

Hugglescote & Donington Le Heath Parish Council

STANDING ORDERS

Adopted July 2011 reviewed May 2016

Note: sections highlighted in bold are mandatory

1 PROPER OFFICER

- 1.1 The Council's Proper Officer shall be either (i) the Clerk/Responsible Financial Officer or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- 1.2 The Council's Proper Officer shall do the following:
- 1.3 **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
- 1.4 **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- 1.5 **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office,**
- 1.6 **Receive and retain copies of byelaws made by other local authorities.**
- 1.7 **Receive and retain declarations of acceptance of office from councillors.**
- 1.8 Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- 1.9 Record every planning application notified to the Council and the Council's response to the local planning authority in the Minutes

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- 1.10 When notification of planning applications are received between meetings the Proper Officer will endeavour to extend the consultation period to report receipt of the application to the next meeting. When this cannot be done, the Proper Officer will notify councillors of such consultations by email with links to the application on the District Council website. Where there is consensus amongst members, the Proper Officer shall exercise delegated powers to submit a response on the Council's behalf and report this to the next meeting. If any member considers that comments should be lodged but there is no consensus amongst other members, he/she shall request the Proper Officer, in consultation with the Chairman, to convene an extraordinary meeting of the Council for the purpose.

2. CODE OF CONDUCT

2.1 All members must observe the Code of Conduct adopted by the council.

- 2.2 All councillors shall undertake training in the code of conduct suggested within six months of the delivery of their declaration of acceptance of office or when made available by the Monitoring Officer whichever is sooner

2.3 Councillors with a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting must disclose the interest to any meeting of the council and may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or

- 2.4 Councillors who have a Disclosable Non-Pecuniary Interest may remain in the meeting, speak and vote on the matter unless to do would compromise their impartiality or any other obligations set out in the Code of Conduct.

- 2.5 Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall report this to the council, subject to Standing Order 20 below

- 2.6 Where the notification in standing order above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another officer to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with Standing Order 20 below.

3 COUNCILLORS

3.1 Unauthorised activities

Unless authorised by a resolution, no individual councillor shall purport to act on behalf of the Council, a committee, or a sub-committee.

3.2 Confidential business

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

3.3 Relations with the press/media (see the Councils Media Policy)

All requests from the press or other media for an oral or written statement or comment from the Council shall be in accordance with the Council's policy in respect of dealing with the press and/or other media. Unless specifically authorised to do so, Councillors shall not provide oral or written statements or written articles to the press or other media in their official capacity: though this Standing Order shall not prevent Councillors speaking either as individuals or as members of other organisations provided that this is made clear.

3.4 Inspection of documents

Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

3.5 Canvassing of and recommendations by councillors

3.5.1 Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

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3.5.2. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

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

4 FINANCIAL MATTERS

4.1 The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.

4.2 **The Council's financial regulations shall be reviewed once a year.**

4.3 **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

4.4 Accounts and Financial Statement

4.4.1 All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations.

4.4.2 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year.

4.4.3 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 councillor before the end of the following month of May.

4.4.4 The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

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4.5 Estimates/precepts

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

4.5.2 Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

4.6 Execution and sealing of legal deeds

4.6.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

4.6.2 **Any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

4.7 Matters affecting council employees

4.7.1 If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR any committee OR any sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 5.3 below

4.7.2 The Chairman of the Council or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Parish Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution of the Council.

4.7.3 Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

4.8.4 Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the Parish Clerk, any other appropriate members of staff and the Chairman of the Council.

5 MEETINGS

- 5.1 Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- 5.2 When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- 5.3 Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- 5.4 Subject to standing order 5.3 above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda during a specified public participation session at each meeting or otherwise only with the express consent of the Chairman.
- 5.5 The period of time which is designated for public participation in accordance with standing order 5.4 above shall not exceed 15 minutes.
- 5.6 Any person speaking at a meeting shall address their comments to the Chairman.
- 5.7 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- 5.8 In accordance with standing order 5.3 above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- 5.9 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**

- 5.10 **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- 5.11 **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- 5.12 **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- 5.13 **Voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- 5.14 **The minutes of a meeting shall record the names of councillors present.**
- 5.15 **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- 5.16 **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**
- 5.17 **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**
- 5.18 **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- 5.19 Meetings shall not proceed after 9.30pm, except that an extension may be agreed by resolution to extend the meeting by no more than 30 minutes.

