

STANDING ORDERS
EXBOURNE WITH JACOBSTOWE GROUPE PARISH COUNCIL

Adopted 28/06/2008

Page 298 Min 22.4.1

Reviewed 28th March 2012 no amendments P. 84 min 113.1

Dispensations discussed 30/1/13 (P.120 89.3) and 27/2/13 (P.126 100.4).

Addition made to Standing Orders (Item 77).

Reviewed 24th Sept 2014 (P. 201 57.4) – amended item 59.

Reviewed 25th March 2015 (P.225 112.7) – no amendments.

Reviewed 29th July 2015 (P.251 52.2) – amendment made to Standing Order 44.1

1. Meetings

1.1. Ordinary Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.

1.2. Extraordinary meeting of the Council may be called at any time by the

1.2.1. Chairman.

1.2.2. Any two members may submit a written request signed by them to the Chairman to call an extraordinary meeting. In the event of the Chairman not calling such a meeting within 7 days of the request or refusing to call an extraordinary meeting the two members may call an extraordinary meeting.

2. The Statutory Annual Meeting

2.1. In an election year the Annual General Meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.

2.2. In a year which is not an election year the Annual General Meeting of the Council shall be held on such day in May as the Council may direct.

2.3. In addition to the Annual General Meeting of the Council 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.

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.

4. 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.

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.

6. Attendance at Meetings.

A Councillor is disqualified from Office if they fail to attend any meetings of the Council for 6 calendar months without an acceptable apology for absence.

6.1. Apologies for absence. Apologies for Absence should be accompanied with a reason for absence.

7. Voting

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

7.1. 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.

7.2. Chairman's Vote. Subject to Standing Order 7.2.1 and 7.2.2 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.

7.2.1. If the person presiding at the Annual General Meeting of Parish Council would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

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

8. Order of Business - The Annual General Meeting of the Parish Council

8.1. To elect a Chairman of the Council

8.2. To receive the Chairman's declaration of acceptance of office or if not then received, to decide when it shall be received.

8.3. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

8.4. To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

8.5. To appoint representatives to outside bodies.

8.6. To appoint committees.

8.7. To consider the payment of any subscriptions falling to be paid annually.

8.8. To inspect any deeds and trust investments in the custody of the Council as required; and shall thereafter follow the order set out in the Standing Order 9.1

9. Order of Business at Ordinary Meetings

9.1. Appointment of 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.

9.2. In every year, not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees Standing Order 31 must be read in conjunction with this requirement.

9.3. Disclosures of interest. The onus of declaration at all times lies with the member (and employees).

9.4. Minutes To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day before the meeting, the Minutes may be taken as read.

9.5. After consideration to approve the signature of the Minutes by the Chairman as a correct record.

9.6. To deal with business expressly required by statute to be done.

9.7. To dispose of business, if any, remaining from the last meeting.

9.8. To receive such communications as the Chairman may wish to lay before the Council.

9.9. To answer questions from Councillors.

9.10. To receive and consider reports and minutes of committees.

9.11. To receive and consider resolutions or recommendations, and to consider business notified for consideration, in the order in which these resolutions, recommendations and business have been notified.

9.12. To authorise the sealing of documents.

9.13. If necessary, to authorise the signing of orders for payment.

10. Urgent Business

10.1. A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded and

10.2. Shall be put to the vote without discussion.

11. Resolutions 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 5 clear days before the next meeting of the Council.

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

13. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

14. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

15. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

16. Resolutions moved with out notice Resolutions dealing with the following matters may be moved without notice:

16.1. To appoint a Chairman of the meeting.

16.2. To correct the Minutes.

16.3. To approve the Minutes.

16.4. To alter the order of business.

16.5. To proceed to the next business.

16.6. To close or adjourn the debate.

16.7. To refer a matter to a committee.

16.8. To appoint a committee or any members thereof.

16.9. To adopt a report.

16.10. To authorise the sealing of documents.

16.11. To amend a motion.

16.12. To give leave to withdraw a resolution or amendment.

16.13. To exclude the press and public (see Standing Order 57)

- 16.14.** To silence or eject from the meeting a member named for misconduct (see Standing Order 23-26).
- 16.15.** To give the consent of the Council where such consent is required by these Standing Orders.
- 16.16.** To suspend any Standing Order (see Standing Order 70)
- 16.17.** To adjourn the meeting.

