

# CODNOR PARISH COUNCIL

## STANDING ORDERS

### 1. MEETINGS

- 1.1 Meetings of the Council shall be held in each year on such dates and times and at such a place as the Council may direct.
- 1.2 Smoking is not permitted at any meeting of the Council.
- 1.3 All meetings shall be advertised on the Parish notice boards and be open to the public, subject to 7.5 ii and 32.1.

### 2. THE ANNUAL MEETING OF ELECTORS

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

### 3. ORDINARY MEETINGS

- 3.1 In addition to the statutory Annual Meeting of Electors at least three other statutory meetings shall be held in each year on such dates and times and at such places as the Council may direct.
- 3.2 The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.

### 4. PROPER OFFICER

- 4.1 Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council that person shall be the Parish Clerk.

### 5. QUORUM

- 5.1 Unless otherwise decided all meetings shall begin at 7.30 p.m. and end at not later than 9.30 p.m.
- 5.2 Four Members (one third of total membership) shall constitute a Quorum.
- 5.3 If within half an hour of the time appointed for the meeting to Commence a Quorum is not present the meeting shall be adjourned.
- 5.4 At any time during a meeting a Quorum can be asked for by a Member. If it is found that excluding those debarred by reason of a declaration of interest, there is no quorum then the meeting shall be adjourned by a Member present.

### 6. VOTING

- 6.1 The voting shall be by show of hands or, if at least two Members so request, by secret ballot paper.
- 6.2 Subject to 6.3 & 6.4 the Chair may give an original vote on any matter put to the vote and in the event of equality of votes may give a casting vote whether or not they gave an original vote.
- 6.3 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 Chair and Vice-Chair until the end of their term of office they may not give an original vote in the election of Chair.
- 6.4 The person presiding must give a casting vote whenever there is an equality of votes in an election of Chair of the Parish Council.

6.5 Where a difference of opinion on a proposition at a meeting occurs, a vote shall be taken and the names of those voting for and against and of those abstaining from voting, shall be stated in the Minutes when required by any Member, before the vote is taken.

## **7. ORDER OF BUSINESS**

7.1 An agenda shall be prepared by the Parish Clerk in consultation with the Chair, and shall be circulated to Members at least three clear days before the meeting.

### **ANNUAL MEETING OF ELECTORS**

7.2 At each annual Meeting of Electors the first business of the Members of the Council shall be:-

- i. To elect a Chair of the Parish Council.
- ii. To receive the Chair's declaration of Acceptance of Office.
- iii. In the ordinary year of the election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- iv. To decide when any declarations of Acceptance of Office and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law, shall be received.
- v. To elect a Vice-Chair of the Parish Council.
- vi. To appoint representatives to Outside Bodies.
- vii. To appoint Sub-Committees
- viii. To consider the payment of annual subscriptions.

### **OTHER MEETINGS**

7.3 At every other Meeting other than the Annual Meeting of Electors the first business shall be to appoint a Chair if the Chair and Vice-Chair of the Parish Council are absent.

7.4 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 the Parish Clerk.

7.5 After the first business has been completed, the order of business, unless the Council decides otherwise on the grounds of urgency should be as follows:-

- i. Minutes of the previous meeting and of any Sub-Committees are to be signed by the Chair of the meeting after approval.
- ii. To deal with business expressly required by statute to be done and to consider if any business should be conducted in the absence of the public.
- iii. To receive and consider report recommendations and approve payments made in accordance with Financial Regulations.

7.6 A motion to vary the order of business on the grounds of urgency may be proposed by any Member and if proposed by the Chair may be put to the vote without being seconded and should be put to the vote without discussion.

## **8. RESOLUTIONS MOVED ON NOTICE**

8.1 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 Parish Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Parish Clerk at least ten clear days before the next meeting of the Council.

8.2 The Parish Clerk shall date every notice of resolution received and 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.

