

INDEX OF STANDING ORDERS OF DUSTON PARISH COUNCIL

Local Government Act 1972, Schedule 12 paragraph 42

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THE STANDING ORDERS OF DUSTON PARISH COUNCIL

Table of Legal References

STANDING ORDER(S)	LEGAL REFERENCE	COPY HELD (YES/NO)
1 & 2	Local Government Act 1972 Schedule 12 Para 10(1) and 26(1)	
8	Local Government Act 1972 Schedule 12 Para 13 and 29	
9(c)	Local Government Act 1972 Section 15(3)	
10(a)	Local Government Act 1972 Section 14(1) and 15(2)	
10(b)	Local Government Act 1972 Section 83(4)	
38	Local Government Act 1972 Section 150(5)	
53	Local Government Act 1972 Sections 94-95	
60	Local Government Act 1972 Section 228	
62 - 64	Public Bodies (Admission to Meetings) Act 1960	
Grants	Local Government Act 1972 Section 137	
Grants	Local Government Act 1972 Section 139	
Code of Conduct	Local Government Act 2000 Section 51	
Code of Conduct	Parish Councils (Model Code of Conduct) Order 2001	

THE STANDING ORDERS OF DUSTON PARISH COUNCIL

*In the following, words implying the masculine shall apply equally to the feminine & vice-versa. Standing Orders printed in **bold** are required by Law and cannot be changed (SO71 refers). Words in italics are for guidance only and do not form part of the Standing Orders.*

Amendment 1 The Code of Practice for Councillors is a separate document that does not form part of the Standing Orders but which should be appended to the Standing Orders.

TITLE AND AREA

1. The Council shall be called Duston Parish Council and shall operate in the New Duston and Old Duston Wards of Northampton Borough Council.

FUNCTIONS OF THE COUNCIL

2. The functions of the Council shall be to:-
 - (a) To exercise such powers and duties as are laid on it by statute
 - (b) To exercise such powers and duties as are laid on it by the Constitution and Standing Orders, including any working procedures.
 - (c) To exercise such powers and duties as are laid on it by agreed delegation from Northamptonshire County Council or Northampton Borough Council
 - (d) To protect, enhance and promote the environment of Duston
 - (e) To protect, enhance and promote the collective interests and well-being of the residents of Duston
 - (f) To make representations to Northampton Borough Council, Northamptonshire County Council, West Northamptonshire Development Corporation, and any other Statutory Body or Public Utility on any matters affecting the residents, business, trade, commerce, social welfare and education of Duston
 - (g) To stimulate and foster support for approved policies of the Council

CONSTITUTION

3. The Council shall consist of 12 members, 6 of which shall be elected by the electors of the New Duston Ward, and 6 members elected by the Old Duston Ward of Northampton Borough Council. If there is a call for a by-election then one shall be held, but if no by-election is called, then the Casual vacancies may be filled by co-option. (See Standing Order 73)

MEETINGS

- 4
 - (a) Meetings of the Council shall be held at the Duston Community Centre or if this is not possible, at a suitable public building such as a school, but not a function room at a public house or club at 7.30pm on the first Thursday of every month, with the possible exception of August, unless the Council otherwise decides at a previous meeting.
 - (b) Smoking is not permitted at any meeting of the Council or its Committees or its Working Parties.
 - (c) Additional or Special meetings of the Council, or a Committee, may be called by the Clerk at the request of the Chairman, or in the case of a Committee, the Chairman of that Committee, or at the request of one third of the elected members of the Council delivered in writing to the Clerk. The summons to a Special Meeting shall set out the business to be discussed and no other business shall be considered at the meeting.

THE STATUTORY ANNUAL MEETING

- 5 (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 first or second Thursday in May as agreed by the Council.

CHAIRMAN OF MEETING

- 6 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

- 7 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 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 District Council
 - (f) To certify copies of byelaws made by the Council
 - (g) To sign summonses to attend meetings of the Council
 - (h) To keep proper records of all Council meetings
 - (j) To receive and retain plans and documents

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

NB An elected or co-opted member of the Council may not undertake an Office of Profit under the Council, and after ceasing to be a member of the Council may not undertake an Office of Profit under the Council until a period of one year has elapsed after the date of his ceasing to be a member of the Council (Local Government Act 1972 Section 116)

QUORUM

- 8. Four members shall constitute a quorum of a Council Meeting.**

NB For the Quorum relating to a Committee or Working Party, refer to Standing Order 45.