6 ORDINARY COUNCIL MEETINGS

- 6.1 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office**
- 6.2 In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- 6.3 If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.**
- 6.4 In addition to the annual meeting of the Council, at least three other Ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- 6.5 The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- 6.6 The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- 6.7 The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- 6.8 In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes. or**
- 6.9 In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

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- 6.10 Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as the agenda.

7 LIAISON WITH DISTRICT AND COUNTY COUNCILLORS

- 7.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County Council representing its electoral ward.

8 AGENDA

- 8.1 The Proper Officer shall be responsible for compiling agenda for meetings of the council its committees and its sub-committees and shall include all business requiring a decision together with such reports recommendations and supporting documentation as may be necessary to inform councillors regarding the item in question.
- 8.2 Councillors requiring an item to be included on an agenda shall notify the Proper Officer not later than 6 clear days prior to the meeting in question. Such notice shall be given in writing or email and specify the wording to be used. Any item shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- 8.3 All decisions shall relate to items detailed on the agenda. Items which do not specify the business, such as 'Any Other Business' shall not be allowed unless they only involve reports or exchanges of information on which no decisions are required or taken.
- 8.4 If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 8.5 Motions received shall be recorded in a book for that purpose and numbered in the order that they are received. Motions rejected shall be recorded with an explanation by the Proper Officer for their rejection.

9 RULES OF DEBATE

- 9.1 Items of business shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction.
- 9.2 A motion shall not be considered unless it has been proposed and seconded.
- 9.3 Only one amendment shall be moved and debated at a time.
- 9.4 If an amendment is not carried, other amendments may be moved.
- 9.5 If an amendment is carried, it shall become the substantive motion upon which any further amendment may be moved.
- 9.6 During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- 9.7 A point of order shall be decided by the Chairman and his decision shall be final.

10 MINUTES

- 10.1 If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- 10.2 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing orders.
- 10.3 Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 10.4 If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

The Chairman of this meeting does not believe that the minutes of the () meeting held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

11 DISORDERLY CONDUCT

- 11.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- 11.2 If, in the opinion of the Chairman, there has been a breach of standing order 11.1 above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- 11.3 If a resolution made in accordance with standing order 10.2 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

12 RECISSION OF PREVIOUS RESOLUTIONS

- 12.1 A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council.
- 12.2 When a special motion moved pursuant to standing order 11.1 above has been disposed of, no similar motion may be moved within a further 6 months.

13 VOTING ON APPOINTMENTS

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

14 COMMITTEES

- 14.1 The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
- shall determine their terms of reference;
 - may permit committees to determine the dates of their meetings;

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- shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 6 clear days before the meeting that they are unable to attend;
- an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- may dissolve a committee at any time.

15 SUB-COMMITTEES

- 15.1 Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

16 EXTRAORDINARY MEETINGS

- 16.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 16.2 If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- 16.3 The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- 16.4 If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

17 ADVISORY COMMITTEES AND WORKING PARTIES

- 17.1 The Council may appoint advisory committees and working parties comprised of a number of councillors and non-councillors.
- 17.2 Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

18 FREEDOM OF INFORMATION ACT 2000

- 18.1 All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

19 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 19.1 Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- 19.2 A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 3 councillors.

20 STANDING ORDERS TO BE GIVEN TO COUNCILLORS

- 20.1 The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- 20.2 The Chairman's decision as to the application of standing orders at meetings shall be final.
- 20.3 A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

Adopted July 2011 revised 2012,2013,2014,2015,2016

Simon Weaver Clerk