

## **COLDWALTHAM PARISH COUNCIL STANDING ORDERS**

### **MEETINGS**

1. Meetings of the Council shall usually be held at 7.30pm unless the Council decides otherwise and minutes the decision at the previous meeting.
2. The Statutory Annual Parish Council Meeting (a) in an election year 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, shall be held on such day in April or May as the Council may direct.
3. 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. This Council will meet approximately every six weeks.

### **CHAIRMAN OF THE 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 this shall be the Clerk:-
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing pecuniary interests.
  - (c) To receive and retain plans and documents, including correspondence.
  - (d) To sign notices or other documents on behalf of the Council, including correspondence.
  - (e) To receive copies of Bylaws made by the district council.
  - (f) To certify copies of Bylaws made by the Council.
  - (g) Agenda formulated with assistance of Chairman or in his/her absence Vice Chairman and advised/advertised giving three clear days notice, not including the day of the meeting, day of dispatch, Bank holidays or weekends.

### **QUORUM**

6. Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum of a Council Meeting.
7. If a quorum is not present when the Council meets or if during a meeting the number of councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such a day as the chairman may fix.

### **ATTENDANCE**

8. A Councillor missing three consecutive Council Meetings is required to put their reason for absence in writing to the Council and when this is not acceptable to the Council, shall offer to resign, this being voted on at the next Council meeting.

### **VOTING**

9. Members shall vote by a show of hands or, if at least two members so request, by signed ballot.
10. 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.
11. Subject to (a) and (b) 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 an original vote was offered.
  - (a) Subject to (b) below the Chairman may not give an original vote in the election of the Chairman on any occasion when he will himself immediately after such election retire from the Council.
  - (b) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
  - (c) Election of Chairman - See NALC note June 2003. (This gives more amplification on when an existing Chairman may or may not vote.)

## **ORDER OF BUSINESS**

12. In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.
13. 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, which have not been received as provided by law, shall be received.
  - (e) To elect a Vice-Chairman.
  - (f) To elect the Alban Head Playing Field Committee in accordance with the lease from the National Playing Fields Association.
  - (g) To elect a member to attend the Lodge Hill Trust advisory committee on behalf of the Council.
  - (h) To elect a member to attend the Trustees of Sandham Hall Committee. The councillor will have no voting rights on behalf of the Council.
  - (i) To elect members of other committees, associations and societies
  - (j) To inspect any deeds and trust instrument in the custody of the Council and thereafter the order shown at Standing Order 14 below will be followed.
14. At every meeting other than the Annual 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) any undertaking to observe the Council's code of conduct as are required by law to be made.
15. After business at (a) and (b) below has been completed, the order of business, unless the Council otherwise decides on grounds of urgency or practicality, shall be as follows:-
  - (a) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - (b) To record any apologies for absence.
  - (c) To record any declarations of interest.
  - (d) To deal with business expressly required by statute to be done.
  - (e) To dispose of business, if any, remaining from the last meeting, (matters arising – The Chairman may decide when a matter arising should be discussed either now, or elsewhere, within the agenda
  - (f) To consider financial reports and take action as necessary.
  - (g) To take note of any health or safety issues and consider possible preventative measures.
  - (h) To discuss any outstanding Parish procedures which are due for amendment or review.
  - (i) To receive and consider reports and minutes from committees,
  - (j) To receive and consider reports from officers of the Council.
  - (k) To consider motions or recommendations in the order in which they have been notified.
  - (l) Any other business specified in the summons, including correspondence.

## **URGENT BUSINESS**

16. 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**

17. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council. The Clerk shall date every notice of motion and include notice of the motion(s) with the summons to meet.

## **RESOLUTION MOVED WITHOUT NOTICE**

18. 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 amend a motion.
- (k) To give leave to withdraw a motion.
- (l) To consider otherwise than in committee a question affecting an employee of the Council.
- (m) To exclude the press and public.
- (n) To silence or eject from the meeting a member named for misconduct.
- (o) To give the consent of the Council where such consent is required by these Standing Orders.

### **RULES OF DEBATE**

19. 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.
- (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 shall exceed five minutes unless by consent of the Council.
  - (e) An amendment shall not have the effect of negating the resolution before the Council.
  - (f) 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.
  - (g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (h) The mover of a resolution or amendment shall have the right of reply.
  - (i) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion.
  - (j) When a resolution is under debate no other resolution shall be moved.
  - (k) Only one member to speak at any one time.
  - (l) Members shall address the Chairman.

### **CLOSURE**

20. At the end of any speech a member may, without comment, move "that the question be now put". If such a motion is seconded, the Chairman shall put the motion.

### **DISORDERLY CONDUCT**

21. All members must observe the Code of Conduct, which is to be adopted by the Council on 17<sup>th</sup> May 2011. A copy of this must be passed to each member.
22. 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 (England).

Lines on alteration of resolutions and rescission of previous resolutions deleted as not in current usage.

