

STANDING ORDERS AND CHAIRMANSHIP FOR LEA PARISH COUNCIL

Incorporating revisions and corrections approved by Council on January 7th 2004

PREFACE

These Standing Orders consist of two main major sections. Part I is intended to be a guide for those presiding at meetings. Part II regulates all likely procedural points and Part III governs financial procedures..

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PART 1
CHAIRMANSHIP

(NOTE: In this part the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee" where any function has been delegated. The Standing Orders in Part II may be applied or modified accordingly.)

Basic Principles

1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions, which they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action is such an instruction.
3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to reach, without unreasonable delay, an intelligible and lawful decision for the right reasons. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:
 - (a) Protect the Council against *outside interference*;
 - (b) Ensure that everything to be discussed is lawful;
 - (c) Ensure that the Council is invited to deal with clear issues;
 - (d) Ensure that as far as possible *information is complete*;
 - (e) Permit every point of view to have a *fair hearing*;
 - (f) Ensure that opinions expressed are *relevant* to the matter in hand;
 - (g) Ensure that business is transacted with *reasonable speed*;
 - (h) Ensure as far as possible that proceedings are *friendly* and *free from personalities*;

THE AUTHORITY OF THE CHAIR

Origin

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. (For which see Standing Order 11(2). The scope of his authority, however, depends upon ancient customs, which are perfectly logical and arise from the necessities of the case.

Nature and Limitations

5. The Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be rare.
6. The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one his most difficult tasks to remember that while the Chair gives him authority on matters of procedure, it confers no rights (other than the vote) on matters of policy which are not possessed by other members

PRELIMINARY

7. Before any meeting the Chairman should study the subjects for the agenda with the Clerk or any other officers and should in effect ask in respect of each item the following questions:
 - What does it mean?
 - Is it lawful?
 - Do we know enough about it?
 - Has any member special knowledge of this problem?
 - Is there any member who may have a prejudicial interest?

OUTSIDE INTERFERENCE

Public Disturbances

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than is necessary. It is not essential to call in the police.

9. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.

Personal & Prejudicial Interests

10. The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial the member should withdraw from the room or chamber and take no further part in the relevant proceedings or seek to influence those proceedings.
11. The Chairman should before a meeting consider whether any member (including her/himself) may have any such interest and may draw the individual member's attention to the possibility before it starts. However ultimately it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board.

LEGALITY

Ruling on notices

12. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

Quorum

13. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest should consider making an application for dispensation to their Standards Committee where appropriate..

Ultra Vires Proposals

14. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The Section 137 power (*contained in the Local Government Act 1972*) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution, related to provisions of that section.

A CLEAR ISSUE

15. *Every* decision of the Council must be made by an affirmative vote of a majority of those present and voting (including where necessary the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a "Yes" or "No". From this there follow certain practical consequences
 - (a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;
 - (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

The affirmative Form

16. The most exact method of putting a question to the vote is by the use of the following formula:

"The resolution is as follows:

(e.g.) *'That the Clerk's salary be raised to £500 a year.'*

The motion is that this resolution be agreed to."

(*Note: A resolution is a proposal of the action intended to be taken: for example "That the Council buy a mower". A motion is the procedural formula by which the Council disposes of business: for example "The motion is that the resolution be amended by -----" or "The motion is that the Council do now adjourn".)*)

Separating the Issues

17. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be exclusive; others may be matters of detail subsidiary to the issue.
18. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to one of them in the form of an amendment to the other: for instance, if a Council considers that it can afford either a swimming or a new playing field but not both, a decision to provide the one practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be stated thus:

"If the Council is to spend its money would it prefer a swimming pool or a playing field?"

In more formal language the issue is put to the vote by substantive resolution and amendment:

"The resolution is that a swimming pool be provided. To this the following amendment has been moved:

leave out the words 'swimming pool' and substitute the words 'new playing field.'

The motion is that this amendment be agreed to."

A vote on an amendment does not end the matter: it merely decides what shall not be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended* to the vote. (See also paragraph 36 below.)

METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit of no exceptions. Every decision must be by a majority of those voting. Appointments to employments must be decided in the same way as other questions. A quick method of eliminating numerous candidates is suggested in Standing Order 37.

COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty the Chairman to give a fair hearing to all points of view including his own if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak and himself to avoid speaking first or last.
22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak are undesirable, and the Chairman should have some latitude in applying them especially in a Council with a small membership.

RELEVANCE

General Rule

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state but not always easy to apply because the relevance of what is being said may be (and often is) understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

Personalities

24. The Chairman should do his best to prevent personal observations in discussion; the custom whereby speeches are in form addressed to the Chairman only should be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation the Chairman should immediately intervene to seek an immediate apology to an offended member.