8.3 The Parish Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given.

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

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

## **9. RESOLUTIONS MOVED WITHOUT NOTICE**

9.1 Resolutions dealing with the following matters may be moved without notice:-

- i. To appoint a Chair of the meeting.
- ii. To correct/approve the Minutes.
- iii. To alter the order of business.
- iv. To proceed to the next business.
- v. To close or adjourn the debate.
- vi. To refer a matter to a Sub-Committee.
- vii. To appoint a Sub-Committee.
- viii. To adopt a report.
- ix. To amend a motion.
- x. To give leave to withdraw a resolution or amendment.
- xi. To exclude the Press and Public (See 33).
- xii. To silence or eject from the Meeting a Member named for misconduct (See 14).
- xiii. To give the consent of Council where such consent is required by these Standing Orders.
- xiv. To suspend any Standing Order (See 10).
- xv. To adjourn the meeting.

## **10. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

10.1 Any or every part of the Standing Orders may be suspended by resolution in relation to any specific item of business except the items detailed in Paragraphs 2,3,5,6,7,14,25,29,31 & 33).

10.2 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.

## **11. QUESTIONS**

11.1 A Member may ask the Chair or Clerk any question concerning the business of the Council provided that three clear days notice of the question has been given to the person to whom it is addressed.

11.2 No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

11.3 Every question shall be put and answered without discussion.

11.4 A person to whom a question has been put may decline to answer.

## **12. RULES OF DEBATE**

12.1 No discussion shall take place upon the Minutes except upon their accuracy with corrections to the Minutes only being made by resolution and must be initialled by the Chair.

- 12.2 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 Chair be produced in writing to them before it is further discussed or put to the meeting.
- 12.3 A Member when seconding a resolution or amendment may if an intention is declared to do so, reserve their speech until a later period of the debate.
- 12.4 A Member shall direct their speech to the question under discussion or to a question of order.
- 12.5 No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed three minutes except by consent of Council.
- 12.6 An amendment shall be either to leave out words, to leave out words and insert others or to insert or add words.
- 12.7 An amendment shall not have the effect of negating the resolution before the Council.
- 12.8 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.
- 12.9 A further amendment may not be moved until the Council has disposed of every amendment previously moved.
- 12.10 The mover of the resolution or of an amendment shall have the right of reply, not exceeding three minutes.
- 12.11 A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- 12.12 A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by them which may have been misunderstood.
- 12.13 A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no such Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- 12.14 When a resolution is under debate no other resolution shall be moved except the following:-
- i. To amend the resolution.
  - ii. To proceed to the next business.
  - iii. To adjourn the debate.
  - iv. That the question be now put.
  - v. That a Member named be not further heard.
  - vi. That a Member named do leave the meeting.
  - vii. To exclude the Press and Public.
  - viii. To adjourn the meeting.
- 12.15 A Member shall have the choice to remain seated when speaking unless requested to stand by the Chair.
- 12.16 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- 12.17 Members shall not address the Chair and if two or more Members wish to speak, the Chair shall decide who to call on.
- 12.18 Whenever the Chair speaks during the debate all other Members shall be silent.

### **13. CLOSURE**

13.1 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 a motion is seconded, the Chair shall put the motion but, in the case of a motion “that the question be now put”, only if they are 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 their right of reply and shall put the question immediately that right has been exercised or waived. The adjournment of the debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

### **14. DISORDERLY CONDUCT**

14.1 All Members must observe the Code of Conduct which was adopted by the Council on the 14<sup>th</sup> May 2007.

14.2 No Member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

14.3 If in the opinion of the Chair, a Member has acted in a manner contrary to that required, the Chair 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 leave the meeting, and the motion, if seconded shall be put forthwith and without discussion.

14.4 If a Member reasonably believes another Member is in breach of the Code of Conduct, that Member is under a duty to report the breach to the Standards Board.

14.5 If the motion mentioned in 14.3 is disobeyed, the Chair may adjourn the meeting or take such further steps as may be reasonably necessary to enforce them.

