

## HEATH & HOLMEWOOD PARISH COUNCIL STANDING ORDERS

### Meetings

1. Meetings of the Council shall be held at the Pavilion, Heath Road, Holmewood, or at alternative venues in the parish at 7pm in the evening until 9pm unless the Council decides otherwise at a previous meeting. Smoking is not permitted at any meeting of the Council.
2. The Statutory Annual Meeting (a) in an election year shall be held, on the Wednesday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the second Wednesday in May.
3. The three other statutory meetings shall be held on the second Wednesday in the months of September, November and February.
4. Seven additional meetings shall be held in January, March, April, June, July, October and December.

### Chair of the Meeting

5. The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.

### Proper Officer

6. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, s/he shall be the Clerk:
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing pecuniary interests.
  - (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 byelaws made by a District Council
  - (f) To certify copies of byelaws made by the Council.
  - (g) To sign summonses to attend meetings of the Council

### Quorum

7. Four members shall constitute a quorum for a meeting of the full council.
8. 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 pecuniary 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

9. Members shall vote by show of hands or, if at least two members so request by signed ballot.
10. If a member so requires, the Clerk shall record the names of the members who voted on any such question so as to show whether they voted for or against or abstained.
11. (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 s/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 the Vice Chairman until the end of their term of office, s/he may not give an original vote in an election for Chairman.

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

### **Order of Business**

In an election year councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences

12. At each 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) To consider the payment of any subscriptions falling to be paid annually.
- (h) To inspect any deeds and trust instruments in the custody of the council and shall thereafter follow the order set out in Standing Order 15.

13. 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 as are required by law to be made, or if not then received to decide when they shall be received.

14. 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 usually in November when the precept is decided.

15. After the first business has been completed, the order of business, unless the council decides otherwise on the ground 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 reports from officers of the council.
- (i) To consider resolutions or recommendations in the order in which they have been notified.
- (j) Any other business specified in the summons.

16. A motion to vary the order of business on the ground of urgency.

- (a) 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
- (b) Shall be put to the vote without discussion.

### **Resolutions moved on notice**

17. 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 written notice of its terms and has delivered the notice to the Clerk at least eight clear days before the next meeting of the council.
18. The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the council.
19. 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 it in writing that s/he intends to move at some later meeting or that s/he withdraws it.
20. 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.
21. 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 s/he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
22. 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**

23. 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 any 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 extend the time for speeches.
  - (n) To exclude the public (see standing order 66).
  - (o) To silence or eject from the meeting a member named for misconduct (see standing order 33).

- (p) To invite a member having an interest in the subject under debate to remain.
- (q) To give the consent of the council where such consent is required by these standing orders.
- (r) To suspend any standing order (see standing order 75).
- (s) To adjourn the meeting.

### **Questions**

- 24. A member may ask the chairman or the Clerk any question concerning the business of the council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26. Every question shall be put and answered without discussion.
- 27. A person to whom a question has been put may decline to answer.

### **Rules of Debate**

- 28. 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.
- 29. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the Chairman, shall be put in writing and handed to him before it is further discussed or put to the meeting.
  - (b) A member when seconding a resolution or amendment may, if s/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) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed five minutes except by consent of the council.
  - (e) An amendment shall be either:
    - (i) To leave out words.
    - (ii) To leave out words and insert or add others.
    - (iii) To insert or add words.
  - (f) An amendment shall not have the effect of negating the resolution before the council.
  - (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - (h) A further amendment shall not be moved until the council has disposed of every amendment previously moved.
  - (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
  - (j) 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 has 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 named member 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 and to adjourn the meeting.

30. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed. Members shall address the Chairman, if two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats. Whenever the Chairman rises during a debate, all other members shall be seated and silent.

### **Closure**

31. At the end of any speech a member may, without comment, move that “the question now be 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 “to put the question”, only if s/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, s/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.

### **Disorderly Conduct**

32. (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 forth with 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.

### **Right of Reply**

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

### **Alteration of Resolution**

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

### **Rescission of previous resolution**

35. (a) A decision of the council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least five 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**

36. 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**

37. 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 has decided whether or not the public shall be excluded.

### **Resolutions on expenditure**

38. Any resolution which is moved otherwise than in pursuance of the Finance committee or of another committee after recommendation by the Finance Committee and which, if carried, would in the opinion of the Chairman substantially increase the expenditure on 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 and the Finance committee shall report on the financial aspect of the matter.