### **CODE OF CONDUCT ON COMPLAINTS**

23. The Council shall deal with complaints of maladministration allegedly committed by the Council or maladministration or disorderly conduct allegedly committed or by any officer or member in the following manner, except for those complaints which should be properly directed to the Standards Board for consideration:
- (a) If a complaint about procedures, administration or the conduct of a member is notified orally to a councillor or the Clerk and it is not possible to satisfy the complainant fully forthwith, the complainant shall be asked to put his or her complaint in writing.
  - (b) A complaint shall normally be addressed to the Clerk and the complainant shall be assured that it will be dealt with promptly after receipt. Where the complainant indicates that he or she would prefer not

to put the complaint to the Clerk, he or she shall be advised to put the complaint to the Chairman. Complaints about the conduct of Members shall be put to the Chairman,

- (c) On receipt of a written complaint, the Clerk or Chairman shall (except where the complaint is about his or her own actions) try to settle the complaint directly with the complainant. In the event of a complaint about the behaviour of the Clerk or a councillor, the person concerned shall be notified and given an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk or Chairman receives a written complaint about his or her own actions, he or she shall forthwith refer the complaint to the Council.
- (d) The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
- (e) The Clerk or Chairman shall bring any written complaint, which cannot be settled to the next meeting of the Council, and the Clerk shall notify the complainant of the date on which the complaint will be considered.
- (f) The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the Council meeting in public.
- (g) As soon as may be after the decision has been made it and the nature of the action to be taken shall be communicated in writing to the complainant. This may in the case of councillors involve a report to the Standards Board.

#### **VOTING ON APPOINTMENTS**

- 24. 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, (see also paragraph 11 re Appointment of a Chairman).

#### **RESOLUTIONS ON EXPENDITURE**

- 25. Orders for the payment of money shall be authorised by resolution of the Council and signed by two members (one of which must be the Chairman or Vice-Chairman) and the clerk.
- 26. The Clerk may make payments to suppliers up to the sum of £50 without prior approval from Full Council and, after verbal agreement from at least 3 Councillors, up to £250 in the case of emergency or where there is a danger to public safety.
- 27. Where items to be purchased or work ordered will involve costs in excess of £250, the council will aim to obtain a minimum of two quotes. However, if the Clerk and Chairman jointly decide that obtaining quotes is impractical, they can recommend proceeding on the basis of a preferred provider. The Clerk will present such quotes as obtained to Full Council for consideration and authorisation. Once agreed the clerk will raise a purchase order and send to the supplier.

#### **COMMITTEES AND SUB-COMMITTEES**

- 28. The Council may at the Annual Meeting appoint standing committees of not less than three members.
- 29. Every committee shall at its first meeting elect a chairman.
- 30. A quorum of a committee shall be one not less than two voting members or in the case of the Alban Head Playing Field committee, not less than three voting members.

#### **VOTING IN COMMITTEES**

- 31. Members will vote by show of hands.
- 32. Chairman of committees shall in the case of an equality of Votes have a second or casting vote. (See also 11. a.b.c.)

#### **ACCOUNTS AND FINANCIAL STATEMENT**

- 33. All accounts for payment and claims upon the Council shall be laid before the Council including Chairman expenses and councillor's mileage and remuneration.

34. The Clerk shall supply to each member at the first ordinary meeting of the new financial year a statement of receipts and payments. The Council/Clerk shall nominate annually a non-councillor internal auditor, who will inspect the accounts annually.

#### **MEMBERS INTERESTS**

35. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 17<sup>th</sup> May 2011, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
36. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room during consideration of the item to which the interest relates.
37. The Clerk is 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. The register for each member is to be reviewed annually in May, or within 28 days of an election with copies displayed on Coldwaltham Parish Council website.

#### **INSPECTION OF DOCUMENTS**

38. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council or of the public. These may be accessed on Coldwaltham Parish Council website. If a Councillor or parishioner requires to further peruse records, the clerk should arrange a mutually agreeable time and place. (The place will be where the Parish Council hold their regular or annual meeting or Alban Head Playing Field pavilion).

#### **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

39. The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public and press by means of the following resolution:-

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

40. 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 to allow any members of the public, District or County Council to address the meeting for a period not exceeding 2 minutes, per person.

#### **CONFIDENTIAL BUSINESS**

41. No member of the Council or any committee shall disclose to any person not a member of the Council any business declared to be confidential to the Council.

#### **LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

42. A notice of meeting shall be sent together with an invitation to attend to the County Councillor and the two District Councillors for the Parish.

#### **PLANNING APPLICATIONS**

43. The Clerk shall, within 24 hours of receipt enter in a book the following particulars of every planning application notified to the council:-
- (a) Date received.
  - (b) Name of applicant.
  - (c) Place it relates to.
  - (d) Summary of application.
  - (e) The Clerk shall refer every planning application to the Chairman and the councillor who takes the lead role on planning within 48 hours of receipt.
  - (f) The Councillor leading on Planning to advise if a meeting needs to be convened based on if the application is judged to be of material concern by:
    - (a) the Member designated to chair such meetings; or
    - (b) any other Member of the Council; or
    - (c) any parishioner, who has lodged an objection with the Planning Authority, or who has conveyed their objection to the Clerk or to any Member of the Council, *in sufficient time in which to call a meeting, before the Planning Authority deadline.*

### **CLERKS SALARY**

44. The clerk's salary, together with contract is to be reviewed annually at the time the budget is set and any increase in salary should be paid from 1<sup>st</sup> April.

### **STAFF SALARIES**

45. Review of staff salaries annually at the time the budget is set and any increase should be paid from 1<sup>st</sup> April in accordance with laid down procedures.

### **DATA PROTECTION ACT**

46. Annual review required.

### **FREEDOM OF INFORMATION ACT**

47. Freedom of Information Act Publication Scheme as adopted by the council on 17th May 2011.
  - a. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
  - b. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

### **RISK ASSESSMENT**

48. Chairman to review Annually in April to ensure all areas are being monitored as laid down and with clerk consider any necessary changes.

### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

49. Any part of the Standing Orders except those printed in bold may be suspended by resolution in relation to any specific item of business.

### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

50. A printed copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the members' Declaration of Acceptance of Office. The Standing Orders should be regularly reviewed and updated.