

# OLD BASING & LYCHPIT PARISH COUNCIL



## STANDING ORDERS

### 1. Meetings

Smoking is not permitted at any meeting of the Council.

### 2. The Statutory Annual Meeting

- 1) In an election year the annual Parish Council meeting shall be held on or within 14 days following the day on which the councillors elected take office and
- 2) In a year which is not an election year the annual Parish Council meeting shall be held on such day in May as the Council may direct.

### 3. Chairman of the Meeting

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

The Chairman, if present, shall preside at a meeting. If the Chairman is absent, the Vice-Chairman, if present, shall preside. If both the Chairman and Vice-Chairman are absent a Councillor as chosen by those present shall preside and may exercise all the powers and duties of the Chairman in relation to the conduct of that meeting.

### 4. Quorum of the Council

Three members or one-third of the total membership of the Council, whichever is the greater, shall constitute a quorum at all meetings of the Council, its committees and sub-committees.

5. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

### 5. Voting

- 1) Subject to 2) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- 2) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

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- 3) Voting on any matter shall be by a show of hands and, at the request of a Councillor, shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.

#### 7. Order of Business

At each Annual Parish Council meeting the first business shall be:-

- a) To elect a Chairman and Vice-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 and written undertakings to observe the Code of Conduct adopted by the council which have not been received as provided by law, shall be received.
- e) To appoint representatives to outside bodies.
- f) To appoint committees and sub-committees.

8. At every meeting other than the Annual Parish Council meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman are absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

9. In every year, the Council shall review the pay and conditions of service of existing employees. Standing Order 37 must be read in conjunction with this requirement.

#### 10. Resolutions Moved on Notice

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 10 clear days before the next meeting of the Council.

11. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

12. A person to whom a question has been put may decline to answer. However, no Councillor has the right to refuse to provide information requested from him where the Council confirms that he or she is reasonably required to provide that information.

13.
  - 1) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - 2) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
  - 3) Whenever the Chairman speaks during a debate all other members shall be silent.

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#### 14. Disorderly Conduct

- 1) All members must observe the Code of Conduct which was adopted by the Council on 6<sup>th</sup> August 2007, a copy of which may be inspected at the Council Offices.
- 2) 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 bring the Council into disrepute.
- 3) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, 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 leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 4) If the motion mentioned in paragraph 3) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

#### 15. Right of Reply

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote.

#### 16. Rescission of Previous Resolution

- 1) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 4 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- 2) When a special resolution or any other resolution moved under the provisions of paragraph 1) of this Order has been disposed of, no similar resolution may be moved within a further six months.

#### 17. Discussions and Resolutions Affecting Employees of the Council

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 press and public shall be excluded. (See Standing Order No. 39.)

#### 18. Resolutions on Expenditure

Any resolution, which is moved otherwise than in pursuance of a recommendation of the Finance and Resources Committee or of another committee after recommendation by the Finance and Resources 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

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and the Finance and Resources Committee shall report on the financial aspect of the matters.

19. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

20. Sealing of documents

- 1) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- 2) Any two members of the Council named in a resolution moved under the provisions of paragraph 1) of the Order may seal, on behalf of the Council, any document required by law to be issued under seal.

21. Committee and Sub Committees

All committees that operate as part of the Council shall have their minutes taken and produced by a Proper Officer of the Council (ie Clerk or Deputy Clerk). The Council may at its annual Parish Council meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- a) Shall not appoint any member of a committee so as to hold office later than the next annual meeting.
- b) May appoint persons other than members of the Council to any committee; and
- c) May, subject to the provisions of Order 16 above, at any time dissolve or alter the membership of committee.

Committees may not, under any circumstances, appoint their own members. Where a committee has members that are not Parish Councillors they will receive minutes at the same time as Councillors

22. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee.

23. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman.

24. Special Meeting

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 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.

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#### Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

26. 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.

25. Advisory Committees

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate member shall be specified.
- 2) Each advisory committee will usually have terms of reference.
- 3) An advisory committee may make recommendations and give notice thereof to the Council.
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

26. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote

27. Presence of Non-Members of Committees at Committee Meetings

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.

28. Accounts and Financial Statement

- 1) Except as provided in paragraph 2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 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 Responsible Financial Officer or the Clerk if different. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- 3) All payments ratified under sub-paragraph 2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

31. Interests

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 6 August 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

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32. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates after first being permitted to exercise his right under paragraph 12(2) of the Code of Conduct adopted on 6 August 2007.
33. 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 this Standing Order shall apply.
34. The clerk shall make known the purpose of Standing Order 33 to every candidate.
35. Canvassing of and Recommendations by Members
- 1) 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 purpose of this sub-paragraph of this Standing Order to every candidate.
  - 2) A member of the Council or of any 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.
36. Inspection of Documents
- 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.
37. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.
38. Unauthorised Activities
- No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
  - b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

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39. Admission of The Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public and press by means of the following resolutions:-

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”.

40. Representation by Members of the Public or a Developer

At all meetings of the Council, the chairman may, at his discretion, and at a convenient time in the transaction of business, allow any member of the public to address the meeting in relation to the business to be transacted.

The Parish Council also accepts the principle of a Developer sharing its ideas and/or plans with the Parish Council/Committee provided that such information has been submitted to the Clerk in advance for inclusion on the Agenda for the meeting.

41. At all meetings of the Council, the chairman may permit members of the Council (including co-opted members as defined by a.49 (7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.

42. The clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. The Parish Council's Protocol for Public and Press Reporting at Council Meetings shall apply to all meetings.

43. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

44. Confidential Business

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 sub-committee as the case may be.

2) Any member in breach of the provisions of paragraph 1 of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

45. Planning Applications

The clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council, namely the date on which received, name of the applicant, and the place to which it relates.

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46. Financial Matters

The Council shall conduct its business in accordance with its approved Financial Regulations.

47. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration.

48. 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.