

CRONDALL PARISH COUNCIL

STANDING ORDERS

MAY 2003

These standing orders have been based on the drafts produced by the National Association of Local Councils 1991, 1999, and 2002. Bold type indicates matters that are compulsory by Act of Parliament. Italic type indicates notes.

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CRONDALL PARISH COUNCIL

STANDING ORDERS

The Local Government Act 1972 applies.

1. STRUCTURE:

Crandall Parish consists of the Crondall Electoral Ward and the Ewshot Electoral Ward. Crondall Ward is represented by seven members and Ewshot Ward by five members.

2. MEETINGS OF THE PARISH COUNCIL:

- a) Council Meetings and Planning Meetings shall be held within the Parish starting at 7.30 pm. unless the Council decides otherwise at the immediate preceding meeting (whether this be a Council Meeting or a Planning Meeting). The Chairman of any meeting will endeavour to close proceedings by 10.00 pm..
- b) All planning applications which are to be discussed at a Planning Meeting will be made available for perusal no later than 7.15pm that evening.
- c) The Clerk or a person agreed by the Council must take minutes at Council Meetings and Planning Meetings.

3. FREQUENCY OF MEETINGS:

- a) **There shall be a minimum of three statutory meetings held every year.**
- b) Council Meetings will normally be held every third Monday of the Month, apart from during the month of August.
- c) Planning Meetings will normally be held every first Monday of the month. Unless the Clerk is specifically requested by a member, at least seven days before such a meeting, to include some specific non-planning matter in the agenda, Planning Meetings shall transact planning business only.

4. THE STATUTORY ANNUAL MEETING:

- a) **In an election year the Annual Meeting shall be held by the Monday following the fourth day after the ordinary day of elections of the Parish Council.**
- b) **In a year that is not an election year, the Annual Meeting will be held on the third Monday in May.**

5. EXTRAORDINARY MEETING:

- a) The Chairman may call an Extraordinary Meeting of the Council at any time.
- b) If the Chairman receives a requisition to hold an Extraordinary Meeting of the Council signed by five members, he shall call the meeting within seven days and it shall be held within fourteen days. In the event that the Chairman fails or is unable to comply, the provisions contained within paragraph 9 (2) of Schedule 12 of the Act apply. (*Addendum page 12)

6. SUMMONS TO A MEETING:

Three clear days (not including the days of issue and meeting) at least before a meeting of the Council:

- a) **Notice of the time and place of the intended meeting and the agenda shall be published on the noticeboards in each ward.**

- b) **A summons to attend to meeting specifying the business proposed to be transacted at it and signed by the Proper Officer at, or sent by post to, the usual residence of every member.**
- c) **Want of service of a summons on any member shall not affect the validity of a meeting of the Council.**

7. CHAIRMAN OF 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.

8. PROPER OFFICER:

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Parish Council, he/she shall be the Clerk in the following cases:

- a) To receive Declarations of Acceptance of Office to observe the Parish Council's Code of Conduct.
- b) To receive and record notices disclosing pecuniary, prejudicial or non-prejudicial interests.
- c) To received and retain plans and documents.
- d) To sign notices or other documents on behalf of the Parish Council.
- e) To receive copies of by-laws made by the District Council.
- f) To certify copies of by-laws made by the Parish Council.
- g) To sign summonses to attend meetings of the Parish Council.
- h) In any other case, the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

9. QUORUM:

- a) Four members shall constitute a quorum for meetings of the Parish Council.
- b) If a quorum is not present when the Parish Council meets, or if during a meeting the number of members present and not debarred by reason of declared 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.

10. VOTING:

Members shall vote by a show of hands. 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 or abstained from voting.

11. CHAIRMAN'S VOTE:

- a) **Subject to c) or b) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes, may give a casting vote even if he/she gave no original vote.**
- b) **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/she may not give an original vote in an election for Chairman.**
- c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS:

