

SWALLOWFIELD PARISH COUNCIL

STANDING ORDERS

The Standing Orders were first adopted by
the Parish Council in January 2000

Revisions have been made in
Sept 01, Jan 03, Feb 04, July 05 and July 07

CURRENT DOCUMENT
issued 17 July 2007

SWALLOWFIELD PARISH COUNCIL

STANDING ORDERS

NB: Standing Orders in **bold** type are law and must be followed.

Any others may be suspended or changed by resolution. (*See Standing Order Nos.62 and 63*).

Meetings

1. (a) Meetings shall be held at a time and place duly notified by the Chairman at the previous meeting.
(b) Smoking is not permitted at any meeting of the Council.
(c) The meeting will be adjourned at the Chairman's discretion to allow for comments from members of the public; however there will usually be two allotted times during a meeting when members of the public may speak.
2. **The Statutory Annual Meeting (a) in an election year shall be held on the Tuesday 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 2nd Tuesday in May.**
3. **The three other statutory meetings shall be held in the months** October, January and March.
4. In general, meetings shall be held on the 2nd Tuesday of each month.

Chairman of Meeting

5. **The person presiding at the meeting may exercise all the powers and duties of the Chairman 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, he/she 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 by-laws made by a District Council.
 - (f) To certify copies of by-laws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.

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

Quorum

7. **Three members shall constitute a quorum.**
8. If a quorum is not present when the Council meet or if during a meeting the number of members present and not debarred by reason of a prejudicial 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 so as to show whether they voted for or against it.**
11.
 - (1) **Subject to (2) and (3) below, the Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes may give a casting vote even though he gave no original vote.**
 - (2) **If the person presiding at the meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in the election of the Chairman.**
 - (3) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

Order of Business

(In an election year, members 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.** A member of the Council shall not be eligible to be Chairman for more than four consecutive years unless, in the fifth and subsequent years no other member, who must be seconded, wishes to stand for election as 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 elect the Planning Committee Chairman.
 - (g) To appoint members as 'Lead Councillors' for 'Categories of Responsibility'.
and shall thereafter follow the order set out in Standing Order No. 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 (if any) as are required by law to be made, or if not then received to decided when they shall be received.**
14. In every April, or as soon as practicable thereafter, the Council shall review the pay and conditions of service of existing employees for the current year.
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
 - (a) To read and consider the Minutes, provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
 - (b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - (c) **To 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 written questions from Councillors.
 - (g) To receive and consider reports from the Chairman of the Planning Committee, and to consider resolutions or recommendations relating to Planning.
 - (h) To receive and consider reports from 'Lead Councillors' for their 'Categories of Responsibility', and to consider resolutions or recommendations relating to the Lead Councillors' Categories of Responsibility.
 - (i) To receive and consider reports from officers of the Council.
 - (j) To authorise the 'sealing' of documents.
 - (k) Any other business specified in the summons.
16. A motion to alter the order of business on the grounds 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 notice in writing of its terms and has delivered the notice to the Clerk at least five clear days before the next meeting of the Council.
18. The Clerk shall enter all such notices of resolutions in a book, numbered and dated. This book shall be open to all members.
19. All notices of resolutions, properly requested, shall be inserted in the summons in the order in which they were received unless previously withdrawn by the member concerned.

20. If a resolution or recommendation specified in the summons is not moved by the introducing member, or another, it shall unless postponed be treated as withdrawn and shall not be moved without fresh notice.
21. If a subject matter of a resolution comes within the province of the Planning Committee of the Council, it shall, upon being moved and seconded, stand referred to the Planning Committee without discussion. The Chairman may allow it to be dealt with at the meeting at which it was raised if he considers it a matter of urgency.
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 a meeting.
 - (b) To correct and/or approve the minutes.
 - (c) To alter the order of business.
 - (d) To close or adjourn the debate.
 - (e) To refer a matter to the Planning Committee.
 - (f) To refer a matter to a 'Lead Councillor' for their 'Category of Responsibility'.
 - (g) To appoint a member to act as 'Lead Councillor' for a 'Category of Responsibility'.
 - (h) To create a 'Category of Responsibility'.
 - (i) To adopt a report.
 - (j) To authorise the 'sealing' of documents.
 - (k) To exclude the public.
 - (l) To silence or eject from the meeting any member named for misconduct.
 - (m) To amend a motion.
 - (n) To give leave to withdraw a resolution or an amendment.
 - (o) To adjourn the meeting.
 - (p) To proceed to the next business.
 - (q) To give the consent of the Council where such consent is required by these Standing Orders.

Questions

24. A member may ask the Chairman, Clerk or any other Officer any question concerning the business of the Council and may expect a reply consistent with the best knowledge of the Chairman or Officers.
25. No question not connected with the business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Questions 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 shall not be discussed unless it has been proposed and seconded. If proper notice has not been given, then it shall be referred to the next Council meeting unless the Chairman, on grounds of urgency, permits such resolution.
(b) If an amendment be carried, the resolution as amended shall take the place of the original resolution and become the resolution on which any further amendment may be moved.
30. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
(b) Members shall address the Chairman, who will decide who shall speak.
(c) The Chairman shall decide, after due time as been allowed for discussion, when to close the discussion on the matter under consideration.
31. 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 "to put the question", 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.
(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

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 Standing Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
(c) If either of the motions mentioned in paragraph (b) of this Standing Order 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 decision (whether affirmative or negative) of the Council, or the Planning Committee, shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least three members of the Council.

