

CLARBOROUGH & WELHAM PARISH COUNCIL

STANDING ORDERS

1 Meetings

- a Meetings of the Council shall normally be held at 7.00 p.m. on the first Monday of each month (except August) unless the Council decides otherwise.
- b Meetings shall not take place in premises which, at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- c When calculating the requisite three clear days' notice of a meeting which must be given to councillors and the public, the day on which the notice is issued, the day of the meeting, a Saturday, a Sunday, a day of the Christmas break, Maundy Thursday, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- d Meetings shall be open to the public as observers unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e Subject to standing order I(d) above, members of the public may be permitted at the discretion of the Chairman to (i) make representations or ask or answer questions on any matter affecting the parish or (ii) give evidence in respect of any item of business included in the agenda, but shall not otherwise participate in any meeting.
- f A specific period of time (at the Chairman's discretion) may be designated for public participation in accordance with standing order I(e) above. Such period shall not normally exceed 30 minutes unless the Council decides otherwise.
- g A record of a public participation session at a meeting may be included as a note to the minutes of that meeting.
- h Any person speaking at a meeting shall address his comments to the Chairman.
- i Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- j Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.
- k In accordance with standing order I(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- l Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
- m 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.

- n Subject to standing order 1 (u) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- o The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (h) and (i) below.)
- p Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- q The minutes of a meeting shall record the names of Councillors present.
- r If prior to a meeting a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- s The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- t An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing order 6 below.)
- u No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- v If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- w Meetings shall not exceed a period of 2½ hours unless the Council decides otherwise.

2 Ordinary Council 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.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7.00 pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business transacted at the annual meeting of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.

- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i 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.
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the business shall include the following:
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of delegation arrangements, terms of reference and nominations to committees (including any new committees), sub-committees, employees and other local authorities.

The business may include the following

- iv. Review and adoption of appropriate standing orders and financial regulations.
- v. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- vi. Review of representation on or work with external bodies and arrangements for reporting back.
- vii. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- viii. Review of inventory of land and assets including buildings and office equipment.
- ix. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- x. Review of the Council's and/or employees' memberships of other bodies.
- xi. Establishing or reviewing the Council's complaints procedure.
- xii. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xiii. Establishing or reviewing the Council's policy for dealing with the press/media.
- xiv. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer

The Council's Proper Officer shall be either (i) the Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

The Council's Proper Officer shall do the following.

- i. Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least three clear days before the meeting or (the Council having resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least three clear days before a meeting is not expedient) electronically serve such summons.
- ii. Give public notice of the time, date, venue 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).
- iii. Subject to standing order 4 below, include in the agenda all motions in the order received unless a councillor has given written notice at least fourteen 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, in accordance with paragraphs i and ii above.
- v. Make available for inspection the minutes of meetings.
- vi. Receive and retain copies of byelaws made by other local authorities.
- vii. Receive and retain declarations of acceptance of office from councillors.
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by two councillors and witnessed.
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments

to be made by the Council in accordance with the Council's financial regulations.

- xv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions

- a No motion may be moved at a meeting unless the subject matter is included in the agenda.
- b If the wording or nature of any proposed motion or agenda item is considered unlawful or improper, the Clerk 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 item shall be included or rejected in the agenda.
- c Having consulted the Chairman or Councillors as in 4(b) above, the decision of the Clerk as to whether or not to include the item in the agenda shall be final.
- d Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear unless the order is changed at the Chairman's discretion for reasons of expedience.
- b A point of order shall be decided by the Chairman and his decision shall be final.
- c A Member may, with the consent of his seconder, move amendments to his own proposal.
- d 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 issues. After the right of reply had been exercised or waived, a vote shall be taken without further discussion.
- e The Chairman shall be satisfied that the motion has been sufficiently debated before it is put to the vote.

6 Code of conduct

- a All councillors shall observe the code of conduct adopted by the Council.
- b Paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) having been adopted by the Council (or pursuant to relevant provisions in a statutory code of conduct in force at the time), councillors may exercise the rights contained in standing order 6(c) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- c Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

7 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

8 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 8(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 8(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

9 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least three councillors, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 9(a) above has been disposed of, no similar motion may be moved within a further six months.

10 Voting on appointments

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

11 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations, which shall be reviewed annually unless the Council decides otherwise.
- b The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
- c In the unlikely event that any proposed contract for the supply of goods, materials, services and

the execution of works has an estimated value in excess of £60,000, the council shall have regard to recommended procurement practices on the basis of a formal tender and, where appropriate, to the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) and, if either of those Regulations apply, the Council must comply with EU procurement rules.

- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

12 Execution of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 12(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

13 Committees

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer three days before the meeting that they are unable to attend;
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 13(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - vi. may, in accordance with standing orders, dissolve a committee at any time.

14 Sub-committees

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

15 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 to do so by two councillors, those two

councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

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

16 Advisory committees

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees, and any sub-committees thereof, may consist wholly of persons who are non-councillors.

17 Accounts and Financial Statement

- a The Responsible Financial Officer shall submit for approval by the Council as soon as practicable after 31 March in each year a detailed financial statement prepared on the appropriate accounting basis for the year ended 31 March. The summarised Statement of Accounts of the Council including the annual governance statement (which is subject to external audit) shall be presented to the Council for formal approval before 30 June.

18 Estimates, Budget and Precept

- a Any committee desiring to incur expenditure in the coming financial year shall give the Proper Officer a written estimate of the expenditure recommended for that year no later than the end of December.
- b The Council shall approve a revised budget for the current financial year and a budget for the coming financial year at a meeting before the end of January.
- c The Council shall issue a precept (being an instruction for payment to the Council of amounts raised through local taxation) for the coming financial year to the billing authority no later than the end of February.
- d Approval of the budget and of the amount to be included in the precept shall be given only at a duly convened meeting of the Council and shall not be delegated to any committee, sub-committee or officer.

19 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for

promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

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

20 Inspection of documents

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

21 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

22 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- b A councillor in breach of the provisions of standing order 22(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

23 Power of well-being

- a Before exercising the power to promote well-being, a meeting of the Council shall have passed a resolution to confirm that it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution made in accordance with standing order 23 (a) above was made, and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 23(b) above.

24 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council, committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(d) above.
- b An employee may apply in writing to the Chairman of the Council for the time being for redress of any grievance relating to his employment or if he is dissatisfied with any disciplinary decision relating

to himself. The Chairman shall report any such application to a duly convened meeting of the Council and the matter shall thereupon be discussed and resolved by the Council after the employee has been afforded an opportunity, if he wishes, to present an explanation of his application, either personally or by a representative present with him, orally to the meeting. The Council shall, before considering any such application, pass, in accordance with the relevant statute, the relevant motion excluding the press and public from the meeting.

25 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

26 Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

27 Liaison with District and County or Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council representing its electoral ward or division as the case may be.

28 Financial matters

- a 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. Matters referred to in Standing Orders 11, 17 and 18 above;
 - ii. the accounting records and systems of internal control;
 - iii. the assessment and management of financial risks faced by the Council;
 - iv. the work of the Internal Auditor;
 - v. the inspection and copying by councillors and local electors of the Council's accounts and/or other financial records;
 - vi. procurement policies.

29 Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council except for those complaints which should be properly directed to the Standards Board for consideration.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact who will nominate a person to assume the duties of the Proper Officer who shall continue to act in respect of their duties until the complaint is resolved.
- c The subject matter shall be confidential until it is resolved.
- d The Council shall deal with complaints in accordance with any Grievance Procedures established by the Council.

30 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

31 Standing orders to be given to councillors

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