

HOAR CROSS PARISH COUNCIL

Standing Orders

MEETINGS

- 1 A There will be a minimum of four meetings of the Council per annum plus the Annual Meeting
B Additional Meetings may be called at the discretion of the Chairman or if requested by at least two members
C Smoking is not permitted at any meeting of the Council
- 2 The Statutory Annual Meeting shall be held within the month of May
- 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

PROPER OFFICE

- 4 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:
 - A To receive declarations of acceptance of office
 - B To receive and record notices disclosing interests
 - C To receive plans and forward to Councillor responsible for planning for retention
 - D To receive and retain documents
 - E To sign notices or other documents on behalf of the Council and to receive copies of documents sent out by Councillors
 - F To receive copies of byelaws made by a District Council
 - G To certify copies of byelaws made by the Council
 - H To sign summonses to attend Meetings of the Council

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

QUORUM

- 5 **Three members shall constitute a quorum**
- 6 If a quorum is not present when the Council meets or if during a Meeting the number of Councillors present and not debarred by reason of a declared 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

- 7 Members shall vote by show of hands, or, if at least two members so request, by signed Ballot
- 8 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
- 9 a) Subject to b) 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 of Chairman
c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- 10 At the Annual Meeting the first business shall be
 - A To elect a chairman
 - 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
 - F To appoint committees
 - G Standing Order removed
- 11 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 received
- 12 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 (see Standing Order 25 below)
- 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 authorise the signing of orders for payment
 - D Any other business specified in the summons
- 14 A motion to vary the order of business on the grounds 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

- 15 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area

RESOLUTIONS MOVED WITHOUT NOTICE

- 16 Resolutions dealing with the following matters may be moved without notice:
- A To appoint a Chairman of the Meeting
 - B To correct the Minutes
 - C To approve the Minutes
 - 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
 - H To appoint a committee or members thereof
 - I To adopt a report
 - J To authorise the sealing of documents
 - K To amend a motion
 - L To give leave to withdraw a resolution or an amendment
 - M To exclude the public (see order 36)
 - N To silence or eject from the Meeting a member name for misconduct (see order 22 below)
 - O To give the consent of the Council where such consent is required by these Standing Orders
 - P To suspend any Standing Order (see order 47 below)
 - Q To adjourn the Meeting

QUESTIONS

- 17 A member may ask the Chairman or Clerk any question concerning the business of Council
- 18 No questions not connected with business under discussion shall be asked except during the part of the Meeting set aside for questions

RULES OF DEBATE

- 19 No discussion shall take place upon the Minutes except their accuracy. Corrections to Minutes shall be made by resolution and must be initialled by the Chairman
- 20 A A resolution or amendment shall not be discussed unless it has been proposed and seconded
- 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 An amendment shall be either
 - to leave out words
 - to leave out words and insert or add others
 - to insert or add words
- An amendment shall not have the effect of negating the resolution before the Council
- E A resolution or amendment shall not be discussed unless it has been proposed and seconded
 - F A further amendment shall not be moved until the Council has disposed of every

amendment previously removed

G The mover of the resolution or of an amendment shall have a right of reply

H 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/her which may have been misunderstood

I 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 had been refused

J When a resolution is under debate no other resolution shall be moved except the following

- to amend the resolution
- to proceed to the next business
- to adjourn the debate
- that the question be now put
- that a member named be not further heard
- that a member named do leave the meeting
- that the resolution be referred to a committee
- to exclude the public and press
- to adjourn the meeting

21 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

DISORDERLY CONDUCT

22 A 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 scandalise 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 do leave the Meeting, and the motion, if seconded, shall be put forthwith and without discussion

C If either of the motions mentioned in paragraph (B) is disobeyed, the Chairman may suspend the Meeting or take such further steps as may reasonably be necessary to enforce them

RESCISSON OF PREVIOUS RESOLUTION

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

B When a special resolution or any 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

VOTING ON APPOINTMENTS

24 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

25 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 36)

RESOLUTIONS ON EXPENDITURE

26 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 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

EXPENDITURE

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

ACCOUNTS AND FINANCIAL STATEMENTS

- 28 A Except as provided in paragraph (B) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council
- B 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 appropriate officer. 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 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
- 29 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

- 30 The Council shall approve written estimates for the coming financial year at its meeting in the month of January
- 31 A member must ensure that he fulfils the requirements of the registration of financial and other interest as detailed in the Parish Council Code of Conduct, adopted on 9th January 2002
- 32 If a candidate for any appointment under the Council is to his knowledge related to any member of or 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 any such disclosure. Where a relationship to a member is disclosed Standing Order 31 shall apply

INSPECTION OF DOCUMENTS

- 33 A member may for the purpose of his/her 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
- 34 All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council**

UNAUTHORISED ACTIVITIES

- 35 No member of the Council 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

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 36 The public shall be admitted to all the Meetings of the Council and its committees, which may, however, temporarily exclude the public by means of the following resolution:** "That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw"
- 37 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present**
- 38 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the person be removed from the Council chamber, however, the Chairman may allow contribution from a member of the public if it is relevant to the proceedings

CONFIDENTIAL BUSINESS

- 39 A No member of the Council shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the 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

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 40 A notice of Meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor/s for the District ward

PLANNING APPLICATIONS

- 41 A The Clerk shall, as soon as it is received, record the following particulars of every Planning Application notified to the Council

the date on which it was received
the name of the applicant
the place to which it relates
a summary of the nature of the application

B The Clerk shall refer every Planning Application to the Councillor responsible for planning matters within 24 hours of receiving it

C The Clerk shall have delegated powers from the Council between Meetings to respond to Planning Applications, following discussion with the Chairman and Councillor responsible for planning, unless an objections has been received from an elector, when a meeting should be called

D If a special meeting is called to discuss a Planning Application it will be publicised for three clear days before the meeting takes place

STANDING ORDER ON CONTRACTS

42 A Where it is intended to enter into a contract exceeding £500 in value for the supply of goods or materials or for the execution of works, the Clerk shall obtain two written quotations

B Neither the Council nor any committee is bound to accept the lower quotation

C If no quotation is received or if all the quotations are identical the Council may make such arrangements for procuring the goods or material or executing the works as it thinks fit

D A notice issued under this Standing Order shall contain a statement of the effect of Standing Order 32

CODE OF CONDUCT ON COMPLAINTS

43 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

INTERNAL AUDIT

44 Payments

A All cheques and cheque stubs must be signed by two of the three cheque signatories from the Parish Council

B Full details of every cheque, including payees, detail, amount and cheque number to be included in the Minutes

C Cheques will be sent out after each Parish Council Meeting

45 Income – all income will be banked promptly by the Clerk and reported at the next Parish Council Meeting

46 Clerk must

A Make up cash book after every Meeting

B Reconcile bank statements upon receipt on a quarterly basis

C Make all the financial documents of the Council available for review whenever requested

D A non cheque signing member of the Council shall carry out a reconciliation of the bank to cash book on a six monthly basis and report to the next Meeting of the Parish Council

47 A The Council will appoint annually an independent internal auditor

B At the end of each financial year, the cash book, receipts and invoices and final accounts will be passed to the independent internal auditor for review

C The independent internal auditor will carry out any ad hoc reviews during the year as deemed necessary

D After each review, the independent internal auditor will complete his report on the Annual Return to the Audit Commission

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

48 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

STANDING ORDERS TO BE GIVEN TO MEMBERS

50 A copy of these Standing Orders shall be give to each member by the Clerk upon delivery to him/her of the member's declaration of acceptance of office