- *In an election year, members should execute Declarations of Acceptance of Office to observe the Parish Council's Code of Conduct in each other's presence or in the presence of the Proper Officer previously authorised by the Council to take such declarations, before the Annual Meeting Commences.*
- 12. At each Annual Meeting the order of business shall be:**
 - a) **To elect a Chairman.**
 - b) **To receive the Chairman's Declaration of Acceptance of Office to observe the Parish Council's Code of Conduct or, if not then received, to decide when it shall be received.**
 - c) **In the year of election of the Council, to initiate action to fill any vacancies left unfilled by reason of insufficient nominations.**
 - d) **To decide when any Declarations of Acceptance of Office to observe the Parish Council's Code of Conduct, which have not been received as required by law, shall be received.**
 - e) To elect a Vice-Chairman.
 - f) To appoint committees.
 - g) To appoint representatives to external bodies.
 - h) To consider the payment of any subscriptions falling to be paid annually.
 - i) To inspect any deeds and trust instruments in the custody of the Council.
 - j) And shall thereafter follow the order set out in standing order no. 15
- 13. At every meeting, other than the Annual Meeting, the first business shall be to appoint a chairman if the Chairman and the Vice-Chairman be absent and to received such Declarations of Acceptance of Office to observe the Parish Council's Code of Conduct (if any) as are required by law to be made, or if not then received, to decide when they shall be received.**
- 14. In every year, not later than the meeting at which the estimates of the precept of the following year are settled, the Council shall review the pay and conditions of service of existing employees.
- 15. At all meetings, the order of business, unless the Parish Council decides otherwise, shall be as follows:
 - a) Apologies for Absence.
 - b) To read and consider the minutes of the previous meeting; 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.
 - c) **After consideration, to approve the signature of the minutes by the person presiding as a correct record.**
 - d) Matters arising from the minutes of the last meeting.
 - e) **To deal with business expressly required by statute to be done.**
 - f) To dispose of business, if any, remaining from the last meeting.
 - g) To receive announcements from the Chairman.
 - h) To receive and consider reports from the Clerk to the Council.
 - i) To receive questions from Members of the Council.
 - j) To receive Declarations of Members' Interests.
 - k) Public Participation.
 - l) To consider agenda items in the order in which they have been listed.
 - m) To receive and consider reports from Committees of the Council.

- n) To authorise the signing of orders of payment.
- o) To review a monthly report of the Council's financial transactions.
- p) To consider burial and memorial applications.
- q) To receive reports from the District Council.
- r) To receive correspondence.
- s) Any other business specified in the summons subject to:
 - *The summons to a meeting of a local council must by law specify the business to be transacted: a local council cannot legally decide to take any action under the heading of 'Any Other Business' because these words do not specify any item of business. There is no practical objection to exchanges of information under 'AOB' or giving preliminary notification of important business for next time.*

16. CHANGES TO THE ORDER OF BUSINESS:

- a) The position of items a) and c) listed in standing order no.15 shall not be altered but the position of the other items listed therein may be varied –
- b) by the Chairman at his/her discretion, or
- c) by a resolution passed on a motion (which need not be in writing), moved, seconded and put.

17. AGENDA ITEMS:

- a) Members who wish to put an item on the agenda must submit it in writing to the Clerk with their reasons/views in time for circulation with the agenda (seven days before the meeting).
- b) Reports from committees should be submitted in writing to the Clerk at least seven days before the Meeting at which they are to be considered, for circulation with the appropriate agenda. Planning Committee reports should not be submitted for consideration by a Council Meeting unless a decision of the Council is necessary or desirable before the next scheduled Planning Meeting.
- c) Reports from representatives attending outside meetings should be sent to the Clerk seven days before the meeting.

18. QUESTIONS:

- a) A member may ask the Chairman, Committee Chairmen or the Clerk, any question not relating to an agenda item and concerning the business of the Council, provided that notice of the question has been given in writing (fax or email) to whom it is addressed before 12 noon on the day of the meeting.
- b) No question unconnected with the business under discussion shall be asked except during the part of the meeting set aside for Members' Questions.
- c) Every question shall be addressed and answered without discussion unless otherwise agreed by the Chairman at his/her discretion.
- d) A person to whom the question is addressed may decline to answer orally but in that event should provide a written answer. The question and answer must be minuted but subject to confidentiality when 'in committee'.

RULES OF DEBATE:

- 19. No discussion shall take place on the minutes of the last meeting except upon their accuracy. Corrections to the minutes shall be submitted to the Clerk by noon of the day of the next meeting. Corrections shall be made by resolution and must be initialled by the Chairman.