9. 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.

VOTING

10. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 11. 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. Such a request must be made**

before moving on to the next business.

12. (a) **Subject to (6) and (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 whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS.

NB 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 authorized by the Council to take such declaration, before the annual meeting commences. An elected person may not act as a Councillor until he has made a Declaration of Acceptance of Office refer Local Government Act 1972 S83(4).

13. **At each Annual Meeting the first business shall be**
 - (a) **To elect a Chairman of the Council.**
 - (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 of office which have not been received as provided by law shall be received.**
 - (e) To elect a Vice-Chairman of the Council.
 - (f) **To read and consider the Minutes of the previous Annual Meeting**, 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.
 - (g) **After consideration to approve the signing of the Minutes by the person presiding as a correct record** (see Standing Order 26).
 - (h) To appoint Committees and Working Parties.
 - (i) To consider the payment of any subscriptions falling to be paid annually.
 - (i) To inspect any deeds and trust instruments in the custody of the council; and shall thereafter follow the order set out in Standing Order 13.
14. **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 required.**
15. 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 36, below.)
16. 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 of the previous meeting**: 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 dispose of business, if any, remaining from the last meeting.
- (e) To receive such communications as the Chairman or Clerk or person presiding may wish to lay before the Meeting.
- (f) To answer questions from Councillors
- (g) To receive and consider reports and minutes of Committees and Working Parties.
- (h) To receive and consider reports from Officers of the Council
- (i) To authorize the sealing of documents.
- (j) To authorize the signing of orders for payment other than de minimus items dealt with by the Finance Committee.
- (k) To consider resolutions or recommendations in the order in which they have been notified.
- (l) Any other business specified in the Agenda accompanying the Summons.

(For councillors' information only – The summons to the meeting of the Parish Council must by law specify the business to be transacted; a Parish Council cannot legally decide to take any action under the 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 under 'AOB' or the giving of a preliminary notification of important business for next time.)

- 17. A motion to vary the order of business on the ground of urgency
 - (a) may be proposed by the Chairman or 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.

RESOLUTIONS MOVED ON NOTICE

- 18. 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 ten clear days before the next meeting of the Council.
- 19. The Clerk shall date every notice of resolution or recommendation 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 inspection of every member of the Council.
- 20. 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 notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 21. 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.
- 22. If the subject matter of a resolution 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.

23. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

24. Resolutions dealing with the following matters may be moved without notice: -
- (a) To appoint a Chairman of a meeting.
 - (b) To correct the Minutes. (*see Standing Order 29*)
 - (c) To approve the Minutes as a correct record.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to a Committee or Working Party.
 - (h) To appoint a committee or Working Party or any members thereof.
 - (i) To adopt a report
 - (j) To authorize the sealing of documents.
 - (k) To amend a motion or resolution. (*see Standing Order 30*)
 - (l) To give leave to withdraw a motion or resolution or an amendment

- (m) To extend the time limit for speeches.
- (n) To exclude the public and press. *(See Order 65)*
- (o) To silence or eject from the meeting a member named for misconduct *(See Standing Order 34)*
- (p) To invite a member having an interest in the subject matter under debate to remain. *(See Standing Order 58)*
- (q) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order. *(See Standing Orders 75)*
- (s) To adjourn the meeting.