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 any 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 public shall be excluded. (*See Standing Order No. 56*)

Expenditure

38. (a) Expenditure up to £100 may be authorised by the Planning Committee Chairman, or by the relevant 'Lead Councillor' for that 'Category of Responsibility', so long as it is provided for in the budget and is to be for the purpose so provided for.
- (b) Expenditure above £100 must be considered by the Council, or if appropriate the Planning Committee of the Council.
- (c) Expenditure not in the budget must be considered by the Council.
- (d) The balance of petty cash held by the Clerk shall not exceed £1,000.
- (e) The Chairman's Allowance, payable under sections 15(5) and 35(5) of the LGA 1972, shall be a maximum of £500 per annum.
- (f) **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**
- (g) The Clerk shall have delegated power to authorise emergency payments when necessary. Orders for such payments shall be signed by two members.

Sealing of Documents

39. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) The seal shall be applied by the proper officer in the presence of two members who shall sign the document as witnesses.

Planning Committee

40. The Planning Committee of the Council shall comprise every member of the Council.
41. The Planning Committee Meetings shall normally be held on the 4th Tuesday of each month.
42. All Standing Orders for the Council shall, where applicable, apply to the Planning Committee of the Council.
43. The Planning Committee of the Council shall, without reference to the Council, be permitted to debate and vote on all matters appertaining to planning.

Planning Chairman; Lead Councillors and Categories of Responsibility

44. The Council:
 - (a) shall not appoint the Planning Chairman or any 'Lead Councillor' so as to hold office later than the next Annual Meeting,
 - (b) may subject to the provisions of Standing Order No.35 at any time dissolve the Planning Committee or a 'Category of Responsibility'.

Accounts and Financial Statement

45. (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
 - (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the proper officer for payments with the approval of the Chairman or Vice-Chairman of the Council or by the Planning Committee Chairman if such payment relates to planning.
 - (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.
46. The Clerk shall supply to each member at an ordinary meeting within six months of the end of the Financial Year, a statement of receipts and payments.

Budgets

47. (a) The Council shall approve written budgets for the coming financial year by the end of February.
- (b) The Chairman of the Planning Committee of the Council and 'Lead Councillors' shall at a time to be agreed by the Council, and in any event not later than the Council meeting in January, submit their budgets for their Committee or 'Categories of Responsibility' for the coming year.

Model Code of Conduct, and Appointment of Candidates

48. Members shall comply with the Local Code of Conduct for members as adopted by Swallowfield Parish Council. At its meeting on 8th May 2007, the Parish Council agreed also to adopt the New Code and also include Paragraph 12(2), allowing members having a prejudicial interest, to attend and speak, provided also that members of the public have the same right (see the Code for exact wording). After making representations members must still withdraw from the meeting.
49. For the purposes of clarity with regard to the Local Code of Conduct for members as adopted by Swallowfield Parish Council, a member shall be deemed to have both a personal interest and a prejudicial interest in a matter if that matter relates to a club or organisation in which the member is the Chairman, Officer, Committee Member, or holder of any other post to which he has been elected. If, however, the member has not been elected to any post within that club or organisation, then the member is deemed to have a personal interest but not to have a prejudicial interest in such a matter.
50. 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 any such disclosure. The Clerk shall make known the purport of this Standing Order to every candidate.

Canvassing of and Recommendations by Members

51. (a) Canvassing of members directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
 - (b) A member 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.
52. Standing Orders Nos. 50 and 51 shall apply to tenders as if the person making the tender were a candidate for an appointment.

Inspection of Documents

53. A member may, for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council and shall on request be supplied with copies if available.

54. **All minutes kept by the Council shall be open for the inspection of any member.**

Actions on behalf of the Council

55. Unless authorised to do so by the Council, no member of the Council shall in the name of or on behalf of the Council
- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
 - (b) issue orders, instructions or directions.

Admission of the public and press to Meetings

56. **The public shall be admitted to all meetings of the Council, which may, however, temporarily exclude the public** by means of the following resolution:
"That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."
57. **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
58. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the member of public be removed from the Council Chamber.

Confidential Business

59. No member shall disclose to any person not a member of the Council any business declared to be confidential by the Council or by the Planning Committee of the Council.

Standing Order on Contracts

60. (a) Where the anticipated value of a contract exceeds £500 then, where practicable, a minimum of three Tenderers shall be approached for the supply of goods, services, or the execution of works as appropriate. Such Tenderers shall be of good standing and suitable for the purposes of the given contract. The Tenderers shall be approached to provide either a formal tender, or a quotation, as the Council deems appropriate.
- (b) Formal Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed, on the date specified and in the presence of the Chairman or Vice-Chairman of the Council, or if relating to the Planning Committee of the Council, the Chairman of the Planning Committee.
- (c) Quotations shall be addressed to the Clerk or other person to whom the quotations are required to be addressed.
- (d) The Council is not bound to accept the lowest, or any, formal tender or quotation.
- (e) If no tenders or quotations are received or if all the tenders or quotations are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (f) These conditions to apply other than in an emergency which shall be decided at the discretion of the Chairman and two other members and be subject to a report to Council.

Code of Conduct on Complaints

61. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in line with current advice issued by the National Association of Local Councils and consistent with Swallowfield Parish Council's Code of Conduct.

Variation, Revocation and Suspension of Standing Orders

62. 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.
63. A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Standing Orders to be given to Members

64. A copy of these Standing Orders shall be given to each member by the Clerk upon the member's Declaration of Acceptance of Office.