

# HORTON KIRBY AND SOUTH DARENTH PARISH COUNCIL

## STANDING ORDERS

APPROVED AT PARISH COUNCIL MEETING 12 JUNE 2012

These Standing Orders apply to meetings of the Parish Council and its Committees (and sub-committees where appropriate)

Standing Orders in **bold type** are statutory and cannot be excluded or amended. All others are discretionary.

### 1. Meetings

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

### 2. Proper Officer

The Proper Officer of the Council is the Clerk. The Responsible Financial Officer of the Council is the Clerk. Other duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description. Notwithstanding those duties and responsibilities, it shall be the duty of the Clerk to advise Members on the content and interpretation of these Standing Orders.

### 3. Quorum

- (a) **Three Members shall constitute a quorum.** If a quorum is not present when the Council meets or if during a meeting the number of Members, for whatever reason, 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 decide.
- (b) A quorum for a committee or sub-committee is 3 voting members.

### 4. Voting

- (a) Members shall vote by show of hands.
- (b) **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.**
- (c) **Subject to (d) and (e) 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.**
- (d) **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.**

**(e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

## **5. Order of Business**

**(a) At each Annual Parish Council Meeting the first business shall be:-**

- **To elect a Chairman of the Council**
- **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**

**(b) 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.**
- **to receive any declarations of acceptance of office and undertakings to observe the code of conduct as are required or, if not then received, to decide when they shall be received.**

**(c) At all meetings, 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:-**

- **To consider the Minutes and after consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- **To deal with business expressly required by statute to be done**
- **All other items on the agenda in any order as decided by the Chairman.**

## **6 Resolutions Moved On Notice**

**(a) 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 of its terms to the Clerk at least 5 clear days before the next meeting of the Council.**

**(b) Every resolution or recommendation shall be relevant to some subject which affects the Parish Council's area.**

## **7 Resolutions Moved Without Notice**

Resolutions on procedural matters may be moved without notice.

## **8. Questions**

**(a) A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 7 clear days notice of the question has been given to the person to whom it is addressed.**

**(b) Every question shall be put and answered without discussion.**

(c) A person to whom a question has been put may decline to answer.

## 9 Rules of Debate

(a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

(b) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

(c) Members shall address the Chairman. All Members will indicate when they wish to speak by show of hand. If two or more members wish to speak, the Chairman shall decide who to call upon. No discussion shall take place except through the Chair.

(d) Whenever the Chairman speaks during a debate all other members shall be silent. No members of the public including District and County Councillors and Police Officers will be allowed to speak, other than when invited to respond to a specific agenda item, without having first indicated by show of hand that they wish to say something and they are given permission to do so by the Chairman.

(e) Members of the public can attend meetings of the authority for the purpose of making representations, giving evidence or answering questions but must abide by these Standing Orders.

## 10 Closure

A motion of closure of a debate may be moved at any time but must be proposed and seconded without comment. The Chairman may refuse such motion if he feels that the question before the Council has not been sufficiently debated.

## 11 Rescission of Previous Resolutions

A decision of the Council (whether affirmative or negative) shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least 5 Members of the Council. When such a resolution has been disposed of, no similar resolution may be moved within a further six months. Committees may change the number of signatories to the written notice.

## 12. 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.

## 13. 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. 27)

## 14. Resolutions on Expenditure

Any resolution 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

15. Expenditure

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

16. 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.

17 Ex-officio Members

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

18 Special Meeting

Parish Council

The Proper Officer or the Chairman of the Council may summon an additional meeting of the Parish Council at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of Parish Council members. The summons shall set out the business to be considered at the special meeting.

Committee or Sub-Committee

The Proper Officer or the Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee or sub-committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the voting members of the committee. The summons shall set out the business to be considered at the special meeting.

19. Code of Conduct

**All members must observe the adopted Code of Conduct in force for the time being.**

20 Interests

**(a) If a member has a personal interest as defined by the Code of Conduct then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

**(b) 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 except that Members have the same rights as the public (see SO 9(e)).**

**(c) The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

21 Candidates for Appointments

(a) 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.

(b) The Clerk shall make known the purpose of Standing Order 21(a) to every candidate.

## 22 Review of Pay and Conditions

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.

## 23 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.

## 24 Tenders

Standing Order Nos. 21 & 23 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 25. Minutes

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

## 26. 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 Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

## 27. Admission of The Public and Press to Meetings

**(a) The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public 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”

The Council shall state the special reason for exclusion.

(b) 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. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

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

## 28 Any Other Business

Any Other Business will not be included on the agenda. Matters of information only can be raised during Questions from the Public.

### 29 Questions from the Public.

10 minutes will be allowed for members of the public to raise any matters for consideration and future decisions as necessary and appropriate. Items raised will be referred to the relevant parish council meeting. The public raising items that are not the responsibility of the Parish Council will be informed of the relevant authority to direct their query to.

### 30 Liaison with County and District Councillors

A summons and agenda for each meeting together with the draft parish council and relevant committee Minutes shall be sent to the County and District Councillors for the appropriate division or ward.

### 31 Papers for the Public

Unless instructed otherwise, the clerk will make 3 copies of the Agenda and Minutes of meetings available to the public at any one Parish Council meeting.

### 32. Code of Conduct on Complaints

The Council shall deal with complaints in accordance with its complaints policy.

### 33. 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.

### 34 Length of Meetings

Except at the discretion of the Chairman, all meetings of the Council shall finish not later than two and a half hours after commencement. Any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide.

### 35 Confidential Business

(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 shall be removed from any committee or sub-committee of the Council by the Council.

### 36 Standing Orders to be Given 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.