QUESTIONS

- 25. 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 at least ten working days before the meeting begins.
- 26. A question not connected with business under discussion shall not be asked except during the part of the meeting set aside for questions.
- 27. Every question shall be put and answered without discussion.
- 28. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 29. 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.**
- 30.
 - (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman, be reduced in writing and handed to him before it is further discussed or put to the meeting.
 - (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
 - (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - (d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.
 - (e) 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.
 - (f) An amendment shall not have the effect of negating the resolution before the Council.
 - (g) 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.
 - (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- (i) The mover of the resolution shall have a right to reply, not exceeding 5 minutes.
 - (j) A member, other than the mover of the resolution, shall not, without leave of the Council, speak more than once on any resolution 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.
 - (k) 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.
 - (l) A motion or amendment may be withdrawn by the proposer with the consent of 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.
 - (m) 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 may not be 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.
31. A member shall indicate his desire to speak by raising his hand, and shall remain seated when speaking unless requested by the Chairman to stand, but may stand if he so wishes.
32. (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 shall resume their seats.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent

CLOSURE

33. 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 when 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 be issued except a notification to members not present of the date of the continuation of the meeting.

DISORDERLY CONDUCT

34. (a) No member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalize the Council or bring it into contempt or ridicule.

- (b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) 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 does 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 Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

- 35. 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 of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

- 36. A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

- 37. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by special resolution, the written notice whereof bears the names of at least six members of the Council given to the Clerk in accordance with Standing Order 18, 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 provision of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

- 38. 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.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 39. 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. 66.*)

RESOLUTIONS ON EXPENDITURE

- 40. Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council 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 and the Finance Committee shall report on financial aspect of the matter.

EXPENDITURE

- 41. **Orders for the payment of money shall be authorized by resolution of the Council and signed by two members (Local Government Act 1972 section 150(5)).**

SEALING OF DOCUMENTS

- 41a (a) A Document shall not be sealed on behalf of the Council unless its sealing has been authorized by resolution of the Council or a Committee so empowered by the Council.
- (b) Documents required by law to be issued under seal shall normally be sealed, on behalf of the Council, by the Chairman and the Vice Chairman, but may be so sealed by any two members of the Council, plus the Clerk, provided they have been so named in a resolution moved under paragraph (a) of this Order

Explanation – until recently the Parish Council has not entered into legal obligations such as taking legal Title to Land or Buildings, nor has it entered into service agreements or received delegated powers from the principal authorities, Northampton Borough Council and Northamptonshire County Council. This new Standing Order will be required in order to enable and regulate the formal signing of the relevant legal documents, e.g. land transfers for St Luke's and Timken, transfer of powers for Parks or Allotments, responsibility for Community Centre etc.

COMMITTEES AND SUB-COMMITTEES

42. The Council may at the Annual Meeting appoint standing Committees and Working Parties and may at any other time appoint other Committees and Working Parties 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 not appoint persons other than members of the Council to any Committee, but may appoint persons other than members of the Council to any Working Party
- and
- (c) may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee.
43. The Chairman and Vice-Chairman *ex officio* shall be members of every Committee and Working Party.
44. Every committee/working party 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 settle its programme of meetings for the year.
45. The Chairman of a Committee/Working Party or the Chairman of the Council may summon an additional meeting of that committee/working party 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/working party. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
46. Every Committee or Working Party may appoint sub-committees or Working Parties for the purposes to be specified by the Committee or Working Party, subject to the approval of the Council in each instance, and every Working Party may have additional non-voting members who are not members of the Council. The Council may provide or approve additional Terms of Reference by which the Committee, sub-committee shall conduct its business.
47. The Chairman and Vice-Chairman of the Committee/Working Party shall be *ex-officio* members of every sub-committee/working party appointed by it unless they signify that they do not wish to serve.
48. Except where ordered by the Council in the case of a committee/working party, or by the Council or the appropriate committee in the case of a working party/sub-committee, the quorum of a committee/working party or sub-committee shall be one-half of its members or three, whichever is the greater, providing that, in the case of working parties, all the quorum must be members of the Council.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

VOTING IN COMMITTEES

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

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE

52. (A) 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.
- (b) Any member of the Council may attend any meeting of any Committee or Working Party of which he is not a member, but shall not take part in the proceedings unless invited to do so by the Chairman or Vice-Chairman of that Committee or Working Party, or by the consent of the members of the Committee, and shall not vote.