17. Questions.

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 5 clear days notice of the question has been given to the person to whom it is addressed.

- 18.** No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 19.** Every question shall be put and answered without discussion.
- 20.** A person to whom a question has been put may decline to answer.

21. Rules of Debate

- 21.1.** 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.
 - 21.2.** A member shall remain seated when speaking unless requested to stand by the Chairman.
 - 21.3.** The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
 - 21.4.** Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
 - 21.5.** Whenever the Chairman speaks during a debate all other members shall be silent.
- 22. Closure** At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "that the question be now put", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

- 23. Disorderly Conduct.** All members must observe the Code of Conduct which was adopted by the Council on 16th May 2007 (page 252 min 50)

- 24.** 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.

25. If, in the opinion of the Chairman, a member has broken the provisions of Standing Order 23, 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. ...

26. If either of the motions mentioned in Standing Order 24 is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

27. 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.

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

29. Recession of a Previous Resolution

29.1. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a resolution of the Council passed by a recorded vote. The number of original votes required to pass this resolution must be greater than half the total number of members (whether present or not) who are not excluded from participating by virtue of a declared interest.

29.2. When any resolution moved under the provisions of Standing Order 29.1 has been disposed of, no similar resolution may be moved within a further six months except by a special resolution, the written notice whereof bears the names of at least three members of the Council. Such a resolution will also be subject to the requirements of Standing Order 29.1

30. 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.

31. 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 maybe) has decided whether or not the press and public shall be excluded (see Standing Order 57)

32. 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.

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

34. Sealing of Documents.

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

34.2. Any two members of the Council named in a resolution moved under the Provisions of Standing Order 34.1 may seal, on behalf of the Council, any document required by law to be issued under seal.

35. Committees. The Council may at its Annual General 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:

35.1. Shall not appoint any member of a committee so as to hold office later than the next Annual General Meeting.

35.2. May appoint persons other than members of the Council to any Committee

35.3. May, subject to the provisions of Standing Order 29, at any time dissolve or alter the membership of any committee.

35.4. Committee meetings must be minuted.

36. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual General Meeting of the council, and shall settle its programme of meetings for the year.

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

38. 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.

39. Voting in Committees. Members of committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

40. Chairmen of committees shall in the case of an equality of votes

have a second or casting vote.

41. Presence of Non member 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.

42. Accounts and Financial Statement

42.1. Except as provided in paragraph 42.2 of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

42.2. 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 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 payment with the approval of the Chairman or Vice-Chairman of the Council.

42.3. All payments ratified under paragraph 42.2 of this Standing Order shall be separately included in the next schedule of payments before the Council.

43. The Responsible Financial Officer (Standing Order 43) 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 sent to the before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval by the 30th June.

44. Estimates/Precepts

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

44.2. Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming financial year no later the October meeting.

45. Interests If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 16th May 2007 (page 252 min 50) then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

46. A member is deemed to have a personal interest in any business of their Authority if a decision in relation to that business might reasonably be regarded as affecting their wellbeing or financial position or the well being or financial position of a relevant person (which includes someone who is part of the member's family or someone with whom the member has a close association) to a greater extent than the majority of council tax payers

47. Where a member has a prejudicial interest in any business of their

authority, eg a meeting at which a planning application is considered, they may attend provided that the public are also entitled to attend, but only for the purpose of making representations, answering questions or giving evidence relating to that business and must leave the meeting immediately after.

48. Register of Members Interests. The Clerk is required to hold a copy of the register of member's interests which is open to public inspection. All Councillors are required to amend their entry in the register of members' interests as soon as reasonably practicable after any material change to the entry. A formal review must be carried out at least every six months through out the life of the Council.

49. Appointment of Staff. 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 a relationship to a member is disclosed, Standing Order 46 to 47 applies as appropriate.

50. The Clerk shall make known the purpose of para 49 to every candidate.

51. Canvassing of and Recommendations by Members.

51.1. 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 know the purport of this sub-paragraph of this Standing Order to every candidate.

51.2. Any 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 form.

52. Tenderers. Standing Orders 49 & 50 shall apply to tenders as if the person making the tender were a candidate for an appointment.

53. Review of Terms 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. Standing Order 35 must be read in conjunction with this requirement.

54. 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.