Methods of Enforcement

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

Revival of Decided Issues

26. The Chairman should not allow a matter, which has been decided, to be reopened at the same meeting. An attempt to "hark back" to a previous agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion, even if the member who raises it was not present when the item was considered.

Minutes

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

Other Problems

28. (a) If any substantial issue arises on a matter dealt with in the Minutes it is better to have a separate agenda item than to discuss it under "Matters Arising". That heading should be used only for reports of progress, and not for new or additional decisions.

Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstandings by the public.

On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example "Mrs Smith of ----- has written asking the Council to get the pile of rubbish removed from outside 48 ----- Lane".

REASONABLE DESPATCH

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity.

A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

Obstruction at Meetings

30. Deliberate obstruction is rare but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not a point of order because the person who makes it labels it as such. (*For points of order see paragraph 33 below.*)

Repetition

31. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

References

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

SOME PROCEDURAL POINTS

Points of Order

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising a matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the clerk) must give a ruling because if the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion. (*See Standing Order 31 (a) below.*)

Procedural Resolutions

34. Procedural resolutions should normally be put without discussion.
The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

Closure Motions

35. The following are the respective effects of closure resolutions:
- (a) On the passing of a resolution to proceed to *next business* proceedings on the business in hand come to a stop and no decision upon it can be taken.
 - (b) *On the passing of a resolution that the question be now put the mover is usually entitled to reply before the matter is put to the vote. By custom the chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.*
 - (c) *A resolution to adjourn a discussion or a meeting stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.*

Amendments

36. (a) An amendment should always be put to the vote before the resolution, which it seeks to amend. (*See also paragraph 18 above.*)

"Any Other Business"

37. The summons to a meeting of a Local Council must by law *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of "any other business" because these words do not specify any item of business. The rule prevents the Council deciding any business, which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under "A. O. B" or the giving of preliminary notification of importance business for next time.

"Urgent" Business

38. The law makes no provision for dealing with "urgent" business. If it is "urgent" only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely 'urgent', that is it was too late for the agenda *and* it will be too late for action if left till the next ordinary meeting an additional meeting should be called *or* the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

USE OF CHAIRMAN'S VOTES

39. Save on one occasion (*see Standing Order 11(2)*) the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, but it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against; I therefore vote in favour which makes it even."
40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since equality is not a majority, he may declare the resolution *not* carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but vote against will leave the way open for further negotiations or reconsideration.

PRESENCE OF THE PUBLIC AND PRESS

41. In principle the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is reasonably of the opinion that such exclusion is in the public interest. Where the public and Press have been excluded the *decisions* made in the closed session must be minuted; a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion must be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

MALADMINISTRATION

42. Parish and Community Councils are not subject to the jurisdiction of the Local Ombudsman. There is therefore no outside body, which can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly. The National Association has therefore published National Circular 2/86 -Code of Practice in Handling Complaints, which recommends a standard and formal procedure to all Councils, and a copy was issued to every member council. (*See Standing Order 70 below.*)

PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at end.

LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a standing order. This has not been done here, but may well find it advantageous to establish a custom.

PART II
STANDING ORDERS
MEETINGS

1. Smoking is not permitted at any meeting of the Council.
2. **The Four statutory meetings shall be held in the months of May, July, October and January although the May meeting may be in another month in an election year.**
3. **Additional meetings shall be held on the second Monday in the months of each other month.**

CHAIRMAN OF MEETING

4. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

PROPER OFFICER

5. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the clerk:
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing interests at meetings
 - (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 and issue summonses to attend meetings of the Council
 - (h) To keep proper records for all Council meetings..

QUORUM

6. **Four members shall constitute a quorum**
7. 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 interest falls below the quorum, the meeting shall be adjourned and business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix. For a quorum relating to a committee or sub-committee, refer to standing order 47.