ACCOUNTS AND FINANCIAL STATEMENT

- 53 (a) Except as provided in paragraph (b) of this Standing Order or by any statute, all accounts for Payments and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before the Council has authorized it, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorized 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 the Council.
- 54 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 AND PRECEPT

55. (a) The Council shall approve written budget estimates and make a precept for the forthcoming financial year at its meeting in the month of December.
- (b) Any Committee or Working Party desiring to incur expenditure shall, not later than November 1st, give to the Clerk a written estimate of the expenditure recommended for the coming year and the Finance Committee shall provide a recommendation of Precept to the Council at its meeting in December.

MEMBERS INTERESTS

56. If any member has a pecuniary interest, direct or indirect, within the meaning 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(b) or:
- (a) The disability imposed upon him by those sections has been removed by the District Council;
- or
- (b) The Council invites 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.

57. 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 a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.

58. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall, having declared it, be invited to withdraw from the meeting.

59. 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 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 Standing Order 58 shall apply.

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

CANVASSING OF MEMBERS AND RECOMMENDATIONS BY MEMBERS

60 a) 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 of this Standing Order to every candidate.

(b) 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 of a candidate's ability, experience or character for the submission to the Council with an application for appointment.

61 Standing Order 59 and 60 shall apply to tenders as if the person making the tender was a candidate for appointment.

INSPECTION OF DOCUMENTS

62. A member may for the purpose of his duty as such (but not otherwise), 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.

63. All Minutes kept by the Council and by any committee/working party shall be open for the inspection of any member of the Council.

UNAUTHORISED ACTIVITIES

64. No member of the Council or of any Committee or sub-committee or Working Party 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 expressly authorized to do so by the Council or the relevant committee or subcommittee.
- (c) Issue a public statement purporting or implying to represent the policies or views of the Council or any Committee or Working Party of the Council unless expressly authorized to do so by resolution of the Council.

ADMISSION OF THE PUBLIC AND THE PRESS TO MEETINGS

65. The public and press shall be admitted to all meetings of the Council and its Planning Committee, which may, however, temporarily exclude the public and press by means of the following resolution, viz.:

"That the view of the (special) (confidential) (commercially sensitive) nature of the business 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. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

66. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present

67. If a member of the public or press interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

PUBLIC RECESS

- 67A Up to 15 minutes will be allowed as per the Agenda Item at all Full Council meetings for questions to the Chair from members of the public. Questions must be relevant, clear and concise. Because of the time constraint Public Recess is not a time for speeches or statements. Prior notice of a question to the Clerk is desirable in order for any detailed background information to be researched. The length of time for public recess may be extended by resolution of the Council on a motion put by the Chairman.

CONFIDENTIAL BUSINESS

- 68 (a) No member of the Council or any committee or working party 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, working party or sub-committee as the case may be.
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee, working party or sub-committee of the Council by the Council.

LIAISON WITH COUNTY AND BOROUGH COUNCILLORS

69. A notice of meeting shall be sent together with an invitation to attend to the County and Borough Councillors for the New and Old Duston wards of Northampton Borough Council.

PLANNING APPLICATIONS

- 70 (a) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:
- (i) the date on which it was received;
 - (ii) the name of the applicant;
 - (iii) the place to which it relates;
 - (iv) a summary of the nature of the application.
- (b) The Clerk shall, at his discretion, refer every planning application to the Chairman of the Planning Committee within 48 hours of receiving it.

STANDING ORDER ON CONTRACTS

- 71 (a) Where it is intended to enter into a contract exceeding £1000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works*, the clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.
- Where the value of the intended contract exceeds £10,000 similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by the District Council, or if no such list is maintained then in such newspapers circulating in the district as the Council shall direct.
- (b) Where it is intended to enter into a contract not exceeding £2000.00 in value for the supply of goods or materials (e.g. newsletter), or for the execution of works (e.g. delivery or distribution) AND where a tender has been obtained within a 3 year period it will not be necessary to seek out a new tender.
- Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- (c) Tenders shall be opened by the Clerk to, whom tenders are required to be addressed, in the presence of one other specified member on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-

committee.

- (d) Neither the Council nor any committee or working party or sub-committee is bound to accept the lowest tender.
- (e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (f) A notice issued under this standing order shall contain a statement of the effect of Standing Orders 60, 61 and 62.