39. (a) Expenditure. Orders for the payment of money shall be authorised by resolution of the council and signed by two members.

(b) The Council can agree retrospectively to pay salaries and to agree this annually when setting the precept without reference to 38a.

(c) An emergency fund shall be in operation for the chair or Clerk to access for emergencies without reference to 38a.

40. Committees and Sub Committees. The council may at its Annual 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:

(a) shall not appoint any member of a committee so as to hold office later than the next annual meeting,

(b) may appoint persons other than members of the council to any committee and

(c) may subject to the provisions of order 35 at any time dissolve or alter the membership of a committee.

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

42. Every committee shall at its first meeting before proceeding to any other parish concerns, elect a chairman and elect a vice chairman who shall hold office until the next annual meeting of the council and shall settle its programme of meetings for the year.
43. 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.
44. Every committee may appoint sub committees for purposes to be specified by the committee.
45. The Chairman and Vice Chairman of the committee shall be members of every sub committee appointed by it unless they signify that they do not wish to serve.
46. Except where ordered by the council in the case of a committee, or by the council or by the appropriate committee in the case of a subcommittee, the quorum of a committee or subcommittee should be 3 of its members.
47. Voting in committees. Members of committees and sub committees entitled to vote shall show by vote of hands, or if at least two members so request, by signed ballot.
48. Chairmen of committees and sub committees shall in the case of an equality of votes have a second or casting vote.
49. Presence of non members of committees at committee meetings. A member who has proposed a resolution which has been referred to any committee, of which s/he is not a member, may explain his resolution to the committee but shall not vote.
50. Accounts and Financial Statement.
  - (a) Except as provided in paragraph (b) of the 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 proper 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 Chair 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.
51. 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.
52. Estimates. The council shall approve written estimates for the coming financial year at its meeting in the month of November.
53. Interests. If any member has any pecuniary interest, direct or indirect, within the meaning of sections 9495 of the Local Government Act, 1972, in any contract proposed contract or other matter, s/he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) :

- (a) The disability imposed upon him by those sections has been removed by the District Council; or
  - (b) The council invite him to remain; or
  - (c) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
54. The Clerk shall record in a book, to be kept for the purpose, particulars of any notice, given by any member or any officer of the council of a pecuniary interest in a contract. The book shall be open during reasonable hours of the day for any inspection of any member.
55. If any member has a pecuniary interest within the ambit of the National Code of Local Government Conduct s/he shall declare it and thereupon be invited to withdraw from the meeting.
56. 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, s/he and the person to whom s/he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so 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 relationship to a member is disclosed standing order 53 shall apply.

#### **Canvassing of and Recommendations by Members**

57. (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.
- (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.
58. Standing Orders 56 and 57 shall apply to tenders as if the person making the tender were a candidate for appointment.

#### **Inspection of Documents**

59. A member may for the purpose of his duty as such, inspect any document in possession of the council or of a committee, and if copies are available shall on request, be supplied for the like purpose with a copy.
60. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

#### **Unauthorised Activities**

61. No member of the council or of any committee shall in the name of or on behalf of the Council inspect any lands or premises which the council has a right or duty to inspect, or issue orders, instructions or directions, unless authorised to do so by the council or the relevant committee.

#### **Admission of the Public and Press to Meetings**

62. The public shall be admitted to all 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 business about to be transacted, it is

advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw.”

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

64. If a member of the public interrupts the proceedings at any meeting, the chairman may after warning, order that s/he be removed from the Council chamber.

### **Confidential Business**

65. (a) 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.

(b) Any member in breach of paragraph (a) of this standing order shall be removed from any committee of the Council by the Council.

### **Standing Order on Contracts**

66. (a) Where it is intended to enter into a contract exceeding £2,500 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least three weeks notice of such intention to at least three suppliers.

(b) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

(c) Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this order and shall be reported by the person who opened them to the Council, or where the tenders have been sought by a committee to that committee.

(d) Neither the council nor any committee is bound to accept the lowest tender.

(e) If no tenders are received or if all the tenders are identical, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

### **Code of Conduct on Complaints**

67. The council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by NALC.

### **Variation, Revocation and Suspension of Standing Orders**

68. 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.

69. 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 Members**

70. 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.

Signed .....  
Chair of Heath and Holmewood Parish Council.