES OF THE COUNCIL

28. 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.

SEALING OF DOCUMENTS

29. A document shall not be sealed or signed on behalf of the Council unless its sealing has been authorised by a motion. (Any two members of the Council named in a motion moved under the provisions of this paragraph of this order may seal, on behalf of the Council, any document required by law to be issued under seal).

COMMITTEES AND SUB-COMMITTEES

30. The Council may at its Annual Meeting appoint committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
- (a) may appoint persons other than members of the Council to any Committee; and
 - (b) may at any time dissolve or alter the membership of a committee.
 - (c) Recommends decisions to be referred and ratified by full Council.
31. The Chair and Vice-Chair ex officio shall be members of every committee and from 14 May 2002, the Finance Chair.
32. The Chair of a committee or the Chair 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.
33. No Councillor shall hold more than one Chairship or Vice Chairship of any Standing Committee.
34. At the first meeting of every municipal year, the first business shall be to elect the Chair and Vice-Chair from the members of the Committee.
35. The Chair and Vice-Chair of the Committee shall hold office until the next Annual Meeting of the Parish Council.

36. Every committee may appoint a working party for purposes to be specified by the committee.
37. The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests to members in contracts and other matters shall apply to committee and sub-committee meetings.

VOTING IN COMMITTEES

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

QUORUM OF COMMITTEE OR SUB-COMMITTEE

40. 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 three of its members.

APOLOGIES FOR ABSENCE

41. If a Councillor is unable to attend a meeting, he should submit apologies for absence to the Clerk by 12 noon on the day of the meeting, where possible. However, if a Councillor is unaware of any problem, which might result in non-attendance until after 12 noon, he should still notify the Clerk as soon as possible by contacting the Parish Council Offices.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

42. (a) Any member of the Council may attend a committee meeting of which he is not a member can speak with the invitation of the Chair.
(b) Any member, or member of the public, may be invited to attend a committee meeting and speak.
(c) 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.
(d) A member of the Council may ask the Chair of a Committee any question upon an item on the report of the committee when that item is under consideration by the Council.
(e) A member of the Council may if received in writing by 12 noon, ask the Chair of any committee any question on any matter in relation to which the Council has powers or duties, or which concerns the administration of development of the Parish.

- (f) Every question shall be put and answered without discussion. An answer may take the form of:-
 - (i) a direct oral answer
 - (ii) where the desired information is contained in a publication of the Council, a reference to that publication
 - (iii) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Council.

INTERESTS

43. If any Member has an interest in any matter for debate, he shall, while it is under consideration by the Council, act in accordance with the Code of Conduct adopted by the Council.

For disclosable Pecuniary interests in accordance with the Code of Conduct, the Member must leave the room for the entire discussion, unless a dispensation has been granted under the Council's dispensation process.

44. Councillors and 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 a pecuniary or non-pecuniary interest in a contract, or any other matter, and the book shall be open during reasonable hours of the day for the inspection of any member or member of the public.
45. 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.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

46. (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 appointment. The Clerk shall make known the purport of this sub-paragraph to every candidate.
- (b) A member of the Council or of any sub-committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for 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.
47. Standing Orders Nos. 46 shall apply to tenders as if the person making the tender were a candidate for an appointment.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

48. 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 motion:

“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. If a persons advice or assistance is needed they may be invited (by name) to remain after the exclusion motion is passed).

49. A Member of the public, may ask a question or make a statement about, any matter relating solely to any function of the Council or any planning application being considered by the Council. Council would welcome questions in writing prior to the meeting so a full response may be given at the meeting.
50. Each member of the public will be allocated a maximum time of three minutes in which to ask this question, or make this statement and shall not be entitled to do so more than once at any meeting.
51. The Chair will decide how the question will be answered either by a verbal reply at the meeting, a written response after the meeting or that the question will not be answered.
52. In order to ensure the efficient conduct of the meeting no more than fifteen minutes will be allocated for questions and statements.
53. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

DISTURBANCES BY MEMBERS OF THE PUBLIC

54. If a member of the public interrupts the proceedings at any meeting the Chair shall warn him. If he continues the interruption the Chair shall order his removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.

