

FRITTENDEN PARISH COUNCIL

Standing Orders

UPDATED 27th February 2015

Adopted by the Parish Council on

17th March 2015

STANDING ORDERS

1. Meetings

- a) Meetings of the Council shall take place on the third Tuesday in the month, unless the Council decides to cancel a meeting or hold one on another suitable day. The Statutory Annual Meeting shall take place in accordance with Standing Orders no 2 and 3.
- b) Meetings of the Council shall be held at 7.30pm in the evening unless the Council otherwise decides at a previous meeting.
- c) The Clerk shall arrange all notices of Meetings within the statutory limits laid down for obligatory meetings
- d) Notices of Special or Emergency meetings shall be given in accordance with Standing Orders (b) and (c)) or as may be arranged within the Statutory Requirements laid down.

2. The Statutory Annual Meeting

- a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
 - b) **in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
3. **(England Only) In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

4. Chairman of 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.

5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer: -

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

To sign notices or other documents on behalf of the Council.

To receive copies of bylaws made by another local authority.

To certify copies of bylaws made by the Council.

To sign and issue the summons to attend meetings of the Council.

To keep proper records for all Council meetings.

6. Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

- a) If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

7. Voting

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

- 8. 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.**

- 9. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

(2) 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.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

10. Order of Business

At each Annual Parish Council Meeting the first business shall be:-

- a) **To elect a Chairman of the Council**
- b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**

- e) To elect a Vice-Chairman of the Council.

and shall thereafter follow the order set out in the Standing Order 13

- 11. **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 and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- 12. 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.
- 13. After the first business has been completed, the order of business, unless the Council otherwise decides on the 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 the summons to attend the meeting, the Minutes may be taken as read.
 - b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - c) To deal with business expressly required by statute to be done.**
 - d) To dispose of business, if any, remaining from the last meeting.
 - e) To receive such communications as the person presiding may wish to lay before the Council.
 - f) If necessary, to authorise the signing of orders for payment.

14. Urgent Business

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.

15. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 10 clear days before the next meeting of the Council.

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

17. Resolutions Moved Without Notice

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 adopt a report.
- h) To amend a motion.
- i) To give leave to withdraw a resolution or amendment.
- j) To extend the time limit for speeches.
- k) To exclude the press and public. (see Order 33 below)
- l) To silence or eject from the meeting a member named for misconduct. (see order 21 below)
- m) To give the consent of the Council where such consent is required by these Standing Orders.
- n) To suspend any Standing Order. (see Order 43 below)
- o) To adjourn the meeting.

18. Rules of Debate

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

19. 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) An amendment shall be either:-
 - i) To leave out words.
 - ii) To leave out words and insert others
 - iii) To insert or add words.
 - e) An amendment shall not have the effect of negating the resolution before the Council.
20. a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Whenever the Chairman speaks during a debate all other members shall be silent.
21. Disorderly Conduct
- a) **All members must observe the Code of Conduct which was adopted by the council on 17th July 2012 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 broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
 - d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

22. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by three members.

23. Special Meeting

The Chairman of the Council may summon an additional meeting 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 council. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

24. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

25. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

26. Estimates / Precepts

- 1) The council shall approve written estimates for the coming financial year at its meeting before the end of the month of February.

27. Interests (ENGLAND)

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 17th July 2012 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

28. **If a member who 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.**

29. **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

30. Inspection of Documents

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

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

32. Unauthorised Activities

No member of the Council shall in the name of or on behalf of the Council:-

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions, unless authorised to do so by the Council .

33. Admission of The Public and Press to Meetings

The public shall be admitted to all meetings of the Council which may, however, temporarily exclude the public by means of the following resolution:-

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

34. The Council shall state the special reason for exclusion.

35. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting:

- a) 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.
- b) The period of time designated for public participation at a meeting in accordance with standing order 35 above shall not exceed 15 minutes unless directed by the chairman of the meeting. A further 10 minutes will be allowed for reports and questions for the Borough and County Councillors
- c) Subject to standing order 35(b) above, a member of the public shall not speak for more than 3 minutes.

- d) In accordance with standing order 35(a) 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.
 - e) The chairman of the meeting may at any time permit a person to be seated when speaking.
 - f) A person who speaks at a meeting shall direct his comments/questions to the chairman of the meeting.
 - g) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
36. 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.
37. Confidential Business
- 1) 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.
38. Liaison with County and District Councillors
- A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.
39. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.
40. Financial Matters
- The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.
- 1) Such Regulations shall include detailed arrangements for the following:
 - a) the accounting records and systems of internal control;
 - b) the assessment and management of risks faced by the Council;
 - c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - d) the financial reporting requirements of members and local electors
 - 2) Any proposed contract for the supply of goods, materials, services and the execution of works shall be procured on the basis of a formal tender as summarised in (3) below, with the exception of contracts for minor repairs or urgent items, not exceeding the sum of £200, that the Clerk be authorised to approve in consultation with the Chairman.

3) Any formal tender process shall comprise the following steps:

- a) a specification of the goods, materials, services and the execution of works shall be drawn up;
- b) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- c) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- d) tenders are then to be assessed and reported to the appropriate meeting of Council.

4) The Council is not bound to accept the lowest tender, estimate or quote.

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

41. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) or Commission (Wales) for consideration.

42. Variation, Revocation and Suspension of Standing Orders

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.

43. 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.

44. Standing Orders to be Given to Members

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.

NB: Statutory Standing orders in bold type

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