VOTING

8. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
9. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
10. **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 whether or not he gave an original vote.**

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 Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

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 councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

11. **At each Annual Parish Council 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 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.**

- (e) To elect a Vice-Chairman.
 - (f) To appoint representatives to outside bodies.
 - (g) To appoint committees and sub-committees
 - (h) To consider the payment of any subscriptions falling to be paid annually.
 - (i) 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.
12. **At every meeting of the Parish Council, other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**
13. 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 (*See Standing Order 38 below.*)
14. After the first business has been completed, the order of business, unless the Council otherwise decides on 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 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 or Working Parties.
 - (h) To receive and consider reports from officers of the Council.
 - (i) To authorise the sealing of documents.
 - (j) To authorise the signing of orders for payment. (This will be unnecessary if there is a Finance Committee.)
 - (k) To consider resolutions or recommendations in the order in which they have been notified.
 - (l) Any other business specified in the summons. (*See above, paragraph 37.*)
15. 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

16. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on Agenda.
17. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
18. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
19. 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

20. 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 resolution.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To exclude the public.
- (n) To silence or eject from the meeting a member named for misconduct.
- (o) To invite a member having an interest in the subject matter under debate to remain.
- (p) To give the consent of the Council where such consent is required by these Standing Orders
- (q) To suspend any Standing Order. *(See Order 71 below.)*
- (r) To adjourn the meeting.

QUESTIONS

- 21. 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.
- 22. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 23. Every question shall be put and answered without discussion.
- 24. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 25. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
Decisions will only be taken by the Council on matters specified in the summons.
- 26. (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, be reduced to 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 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 three minutes, and no other speech shall exceed three 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.
 - (j) 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.
 - (k) A member may speak to make 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 him which may have been misunderstood.
 - (l) 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.
 - (m) 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) That the resolution be referred to a committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.
27. A member shall remain seated when speaking unless requested to stand by the Chairman..
28. (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.
 - (c) If two or more members wish to speak the Chairman shall call upon one of them to speak and the others shall remain silent until invited to speak.
 - (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

29. 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 "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 be issued except a notification to members not present of the date of the continuation of the meeting.)

DISORDERLY CONDUCT

30. (a) **All members must observe the Code of Conduct which was adopted by the Council on 11th March 2002, a copy of which is annexed to these Standing Orders.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**
 - (c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, 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. **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.**
 - (d) If the motion mentioned in paragraph 33(c) is disobeyed the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary..

RIGHT OF REPLY

31. 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

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

RESCISSION OF PREVIOUS RESOLUTION

33. (a) 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 three members of the Council, or be 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

34. 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

35. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. *(See Standing Order No. 62.)*

RESOLUTIONS ON EXPENDITURE

36. Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of 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. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

SEALING OF DOCUMENTS

37. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
(b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

38. 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 36 above at any time dissolve or alter the membership of a committee.
39. The Chairman and Vice-Chairman ex officio shall be voting members every committee.
40. Every committee shall at its first meeting before proceeding to other business, elect a Chairman and may 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.
41. 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.
42. Every committee may appoint sub-committees for purposes to be specified by the committee.
43. 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.
44. 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 sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.
45. The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

ADVISORY COMMITTEES

- (1) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- (2) An advisory committee may make recommendations and give notice thereof to the Council.
- (3) An advisory committee may consist wholly of persons who are not members of the Council.

WORKING PARTIES

46. The Council may from time to time form or disband Working Parties who will carry out tasks as defined by the Council. Working Parties will have advisory powers only.

VOTING IN COMMITTEES

47. Members of committees and sub-committees entitled to vote shall vote by show 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.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

49. 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.

INTERESTS

50. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 11th March 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required**
51. **If a member has declared a personal interest then considers the interest to be prejudicial he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
52. **The 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 as required by statute .**
53. 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 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 55 shall apply. The Clerk shall make known the purpose of this standing order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

54. (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. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (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 an appointment.
- (c) Standing Orders 57 & 58 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

55. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a Committee and if copies are available shall, on request, be supplied for the like purpose with a copy.
56. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

57. No member of the Council or of any committee or subcommittee shall in the name of or on behalf of the Council
- (a) Inspect any lands or premises which the Council has 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.

ADMISSION OF THE PUBLIC AND PRESS AT MEETINGS

58. (a) **The public shall be admitted to all meetings of the Council and its committees and sub committees, which may, however temporarily, exclude the public** by means of the following resolution:
- "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"
- (Notes: The special reasons should be stated Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed*
- (b) The Council, Committee, Sub-Committee shall state the special reason for exclusion
- (c) If a particular person's advice or assistance is needed, they may be invited (by name) to remain after the exclusion resolution is passed

59. (a) the public may only speak during meetings:
- (i) Where information may be of use to the council on a specific matter as requested by the Chairman;
- (ii) During the period specified public submissions in the Summons;

- (iii) On Planning matters to give information only and not personal comment on the relative merits of individual applications, which could bring the Council into disrepute.