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

56. Unauthorised Activities. No member of the Council or of any committee shall in the name of or on behalf of the Council:

56.1. Inspect any lands or premises which the Council has a right or duty to inspect

56.2. Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee.

57. Admission of the Public and the Press. 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.

58. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

59. 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. A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of a parish council or its committees but otherwise may:

a) film, photograph or make an audio recording of a meeting

b) use any other means for enabling persons not present to see or hear proceedings

at a meeting as it takes place or later;

c) report or comment on the proceedings in writing during or after a meeting or orally

report or comment after the meeting.

The council has adopted a protocol on the filming and recording of parish council and committee meetings and should someone present at a meeting which to record proceedings then the chairman or clerk should make them aware of the protocol.

60. 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.

- 61. Confidential Business.** No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council or the committee, as the case may be, except if the disclosure is reasonable, in the public interest, made in good faith and in compliance with the authority's reasonable requirements.
- 62.** Any member in breach of the provisions of Order Standing 61 shall be removed from any committee of the Council by the Council.
- 63. Liaison with County and District Councillors.** A summons and Agenda for each meeting shall be sent, together with an invitation to attend to the County and Borough Councillor for the appropriate division or ward.
- 64.** Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Council or for the division or to the District Councillor for the ward as the case may require.
- 65. Planning Applications.** The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:
- 65.1.** The date on which it was received
 - 65.2.** The name of the applicant
 - 65.3.** The place to which it relates.
- 66.** The Clerk shall refer every planning application received to the Chairman/ Chairman of the Planning Committee or in the Chairman's absence to the Vice Chairman on the Clerks next working day.
- 66.1.** *Site Meetings. The decision to call for a site meeting will rest with the Chairman or in their absence the Vice Chairman after listening to other Councillors views. A quorum of the Council be present at the site meeting and a written report be presented at the next Council meeting. In the case that a response is required before the next Council Meeting, the planning decision will be taken at the Site Meeting Amdt Jan page 317 min92*
- 67. Financial Matters.** The Responsible Financial Officer of the Council is the Clerk.
- 68.** The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, such regulations shall include detailed arrangements for the following:
- 68.1.** The accounting records and systems of internal control;
 - 68.2.** The assessment and management of risks faced by the Council;
 - 68.3.** The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually
 - 68.4.** The financial reporting requirements of members and local electors
 - 68.5.** Procurement policies (Standing Order 68.5.2) including the

setting of values for different procedures where the contract has an estimated value less than £50,000.

68.5.1. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in below.

68.5.2. Any formal tender process shall comprise the following steps:

68.5.2.1. A public notice of intention to place a contract to be placed in a local newspaper;

68.5.2.2. A specification of the goods, materials, services and the execution of works shall be drawn up;

68.5.2.3. Tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;

68.5.2.4. Tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;

68.5.2.5. Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

68.5.3. Neither the Council, nor any Committee, is bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 49, 50 & 51 regarding improper activity.

68.5.4. The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

69. Media. Where the Clerk is contacted by the media, before making any statements on behalf of the Council he should make every effort to seek the guidance of the Chairman or Vice Chairman.

70. 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.

71. 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.

72. 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.

73. Proper Officer. Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases, he shall be the Clerk or nominated officer:

73.1. To receive declarations of acceptance of office.

- 73.2.** To receive and record notices disclosing interests at meetings.
- 73.3.** To receive and retain plans and documents
- 73.4.** To sign notices or other documents on behalf of the Council.
- 73.5.** To receive copies of by-laws made by another local authority.
- 73.6.** To certify copies of by-laws made by the Council.
- 73.7.** To sign and issue summons to attend meetings of the Council. The parish council allows the service of summons, agendas and supporting documents by email except in the case of a councillor who does not have the email facility or a councillor who elects not to receive it electronically then their documentation will be left at, or posted to, their home.
- 74.** 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.
- 75. Standing Orders to be Given to Members** A copy of these approved 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.
- 76. Internal Auditor** A copy of these Standings Orders and all subsequent authorised amendments shall also be supplied to the Internal Auditor by the Clerk.
- 77. Dispensations** In the event where a councillor has a Declarable Pecuniary Interest (DPI) he/she can seek a dispensation to allow them to speak/vote at the meeting. At a meeting held on January 30th 2013 the clerk was delegated to grant dispensations. Councillors seeking a dispensation must give the clerk seven days notice prior to the scheduled meeting.