

Standing Orders for Hatley Parish Council

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Standing Orders for Hatley Parish Council

Please note that text in bold type is mandatory

1. Meetings

- a) Meetings of the Parish Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b) Smoking is not permitted at any meeting of the Council.

2. The Statutory Annual Meeting

- a) **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**
- b) **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.**
- c) At each Annual Parish Meeting annual reports shall be received from Committees or groups set up under the auspices of the Parish Council.

3. **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

4. 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.

5. Proper Officer

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 or nominated officer:

- a) To receive declarations of acceptance of office;
- b) To receive and record notices disclosing interests at meetings;
- 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 another local authority;
- f) To certify copies of bylaws made by the Council;
- g) To sign and issue the summons to attend meetings of the Council;
- h) To keep proper records for all Council meetings.

6. Quorum of the Council

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

7. 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 take place but all recommendations confirmed by the next meeting of full Council before any action is taken to implement those recommendations.

8. Voting

Members shall vote by a show of hands or if, at least two members so request, by a signed ballot.

9. **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.**

10. a) **Subject to b) and c) 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.**

- 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.**

11. Order of Business

At each Annual Parish Council Meeting the first business shall be:

- a) **To elect a Chairman of the Council.** No member shall hold office for a period exceeding three consecutive years without a break of at least one year;
- 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 elect a Vice-Chairman of the Council;
- f) To appoint Committees as required;
- g) To appoint representatives to outside bodies;
- h) To consider the payment of any subscriptions falling to be paid annually;

- i) To inspect any deeds and trust investment in the custody of the Council as required;

and shall thereafter follow the order set out in the Standing Order 13.

- 12. At every meeting other than the Annual Parish 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) 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.**

In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees.

13. 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) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;
 - 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 person presiding may wish to lay before the Council;
 - f) To answer questions from Councillors;
 - g) To receive and consider reports and minutes of committees;
 - h) To receive and consider resolutions or recommendations in the order in which they have been notified;
 - i) To authorise the sealing of documents;
 - j) If necessary, to authorise the signing of orders for payment;
 - k) To consider, at the Chairman's discretion, any questions from members in attendance;
 - l) To consider, at the Chairman's discretion, any questions from the public in attendance;
 - m) To fix in May the provisional meeting dates for the following year..

14. Urgent Business

A motion to vary the order of business on the grounds of urgency:

- a) may be proposed by the Chairman or any other 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.

15. Resolutions Moved on Notice

Except as provided by these Standing Orders, no resolutions 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 seven clear days before the meeting of the Council.

16. Conduct of Business

- a) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- b) Whenever the Chairman speaks during a debate all other member shall be silent.
- c) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed five minutes except by the consent of the Council.
- d) 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.

17. Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the Council on 16th October 2012.**
- b) 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.**
- c) 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 do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Standards Board.**
- d) If either of the motions in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take further steps as may be necessary to enforce them.

18. Right of Reply

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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

19. Alteration of Resolution

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

20. Canvassing of and Recommendations by Members

- 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 of this Standing Order to every candidate.
- b) 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.

21. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

22. Voting on Appointments

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.

23. 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 public shall be excluded. (See Standing Order 41)

24. Expenditure

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

25. Sealing of Documents

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

- b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

26. Committees and Sub-Committees

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

27. Every Committee shall at its first meeting following its appointment before proceeding with any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
28. Except where ordered by the Council in the case of a committee, or by the Council or the appropriate committee in the case of a sub-committee, the quorum of a committee or a sub-committee shall be one half of its members or a minimum of three whichever is the greater.
- 29. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

30. Accounts and Financial Statement

The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council, including the annual governance statement, shall be presented to Council for formal approval before 30 June. **The end of year accounts, all items of expenditure over £100, the internal audit report and the annual governance statement (approved and signed by the Chair and RFO) must be published on the Council's website, no later than 1st July each year.**

31. Estimates

The Council shall approve written estimates for the coming financial year at its meeting in January.

32. Interests

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 16th October 2012, as subsequently amended, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

- 33. 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.**
34. If any member has any pecuniary or non-pecuniary interest, direct or indirect, in any contract proposed contract or any other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial or the Council invites him to remain.

35. The Clerk may be required to compile and hold a register of member's interests, or a copy thereof in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute. The book shall be open for inspection by any member.

36. Inspection of Documents

- a) 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.
- b) The Clerk shall provide an annual publication of Councillor responsibilities and an annual publication of public land and registered assets held by the Council. This information is to be published on the Council's website no later than 1st July each year.

37. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

38. Agendas of meetings shall be displayed on village notice boards three clear days before the meeting.

39. Minutes of meetings shall be prepared as soon as possible after the meeting.

40. Authorised Activities

Members 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;
- b) issue orders, or instructions or directions as authorised to do so by the Council or the relevant committee or sub-committee;
- c) other than the Chairman shall not make any Public Statement concerning Council business, without permission of the Chairman.

41. Admission of the Public and Press to Meetings

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

"That in the 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 that they are instructed to withdraw".

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

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

44. Confidential Business

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

45. Liaison with County and District Councillors

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 Councillors for the District Ward.

46. Planning Applications

- a) The Clerk shall establish and maintain a list of all planning applications received.
- b) The Clerk shall refer every planning application received to the Chairman or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.
- c) Every application should be discussed at a Parish Council meeting within the appropriate consultation period.
- d) Every effort should be made to make the documentation or a copy of the documentation available to members prior to the meeting.

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 the manner recommended by the National Association of Local Councils.

48. Variation, Revocation and Suspension of Standing Orders

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.

- 49. 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.

50. Issue of Standing Orders to Members

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 and written undertaking to observe the Code of Conduct adopted by the Council.

51. Financial Regulations

The Council adopts and reviews the proposed Financial Regulations which detail financial arrangements of the Council.

52. The Standing Orders and the Financial Regulations are reviewed annually.

53. Training

All new Councillors and Clerks will be required to attend a training course provided by Cambridgeshire & Peterborough Association of Local Councils (CAPALC) as soon as practicable

54. Requests for Information

- a) Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.