### **15. RIGHT OF REPLY**

15.1 The mover of the resolution shall have the right of reply immediately before the resolution is put to the vote.

15.2 If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote.

15.3 A Member exercising the right of reply shall not introduce a new matter.

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

### **16. ALTERATION OF RESOLUTION**

16.1 A Member may, with the consent of his seconder, move amendments to his own resolution.

### **17. RESCISSION OF PREVIOUS RESOLUTION**

17.1 A decision (whether affirmative or negative) 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 two Members of the Council, or by resolution moved in pursuance of the report or recommendation of the Council.

17.2 When a special resolution or any other resolution moved under the provision of 17.1 of this Order has been disposed of, no similar resolution may be moved within a further six months.

### **18. VOTING ON APPOINTMENTS**

18.1 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.

## **19. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

19.1 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 has decided whether or not the press and public shall be excluded.

## **20. RESOLUTIONS ON EXPENDITURE**

20.1 Any resolutions which, if carried out, would in the opinion of the Chair 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.

## **21. EXPENDITURE**

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

## **22. COMMITTEES AND SUB-COMMITTEES**

22.1 The Council may at its Annual Meeting of Electors appoint standing committees, sub-committees and such other committees as are necessary, but subject to any statutory provision in that behalf:-

- i. Shall not appoint any Member of a committee, sub-committee or any other committee so as to hold office later than the next Annual Meeting.
- ii. May appoint persons other than Members of the Council to any committee or sub-committee; and
- iii. May subject to the provisions of Order 17 at any time dissolve or alter the membership of committees or sub-committees.

22.2 The Parish Chair and Vice-Chair ex-officio shall be voting Members on every committee.

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

22.4 The quorum of any committee, sub-committees or any other committee shall be one half of its Members.

22.5 The Standing Orders on rules of debate and other matters shall also apply to committees, sub-committees and any other committee.

## **23. SPECIAL MEETING**

23.1 The Parish Chair may summon an additional meeting of that committee at any time.

23.2 An additional meeting shall also be summoned on the requisition in writing of no fewer than two Members of the committee.

23.3 The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

## **24. VOTING IN COMMITTEES**

24.1 Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two Members so request by secret ballot.

24.2 Chair of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

## **CODE OF CONDUCT ON EFFECT OF PREJUDICIAL INTERESTS ON PARTICIPATION**

24.3 In accordance with The Local Authorities (Model Code of Conduct) Order 2007, paragraph 12(1) & (2) shall apply as follows:

(1) Subject to sub-paragraph (2), where a Member has a prejudicial interest in any business of the Parish Council –

- a They must withdraw from the room or chamber where a meeting considering the business is being held-
  - i in a case where sub-paragraph (2) applies, immediately after making representations answering questions or giving evidence;
  - ii in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless the Member has obtained a dispensation from the authority's standards committee;
- b The Member must not exercise executive functions in relation to that business; and
- c The Member must not seek improperly to influence a decision about that business.

(2) Where a Member has a prejudicial interest in any business of the Parish Council, the Member may attend a meeting (including, if applicable, a meeting of the overview and scrutiny committee of the Parish Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **25. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

25.1 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.

## **26. ACCOUNTS AND FINANCIAL STATEMENT**

26.1 Except as provided in paragraph 27.2 of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

26.2 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 Responsible Financial Officer or Parish Clerk if different. 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 Chair and Vice-Chair of the Council.

26.3 All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

26.4 The Responsible Financial Officer 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 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 before the end of the following month of September.

## **27. ESTIMATES/PRECEPTS**

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

## **28. INTERESTS**

28.1 If a Member has a personal interest as defined by the Code of Conduct adopted by the Council on 8 April, 2002 then that interest shall be declared as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

28.2 If a Member who has declared a personal interest then considers the interest to be prejudicial, they must withdraw from the room or chamber during consideration of the item to which the interest relates.

28.3 The Parish Clerk may be required to compile and hold a Register of Member's interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or required by statute.

28.4 If a candidate for any appointment under the Council is to their knowledge related to any Member or the holder of any office under the Council, that candidate and the person to whom they are 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 relationship to a Member is disclosed this Standing Order shall apply.

28.5 The Parish Clerk shall make known the purpose of this Standing Order to every candidate.

## **29. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

29.1 Canvassing of Members of the Council or any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.

29.2 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.