CONFIDENTIAL BUSINESS

55. (a) 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.
- (b) Any member in breach of the provisions of paragraph (a) of this

Standing Order may be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

56. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the County division and to the District Councillor or Councillors for the district wards.

PLANNING APPLICATIONS

57. The Clerk shall refer every planning application to the Chair of the Planning Committee or in the Chair's absence to the Vice Planning Chair.

MEMBERS' CONDUCT

58. Members will observe and abide by the conditions of the Members Code of Conduct 2014 as adopted by this Parish Council on 14 April 2014 together with such other codes of practice or protocols e.g. acceptable behaviour protocol, as the Parish Council or statutory requirements, shall decide.
59. If any member because of kinship, friendship, membership (of an association, society or trade union) trusteeship or other kind of relationship could be influenced, or appear to be influenced, by personal motive in making a judgement in any contract, proposed contract or other matter, he shall declare such as a pecuniary and prejudicial interest and, while the subject is under consideration, shall withdraw from the Meeting unless he has received a dispensation from the District Council Standards Committee or subject to the following condition.
60. In the case of a personal, but not prejudicial interest, the Member may elect to remain in the meeting. The Member must decide, and declare, whether he intends to participate in the discussion or whether he will abstain.
61. The Parish Clerk shall maintain a register with all members' interests, and the book shall be open during reasonable hours of the day for inspection by any member, or members of the public.
62. A member must within 28 days of becoming aware of any change to the interests specified in Part 3 of the Members Code of Conduct 2014, provide written notice of change to be included in the Register and notified to the Monitoring Officer.

INTEREST OF OFFICERS

63. The Parish Clerk shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under Section 96 (2) of the Local Government Act 1972, of a pecuniary interest in a

contract, and the book shall be open during office hours to the inspection of any member of the Council.

CODE OF CONDUCT ON COMPLAINTS

64. The Council shall deal with complaints of maladministration 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

- (a) Any or every part of the Standing Orders may be suspended by motion in relation to any specific item of business.
- (b) 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.
- (c) After 2 hours 55 minutes at each meeting the Members by majority vote shall decide whether any remaining business is urgent otherwise the meeting shall be adjourned.

INSPECTION OF DOCUMENTS

65. A Member of the Council, if it is required for the purpose of carrying out a specific duty (but not otherwise), may inspect any document in possession of the Council or a Committee, and if copies are available, shall, on request, be supplied for the like purpose with a copy.
66. Members otherwise shall be permitted access to all information/papers other than exempt information as defined by the Local Government Act 1972 especially that applying to individuals.

STANDING ORDERS TO BE GIVEN TO MEMBERS

67. 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.

DELEGATION OF POWERS

68. When the Council is in recess or there are cogent reasons for an immediate decision to be taken in the period between meetings, the Parish Clerk, or the duly authorised Deputy, solely or together with the Chair or the Vice-Chair, and the Chair of Finance and Administration, shall have executive power.

AUTHORISATION OF WORKS AND INSPECTION OF LAND AND PREMISES

69. A member of the Council shall not:-

- a) Issue any order in respect of any works to be carried out by or on behalf of the Council, nor issue any instruction of any member of staff. Such instruction must be given by the Parish Clerk.
- b) Claim by virtue of his membership of the Council any right to inspect or to enter any lands or premises which the Council have the power or duty to inspect or enter
- c) Negotiate any agreements or contracts or give any undertakings in respect of Council matters, staff or property
- d) Purchase any goods for use by the Council without the authorisation of the Parish Clerk, or duly appointed Deputy.
- e) Discuss or give undertakings to any other authority on any matter, which is a policy issue for the Parish Council, or its Committees, without written authorisation or by resolution of the Parish Council or the relevant Committee. In the first instance, authority to discuss Parish Council policy rests with the Chair and Parish Clerk.