

Thornton Curtis Parish Council

STANDING ORDERS

May 2017

1 Meetings

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**

- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.

- e In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.

- f In accordance with standing order 1(e) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to the Proper Officer for a written or oral response.

- g A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- h A person shall raise his hand when requesting to speak.

- i Any person speaking at a meeting shall address his comments to the Chairman.
- j Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- k **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- l **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**
- n **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- o **Subject to standing order 1 (v) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- p **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- q **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- r **The minutes of a meeting shall record the names of councillors present.**
- s **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

- t **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**

- u **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

- v **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned.

- w Meetings shall not exceed a period of 2 hours.

2 Ordinary Council meetings

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**

- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct.**

- c **If no other time is fixed, the annual meeting of the Council shall take place at 6:30pm.**

- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**

- e **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**

- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**

- g **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
- i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Receive apologies from absent members
 - iii. Confirmation of the accuracy of the minutes of the last annual meeting of the Council.
 - iv. Review and adoption of appropriate standing orders and financial regulations.
 - v. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - vi. Review, approval and adoption of the Financial Statement for the previous year ending 31st March
 - vii. Public Participation
- k The order of business and the matters specified on the Agenda at an ordinary meeting of the Council shall include..
- i To Note Apologies for Absence
 - ii To Note Declarations of Interest
 - iii To Receive Public Participation
 - iv To Resolve the Minutes of the Previous Meeting
 - v To Resolve Matters Arising
 - vi To Resolve Village Matters
 - vii To Resolve Highways and Transport Matters
 - viii To Consider Planning Applications
 - ix To Resolve Environmental Issues
 - x To Consider Correspondence
 - xi To Resolve Accounts and Financial Matters
 - xii To Consider the Agenda for the next Meeting
 - xiii To Resolve the Date and Time of the next Meeting

3 Proper Officer

- a The Council's Proper Officer shall be the clerk. The Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders.

- b The Council's Proper Officer shall do the following.
- i. **Sign and serve on councillors by delivery or post at their residences or electronically to their email addresses a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting**
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)i and 3(b)ii above.**
 - iv. Make available for inspection the minutes of meetings.
 - v. **Receive and retain copies of byelaws made by other local authorities.**
 - vi. **Receive and retain declarations of acceptance of office from councillors.**
 - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - viii. Keep proper records required before and after meetings;
 - ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
 - xii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
 - xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
 - xiv. Record every planning application notified to the Council and the Council's response to the local planning authority in the minutes of the next available meeting.
 - xv. Refer a planning application or other matter received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application or other matter requires consideration before the next ordinary meeting of the Council. This Council utilises its power under the Local Government Act 1972, Section 102(1)(a), to devolve authority to the Clerk to respond to planning applications and other matters received between meetings and where, in the opinion of the Chairman, the convening of an extra-ordinary meeting is inappropriate. In preparing a response the Clerk can take soundings from all members of the parish council by electronic or whatever means of other communication is convenient in order that the response is as informed as possible. The response to the planning or other authority shall contain the name of the Clerk.
 - xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

No motion shall require written notice.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
- i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds signed by two councillors and witnessed.
 - xvii. To authorise the payment of monies up to £1000.
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix. To extend the time limit for speeches.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order except those which are mandatory by law.**
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvi. To answer questions from councillors.
 - xxvii. To approve any matter falling under the topics listed on the Agenda for the meeting including those listed in 2(k) above and any other topic which has been notified to the Proper Officer at least 14 days before the meeting and included in the Agenda.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-

committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion shall not be considered unless it has been proposed and seconded.
- c A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- d Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- e A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- f Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- g One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- h If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- i If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- j A point of order shall be decided by the Chairman and his decision shall be final.
- k When a councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;

- vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(k)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote.

7 Code of conduct

- a **All councillors shall observe the code of conduct adopted by the Council.**
- b **A councillor or co-opted person (within the meaning of the Localism Act 2011, section 27[4]) who has a pecuniary interest or disclosable pecuniary interest in any business to be discussed at a meeting of the council or any of its committees or sub-committees, and is present at the meeting at which that business is to be discussed, must disclose at that meeting the existence of the interest and withdraw from the room in which the meeting is being held before the commencement of any debate on the matter, unless a dispensation has been granted.**
- c **Any councillor disclosing an interest pursuant to this Standing Order must not seek to improperly influence a decision about the business under consideration.**
- d **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

8 Minutes

Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

9 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 9(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 9(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and may adjourn the meeting.

10 Rescission of previous resolutions

A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion or by a motion moved in pursuance of the report or recommendation of a committee, employee, professional advisor, expert or consultant.

11 Voting on appointments

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

12 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

13 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 8 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

14 Committees

The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary and standing orders for such committees will be drawn up when any committee is appointed.

15 Extraordinary meetings

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

16 Accounts and Financial Statement

All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

17 Estimates/precepts

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

18 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for

submission to the Council with an application for appointment.

- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

19 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

20 Confidential business

Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

21 Matters affecting council employees

The Council will deal confidentially with all matters relating to employees of the council in line with legislative standards and best practice recommended by ERNLLCA.

22 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- 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 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(ix) above.

23 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.
- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender**

as summarised in standing order 30(c) below.

- c **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

24 Variation, revocation and suspension of standing orders

Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

25 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.