*Notes: Some Standing orders **must** be made for contracts for the supply of goods or the execution of works: these standing orders can be extended to other contracts by specifying them at **

CONSULTATION RE CONTRACTS/TENDERS

72 Duston Parish Council will follow the Consultation Policy, which states that;

- a) Northampton Borough Council, Northamptonshire County Council Highways or/and public utilities to be consulted initially, prior to residents being approached.
- b) Affected residents (usually residents living adjacent to area, or backing onto area or otherwise affected) to be identified and these are to be consulted early on, normally either prior to or concurrently with seeking priced expressions of interest to assist planning, or formal tender bids for work or services. Consultation may also be via advertisement in the local press, a Notice on Parish Notice Boards, a Notice displayed in the immediate vicinity of the proposed work, or by publication on the Parish Council website, or combination of any or all of these as may be considered appropriate.
- c) Affected residents to have at least a 21-day period in which to respond, with the date by which all responses must be received to be clearly stated.
- d) Persons or companies submitting Tenders for proposed works or services shall be given 28 days to submit their bid for the proposed works.
- e) Works or services should be implemented within two years of the closing date of the consultation.

NB this provides for the option of the need and viability to be established in one financial year, and firm estimates provided for precept, with the work carried out in the following financial year, instead of being compressed into a single financial year, according to need or as may be appropriate.

- f) Additional further or repeat consultation with affected residents as above must be carried out if works or services are delayed beyond the two year period referring to initial consultation.
- g) Notification of intent to commence work shall be made as Standing Order 72, (including if project is discarded) and to be sent to any persons responding to initial consultation no less than fourteen days prior to commencement of work.

CASUAL VACANCIES

- 73
- (a) In the event that the number of elected members is less than the constituted number, or in the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy shall be advertised by giving public notice of the number of vacancies and the Ward(s) in which they occur on all Parish Notice Boards and by publicising on the Parish website.
 - (b) A by-election will be held if, within fourteen days of the vacancy, a poll is claimed by ten electors or the parish ward.

If a poll is not claimed, then the vacancy shall be filled by co-option within sixty days of the date of the public notice, and the Council shall be convened to fill the vacancy.

(c) The procedure for co-option shall be as follows:-

- 1 The clerk shall place a Notice on all Parish Notice Boards inviting applications for co-option
 - 2 Applications must be in writing and include brief background information of the candidate
 - 3 Any applications must be received not later than eight working days prior to the next full Council meeting
 - 4 All applicants shall be invited to attend the next Parish Council meeting
 - 5 All letters of application shall be forwarded with the papers for the meeting to the Councillors
 - 6 Elected Members only shall interview the applicants, and if there is more than one applicant then they will be interviewed one at a time, during which time the other applicants shall leave the meeting.
 - 7 If there are more applicants than the number of vacancies, then a secret ballot shall be held in which only elected members may take part
 - 8 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 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 the one person. (See Standing Order 35).
 9. The voting papers shall be held by the Parish Council for until the fourth day after the ordinary day of the next following election, or for two years, whichever is the longer.
 - 10 Unsuccessful applicants shall be asked if they wish their details to be held on file for future vacancies, should they occur, at which time they will be contacted, although the above procedure for advertising and filling any casual vacancies will still be followed in full.
- (d) The person co-opted shall complete the Declaration of Acceptance Office, Declaration of Interests etc, and shall enjoy all the benefits of office except 73(c)(6) and 73(e) and shall serve for the remainder of the term until the next following election.
- (e) By Act of Parliament co-opted members are barred from receiving annual remuneration until such time as they are elected in a specific or general Parish Council election
- (f) All Councillors shall retire together in every ordinary year of election of such Councillors on the fourth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire. (NB this allows for either retirement by rotation or retirement in full)

CODE OF CONDUCT ON COMPLAINTS

- 74 The Council shall deal with complaints of maladministration allegedly committed by the Council or any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils, except for those complaints which should properly be directed to the Standards Board (England) for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 75(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 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 and shall not come into force until approved at the next following annual meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 76 (a) 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
- (b) A copy of these Standing Orders shall be held in the Parish Office for public inspection.
- (c) A copy of these Standing Orders shall be made available to any person without charge
- (d) These Standing Orders shall be published on the Parish Council Website.

