

STANDING ORDERS

(Interpretation: references throughout the following Standing Orders to 'he' shall be taken to mean 'he' or 'she', as appropriate).

1 RULES OF DEBATE

Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.

A resolution or amendment shall not be discussed unless it has been proposed and seconded.

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.

An amendment shall not have the effect of negating the resolution before the Council.

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.

A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked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.

When a resolution is under debate no other resolution shall be moved, except the following:

- iv) To amend the resolution.
- v) To proceed to the next business.
- vi) To adjourn the debate.
- vii) That the question be now put.
- viii) That a member named be not further heard.
- ix) That a member named do leave the meeting.
- x) That the resolution be referred to a committee.
- xi) To exclude the public and press.
- xii) To adjourn the meeting.

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

Whenever the Chairman rises during a debate all other members shall be seated and silent.

2 DISORDERLY CONDUCT

All members must observe the Code of Conduct

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.

If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and that thereafter any member may move that the member named be no longer heard or that the member named to leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonable be necessary to enforce them.

3 MEETINGS GENERALLY

a) Meetings of the Council shall normally be held monthly at 19.30 hours.

b) Additional meetings may be held, by agreement, on any date and at any time of the day.

Smoking is not permitted at any meeting of the Council.

- c) **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**

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

(Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

- d) **Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.**
- e) **The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the chairman of the meeting.**
- f) **Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.**
- g) **In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.**

All remarks shall be addressed to the Chairman.

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.

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

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

- i) **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.**

Members shall vote by show of hands, or, if at least two members so request, by a signed ballot.

- j) **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.**

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 three.

- k) **If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting, or on such other day as the Chairman may fix.**

A meeting shall not exceed a period of (2½) hours.

4 COMMITTEES AND SUB-COMMITTEES

- a) **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c) **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

5 STATUTORY MEETINGS

- a) 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. or
- b) in a year which is not an election year the annual meeting of the council shall be held on a Monday in May.
- c) The three other statutory meetings shall be held in the months of September, December and February.
- d) At each Annual Meeting the first business shall be:
 - i) To elect a Chairman .
 - ii) To elect a Vice Chairman.
- e) 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 but must give a casting vote whenever there is an equality of votes.
- f) 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.
- g) To receive the Chairman's and councillors declarations of acceptance of office or, if not received, to decide when it shall be received.
- h) In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.

To appoint representatives to outside bodies

- i) **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent.**

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.

After the first business has been completed, the order of business, unless the Council otherwise decides, shall be as shown on an agenda paper.

A motion to vary the order of business may be proposed by the Chairman or by any members and, if proposed by the Chairman, may be put to the vote without being seconded, and shall be put to the vote without discussion.

Review and adoption of appropriate standing orders and financial regulations;

Review of the council's complaints procedure;

6 EXTRAORDINARY MEETINGS

- a) **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

7 PREVIOUS RESOLUTIONS

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 5 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

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.

8 VOTING ON APPOINTMENTS

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.

9 MOTIONS THAT REQUIRE WRITTEN NOTICE

A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.

No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.

If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.

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.

Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

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 in a book for that purpose with an explanation by the Proper Officer for their rejection.

10 MOTIONS THAT DO NOT REQUIRE WRITTEN NOTICE

Resolutions on procedural matters may be moved without notice, including those to vary the order of business on grounds of urgency or procedural efficiency and include

To appoint a Chairman of the meeting.

To correct the Minutes.

To approve the Minutes.

To alter the order of business.

To proceed to the next business.

To close or adjourn the debate.

To refer a matter to a committee.

To appoint a committee or any members thereof.

To adopt a report.

To authorise the sealing of documents.

To amend a motion.

To give leave to withdraw a resolution or amendment.

To extend the time limit for speeches.

To exclude the press and public.

To silence or eject from the meeting a member named for misconduct.
To give the consent of the Council where such consent is required by these Standing Orders.
To suspend any Standing Order.
To adjourn the meeting.

Such resolutions shall be put to the vote without discussion.

11 CONFIDENTIAL BUSINESS

- a) No member of the Council shall disclose to any person not a member of the Council any business declared to be confidential by the Council.**

12 DRAFT MINUTES

If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

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.

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

Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13 CODE OF CONDUCT AND DISPENSATIONS

All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.

Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.

A dispensation request shall confirm:

- i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv) an explanation as to why the dispensation is sought.

Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].

- b) A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
- i) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii) granting the dispensation is in the interests of persons living in the council's area or**
 - iii) it is otherwise appropriate to grant a dispensation.**

14 CODE OF CONDUCT ON COMPLAINTS

- a) Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15 PROPER OFFICER

- a) 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:

The Proper Officer shall:

- i) at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.
- ii) give public notice of the time, place and agenda at least three 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);**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
- iii) subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;**
- iv) convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v) facilitate inspection of the minute book by local government electors;**
- vi) To receive copies of byelaws made by a District Council**
- vii) To receive declarations of acceptance of office**
- viii) To receive and record notices disclosing pecuniary interests**
- ix) To receive and retain plans and documents**
- x) To sign notices or other documents on behalf of the Council**
- xi) The Clerk shall, as soon as it is received, note on every planning application notified to the Council the date on which it was received, and the date by which any response is to be submitted to the planning authority.**

16 RESPONSIBLE FINANCIAL OFFICER

The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17 ACCOUNTS AND ACCOUNTING STATEMENTS

"Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)

All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i) the council's receipts and payments for each quarter;
 - ii) the council's aggregate receipts and payments for the year to date;
 - iii) the balances held at the end of the quarter being reported
- and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- iv) each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
- v) to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.

The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

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 payment with the approval of the Chairman or Vice-Chairman of the Council.

18 FINANCIAL CONTROLS AND PROCUREMENT

The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i) the keeping of accounting records and systems of internal controls;
- ii) the assessment and management of financial risks faced by the council;
- iii) the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
- iv) the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
- v) procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].
- vi) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or material or executing the works as it thinks fit.

The Financial Regulations of the Council shall be subject to regular review, and at least annually.

b) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.

Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i) a specification for the goods, materials, services or the execution of works shall be drawn up;
- ii) an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- iii) the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- iv) tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- v) tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;

The Council is not bound to accept the lowest tender.

tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

19 HANDLING OF STAFF MATTERS

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.

20 REQUESTS FOR INFORMATION

Requests for information held by the council shall be handled 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.

21 RELATIONS WITH THE PRESS/MEDIA

Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

22 EXECUTION AND SEALING OF LEGAL DEEDS

A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.22a Subject to standing order 16(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

23 LIASON WITH THE COUNTY AND DISTRICT COUNCILLORS

A notice of the meeting shall be sent together with an invitation to attend to the County councillor for the county division and to the District Councillor or Councillors for the district ward.

24 RESTRICTION ON COUNCILLOR ACTIVITIES

Unless authorised by resolution no member of the Council or any committee or subcommittee shall in the name of or on behalf of the Council

- i) Inspect any lands or premises which the council has a right or duty to inspect; or
- ii) issue orders, instructions or directions.

25 STANDING ORDERS GENERALLY

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 on business.

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.

HATFIELD HEATH PARISH COUNCIL

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. 25c

The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

(Adopted 3 September, 2003)

(Amended 28 July, 2004)

(Revised and adopted 12th February 2014)