- 60. The Clerk shall afford to the press reasonable facilities for taking their report of the 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.
- 61. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

CONFIDENTIAL BUSINESS

- 62. (a) No member of the Council or of any committee or subcommittee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
 - (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH UNITARY AUTHORITY COUNCILLORS

- 63. A notice of meeting may be sent together with an invitation to attend to the Unitary Authority Councillor for the ward.
- 64. When the Council orders, a copy of each letter ordered to be sent to the Unitary Authority shall be transmitted to the Unitary Authority Councillor for the ward as the case may require.

PLANNING APPLICATIONS

- 65. (a) The Clerk shall, as soon as it is received, register the following particulars of every planning application notified to the Council:
 - (j) The date on which it was received;
 - (ii) The name of the applicant;
 - (iii) The place to which it relates;
 - (iv) A summary of the nature of the application.
- (b) The Clerk shall refer every planning application to a nominated councillor within 48 hours of receiving it.

CODE OF CONDUCT ON COMPLAINTS

- 66. 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 the National Association of Local Councils, except for those complaints which should be properly directed to the Standards Board for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 67. 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.
- 68. 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

- 69. 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 and written undertaking to observe the Code of Conduct adopted by the Council.

PART III
FINANCIAL REGULATIONS

1 **General**

- 1.1 These financial regulations shall govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the council.
- 1.2 The responsible financial officer (RFO) shall be responsible for the proper administration of the council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial information and shall liaise with the Finance Working Party (FWP) in the preparation of such information.

2 **Annual Budgets and Precept**

- 2.1 Each Working Party shall submit proposals to the FWP not later than mid August each year in respect of anticipated expenditure for the following year. Detailed budgets for income and expenditure for the following year shall be prepared by the FWP not later than the end of September each year.
- 2.2 The FWP shall present annual budget options to Council for debate at the October Council meeting each year. Following that meeting, the FWP will finalise the proposed budget at its October FWP meeting.
- 2.3 Council will approve the budget for the following year by its December Council meeting. Following approval of the budget, the RFO will recommend the precept to be levied for the ensuing financial year. Council will approve the precept to be levied for the following year at its December Council meeting. After its approval, the RFO will supply each Council member with a copy of the approved budget.
- 2.4 The annual budget will form the basis of financial control for the following year.

3 **Budgetary Control**

- 3.1 Expenditure may be incurred up to the amounts included in the approved budget.
- 3.2 The RFO shall, on a monthly basis, provide the FWP with details of all monies received and paid since the date of the previous meeting and Council with details of income and expenditure for the year to date under each head of the approved annual budget together with known and projected income and expenditure.
- 3.3 Exceptionally, the Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £100 for any single event. The Clerk shall report the action to the Council as soon as practicable thereafter.
- 3.4 Where expenditure is incurred in connection with the regulation 3.3 above, first consideration will be given to meeting the sum required from savings made elsewhere within the approved budget.
- 3.5 Unspent provisions in the budget will not be carried forward to a subsequent year unless approved by Council.
- 3.6 No expenditure shall be incurred in relation to any project and no contract entered into or tender accepted involving expenditure unless such expenditure is authorised by Council and minuted and the Council is satisfied that the necessary funds are available, or requisite borrowing approval can be obtained.
- 3.7 All works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4 **Accounting and Audit**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the council as required by the Accounts and Audit Regulations 1996 or any other statutory requirement as may be introduced from time to time. The Council shall produce annually an Income and Expenditure Account and Balance Sheet.
- 4.2 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall, not later than 31st July each year, submit them to and report to the FWP
- 4.3 The Council shall receive and approve the annual accounts for the preceding year not later than at its September meeting each year.
- 4.4 The following principles shall be observed in connection with accounting duties. (a) The duty of providing information, calculating, checking and recording sums due to, or from, the Council, should be separated as completely as possible from the duty of collecting or dispersing them. (b) Officers charged with the duty of examining and checking the accounts of cash transactions should not engage in any of those transactions.
- 4.5 The Council shall be responsible for maintaining an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with regulation 5 of the Accounts and Audit Regulations 1996 or any other statutory requirement that may be introduced from time to time. Any officer or member of the Council shall, if the RFO requires, make available such documents of the Council which relate to their accounting and other records as appear to the RFO to be necessary for the purpose of maintaining full and proper accounting records.

5 **Banking Arrangements and Cheques**

- 5.1 The Council's banking arrangements shall be made by the RFO following approval by Council.
- 5.2 Monies received shall be banked as soon as practicable and in any event within 14 days of receipt.

5.3 Cheques drawn on bank accounts shall be signed by two duly authorised councillors.

6 *Payments of Accounts*

6.1 Apart from petty cash payments all payments shall be effected by cheque or other order drawn on the Council's bankers.