VALIDATION

At the meeting of Duston Parish Council held on these Standing Orders were Recommended for Approval at the next following Annual Meeting.

These Standing Orders were Approved at the Annual Meeting of Duston Parish Council held on

Signed

Name
Chairman of the Duston Parish Council

Signed

Name
Vice-Chairman of the Duston Parish Council

Signed

Name
Clerk and Proper Officer of the Duston Parish Council

APPENDIX – SUGGESTED SIGNIFICANT ADDITIONS THAT MAY BE REQUIRED

TITLE AND AREA

- A1 The Council shall be called Duston Parish Council and shall operate in the New Duston and Old Duston Wards of Northampton Borough Council as specified in [add relevant particulars from any resolution of Northampton Borough Council that originally set up the Council – Clerk to try to obtain relevant information from Borough Council archives]

FUNCTIONS OF THE COUNCIL

- A2 The functions of the Council shall be to:-
- (a) To exercise such powers and duties as are laid on it by statute
 - (b) To exercise such powers and duties as are laid on it by the Constitution and Standing Orders, including any working procedures.
 - (c) To exercise such powers and duties as are laid on it by agreed delegation from Northamptonshire County Council or Northampton Borough Council
 - (d) To protect, enhance and promote the environment of Duston
 - (e) To protect, enhance and promote the collective interests and well-being of the residents of Duston
 - (f) To make representations to Northampton Borough Council, Northamptonshire County Council, West Northamptonshire Development Corporation, and any other Statutory Body or Public Utility on any matters affecting the residents, business, trade, commerce, social welfare and education of Duston
 - (g) To stimulate and foster support for approved policies of the Council

CONSTITUTION

- A3 The Council shall consist of 12 members, 6 of who shall be elected by the electors of the New Duston Ward, and 6 members elected by the Old Duston Ward of Northampton Borough Council. If there is a call for a by-election then one shall be held, but if no by-election is called, then the casual vacancies may be filled by co-option.

CASUAL VACANCIES

- A4 In the event that the number of elected members is less than the constituted number, or in the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy shall be advertised by giving public notice of the number of vacancies and the Ward(s) in which they occur on all Parish Notice Boards and by advertisement in the local press.
- A5 A by-election will be held if, within fourteen days of publication of the advertisement, a poll is claimed by ten electors of the parish ward.
If a poll is not claimed, then the vacancy shall be filled by co-option within sixty days of the date of the public notice, and the Council shall be convened to fill the vacancy.
- A6 The procedure for co-option shall be as follows:-
- (a) The Clerk shall place a Notice on all Parish Notice Boards inviting applications for co-option
 - (b) Applications must be in writing and include brief background information of the candidate
 - (c) Any applications must be received not later than eight working days prior to the next full Council meeting
 - (d) All the applicants shall be invited to attend the next Parish Council meeting
 - (e) All letters of application shall be forwarded with the papers for the meeting to the Councillors
 - (f) Elected Members only shall interview the applicants, and if there is more than one applicant then they will be interviewed one at a time, during which time the other applicants shall leave the meeting

- (g) If there are more applicants than the number of vacancies, then a secret ballot shall be held in which only elected members may take part.
- (h) 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. (*see Standing Order 35*)
- (i) The voting papers shall be held by the Parish Council for until the fourth day after the ordinary day of the next following election, or for two years, whichever is the longer.
- (j) Unsuccessful applicants shall be asked if they wish their details to be held on file for future vacancies, should they occur, at which time they will be contacted, although the above procedure for advertising and filling any casual vacancies will still be followed in full.

NB Item A7 below has been amended to overcome the discrepancy in privileges that came to light following a recent co-option and that person's subsequent resignation.

- A7 The person co-opted shall complete the Declaration of Acceptance of Office, Declaration of Interests etc, and shall enjoy all the benefits of office except A6 (f), and shall serve for the remainder of the term until the next following election.
- A8 All Councillors shall retire together in every ordinary year of election of such Councillors on the fourth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire. (NB this allows for either retirement by rotation or retirement in full)