29.3 Standing Order numbers 29.4 and 30.1 and 30.2 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **30. INSPECTION OF DOCUMENTS**

30.1 A Member may for the purpose of their 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.

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

## **31. UNAUTHORISED ACTIVITIES**

31. No Member of the Council of any committee or sub-committee shall in the name or on behalf of the Council (unless authorised to do so);

- 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 or the relevant committee or sub-committee.

### **32. ADMISSION OF THE PRESS AND PUBLIC TO MEETINGS**

32.1 The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however temporarily exclude the public or press or both by means of the following resolution,

viz:

“That in view of the (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw”.

- a Members of the public who are on the Codnor Parish Council register of electors, or are Codnor Parish Council tax payers or are non-domestic tax payers or have a direct interest in matters pertinent to the Council may ask questions of the Council at ordinary meetings of the Council. The total period of time for questions by the public at a Council meeting shall be 15 minutes.

- b A question may only be asked if notice has been given by delivering it in writing or by fax or electronic mail to the Parish Clerk no later than 5.00pm three working days before the Council meeting (i.e. on Thursday when Council meets on the Monday). The notice must give the name and address of the questioner.

- c At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

- d The Parish Council may reject a question if it:

- i is not about a matter for which the Council has a responsibility or which affects Codnor.

- ii is defamatory, frivolous or offensive

- iii is substantially the same question which has been put at a meeting of the Council in the past six months.

- e The Chairman will invite the questioner to put the question to the Council. If the questioner who has submitted a written question is unable to be present, he/she may ask the Chairman to put the question on his/her behalf. In the absence of the questioner, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.

32.2 The Council committee or sub-committee shall state the special reason for exclusion.

32.3 At all meetings of the Council, the Chair may at their 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.

32.4 The Parish Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

32.5 If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that they be removed from the meeting and may adjourn the meeting for such periods as is necessary to restore order.

### **33. CONFIDENTIAL BUSINESS**

33.1 No Member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the committee or sub-committee as the case may be.

33.2 Any Member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

#### **34. LIAISON WITH COUNTY AND BOROUGH COUNCILLORS**

34.1 A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County and Borough Councillors for the appropriate division or ward, unless they are Members of the Parish Council as well.

34.2 Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or Borough Council shall be transmitted to the County Councillor for the division or to the Borough Councillor for the ward as the case may require.

#### **35. PLANNING APPLICATIONS**

35.1 The Parish Clerk shall execute the Council's Code of Best Practice for Planning Applications referred to the Council as shown at Appendix 1 to these Standing Orders.

#### **36. FINANCIAL MATTERS**

36.1 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

36.2 Such Regulations shall include detailed arrangements for the following:

- i. The accounting records and systems of internal control.
- ii. The assessment and management of risks faced by the Council.
- iii. The work of the Internal Auditor and the receipt of regular reports from the internal auditor which shall be required at least annually.
- iv. The financial reporting requirements of Members and local electors and
- v. Procurement policies (subject to 37.3 below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.

36.3 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 37.4 below.

36.4 Any formal tender process shall comprise the following steps:-

- i. A public notice of intention to place a contract to be placed in a local newspaper.
- ii. A specification of the goods, materials, services and the execution of works shall be drawn up.
- iii. Tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time.
- iv. Tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one Member of Council.
- v. Tenders are then to be assessed and reported to the appropriate meeting of Council or committee.

36.5 The Council or committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 32 and 34 regarding improper activity.

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

(Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level.)

### **37. CODE OF CONDUCT ON COMPLAINTS**

37.1 The Council shall deal with complaints of misadministration allegedly committed by the Councillor or 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.

### **38. APPLICATIONS FOR FINANCIAL ASSISTANCE**

38.1 The Parish Clerk shall give of notice of applications no later than the October meeting and March meeting, and all applications shall be accompanied by a current balance sheet of the organisation.

### **39. STANDING ORDERS TO BE GIVEN TO MEMBERS**

39.1 A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery of the Member's Declaration of Acceptance of Office and written undertaking to observe the Code of Conduct adopted by the Council.