6.2 All invoices for payment shall be authorised for payment by the Council and recorded in the minute book. Before certifying an invoice the Council shall be satisfied that the work, goods or services to which the invoice relates have been carried out, received or approved.

6.3 Duly approved invoices shall be passed to the RFO who shall examine them in relation to arithmetical accuracy and authorisation, and shall take all possible steps to settle such invoices within 14 days of their approval.

6.4 The RFO may provide petty cash to Councillors for the purpose of defraying approved expenses properly incurred on behalf of the Council. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement:

- (a) The RFO shall maintain a petty cash float to a limit of £30 for the purpose of defraying expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payments. A prescribed form shall be used by Councillors for claiming expenses.
- (b) Income must not be paid into the petty cash float but separately banked, as provided elsewhere in these regulations.
- (c) Payments to maintain the petty cash float shall be shown separately on the schedules of the payment of money presented to the FWP and Council (under 3.2 above).

7 *Payment of Salaries*

7.1 The payment of all salaries and wages shall be made by the RFO in accordance with payroll records.

7.2 The RFO shall be responsible for ensuring that PAYE and National Insurance regulations are followed in connection with any salary or wages payments.

8 *Loans and Investments*

8.1 All loans and investments shall be negotiated by the RFO in the name of the Council, and shall be for a set period of time in accordance with Council policy and instructions as minuted.

8.2 All investments of money shall be in the name of the Council.

8.3 All borrowings shall be effected in the name of the Council.

8.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO or of the Council's bankers.

9 *Income*

9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO

9.2 All sums received on behalf of the Council shall either be paid to the RFO for banking or be banked by the Councillor(s) collecting the money as directed by the RFO. In all cases all receipts of money shall be deposited with the Council's bankers in accordance with paragraph 5.2 above.

9.3 A reference to the related debt, or otherwise, indicating the origin of each cheque, or cash shall be entered on the paying-in slip counterfoil.

9.4 Personal cheques shall not be cashed out of money held on behalf of the Council.

10 *Orders for Work, Goods or Services*

10.1 An official order on a letter or a prescribed form shall be issued for all work, goods and services unless a formal contract is to be prepared or an official letter or a prescribed form would be inappropriate e.g. petty cash purchases. Copies of orders or letters shall be retained.

10.2 All Councillors are responsible for obtaining value for money at all times. A Councillor issuing an official order on behalf of the Council is to ensure as far as is reasonable and practicable that the best available terms are obtained in respect of each transaction.

11 *Contracts*

11.1 Procedures as to the contracts are laid down in the Council's Standing Orders as follows:

- (a) Every contract whether made by the Council or by a Working Party or Committee to which the power of making contracts has been delegated shall comply with these standing orders, and no exception from any of the following provisions of these standing orders shall be made otherwise than by direction of the Council or in an emergency by such a Working Party or Committee as aforesaid provided that these standing orders shall not apply to contracts which relate to items (I) to (IV) below:

- (I) for the supply of gas, electricity, water, sewerage and telephone services

- (II) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants
 - (III) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
 - (IV) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
- (b) Where it is intended to enter into a contract exceeding £500 in value (excluding value added tax) for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms.
 - (c) When it is proposed to waive standing orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation of the council and approved by at least 66% of those councillors present at the meeting, fractions of numbers to be rounded upwards.
 - (d) Invitations to tender shall state the general nature of the contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least two members of the Council.
 - (f) If less than three tenders are received for contracts valued above £500 or if all tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the work,
 - (g) The Council shall not be obliged to accept the lowest or any tender.

12 *Payments Under Contracts for Building or Other Construction Works*

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract.
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council in writing, the appropriate Working Party or Committee being informed where the final cost is likely to exceed the financial provision.

13 *Properties and Estates*

- 13.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of interest, tenancies granted, rents payable and purpose for which held in accordance with regulation 4(3)(b) of the Accounts and Audit Regulations 1996.
- 13.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council.

14 *Insurance*

- 14.1 The RFO shall effect all insurance and negotiate all claims on the Council's insurers in consultation with the Clerk.
- 14.2 The Clerk shall give prompt notification to the RFO of all new risks which require to be insured and of any alterations affecting existing insurance.
- 14.3 The RFO shall keep a record of all insurance effected by the Council and the property and risks covered thereby and annually review it.
- 14.4 The RFO shall be immediately notified of any loss liability or damage or of any event likely to lead to a claim.
- 14.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

15 *Revision of Financial Regulations*

- 15.1 It shall be the duty of the FWP to review the financial regulations of the Council from time to time and at least annually and to make such recommendations to the Council as the FWP considers are required.