20. RESOLUTIONS:

- a) Except as provided by these standing orders, no resolution may be moved unless the Clerk had placed the business to which it relates on the agenda.
- b) Every resolution or recommendation shall be relevant to some question over which the Parish Council has power or which affects the area of the parish.
- c) A member when seconding a resolution or amendment may, if he/she then declares an intention to do so, reserve his/her speech to a later point in the debate.
- d) An amendment to a resolution shall be to:
 - Leave out words
 - Leave out words and insert other words
 - Insert or add other words
- e) An amendment shall not introduce a negative effect into the motion before the Council.
- f) If an amendment is carried, the resolution as amended shall take the place of the original resolution and shall become the resolution upon which any further resolution shall be moved.
- g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- h) The mover of the resolution or an amendment shall have the right to reply.
- i) A member may speak to make a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her that may have been misunderstood.
- j) A motion or amendment may be withdrawn by the proposer with consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission had been asked for its withdrawal unless such permission has been refused.
- k) When a resolution is under debate no other resolution shall be moved except in the following cases:
 - To amend the resolution.
 - To proceed to the next business.
 - To adjourn the debate.
 - That the question be now put.
 - That a member named be not further heard.
 - That a member named do leave the meeting.
 - That the resolution be referred to a committee.
 - To exclude the Public and Press.
 - To adjourn the meeting.

21. GENERAL DEBATE:

- a) During the meeting there will be no discussion between members and all debates shall be through the Chair.
- b) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- c) At any Council or Planning Meeting, members shall refer to the Chairman as “Chairman” and to other members as “Councillor (proper name)” unless the Chairman or member being addressed has at some time consented, and not withdrawn that consent, to being addressed by his/her first name or chosen name.

- d) Whenever the Chairman rises during the debate all other members shall remain seated and silent.

22. CLOSURE OF DEBATE:

At the end of any speech a member may, without comment, move 'that the question be now put', 'that the debate be now adjourned' or 'that the Council do now adjourn'. If such a motion is seconded, the Chairman shall put the motion, but in the case of a motion 'to put the question', only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion that 'the question be now put' is carried, he shall now call upon the mover to waive this right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of the debate or of the Council shall not prejudice the mover's right reply at the resumption.

- *Where a meeting has been adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting*

23. RIGHT OF REPLY:

The mover of a resolution shall have a right of 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 the right to reply shall not introduce a new matter. After the right to reply has been exercised or waived a vote shall be taken without further discussion.

24. DISORDERLY CONDUCT:

- a) 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 Parish Council or bring it into contempt or ridicule.
- b) 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. Thereafter any member may move that the member named shall be no longer heard or that the member named do leave the meeting and the motion, if seconded, shall be put forthwith without discussion.
- c) If either of the motions in paragraph b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

25. RESCISSION OF A PREVIOUS RESOLUTION:

- a) A decision of the Parish Council, whether affirmative or negative, shall not be reversed within six months, except:
- by a special resolution, the written notice of which must be issued as an agenda item and bear the names of at least 50% plus 1 of current membership of the Council
 - or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph a) of this order has been disposed of, no resolution may be moved within a further six month period.

26. VOTING ON APPOINTMENTS:

Where two or more persons have been nominated for any position to be filled by the Parish Council and there is not an absolute majority vote 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.

27. CO-OPTION; a vacancy to be filled by co-option shall be done so under the following procedure:

- a) The selection of a candidate who satisfies the statutory requirements.
- b) The proposal and seconding of a candidate by two Members of the Council.
- c) The nomination process will close at noon on the Monday seven days prior to the Council Meeting. The candidate's name and details will be circulated with the agenda.

28. CHAIRMAN'S TERM OF OFFICE:

The Chairman of the Council can only stand for election in two consecutive years.

29. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE PARISH COUNCIL:

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service for any person employed by the Council, it shall not be considered until the Council has decided whether or not the Public shall be excluded.

30. RESOLUTIONS ON EXPENDITURE:

- a) **Orders for the payment of money shall be authorised by resolution of the Council and signed by two Members of the Council and the Clerk.**
- b) Any resolution which, if carried, would in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council, or reduce the revenue or would involve substantial capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and any committee affected by it shall consider whether it desires to report thereon.
- c) The Council may at its discretion reimburse to a member bona fide travel and subsistence expenses incurred in connection with activities previously approved or instructed by the Council, subject to reasonable evidence of such expenses being submitted to the Clerk as soon as reasonably practicable.

31. COMMITTEES OF THE PARISH COUNCIL:

The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such working parties as are necessary, subject to statutory provision that:

- a) The Council shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) The Council may at any time dissolve or alter the membership of a committee.
- c) The Chairman shall hold membership of every committee but shall have no right to vote unless elected by the Council to be a member of the committee.

- d) The Council shall have the right to co-opt Non-Parish Councillors onto any working party. A co-opted member shall be allowed to speak at a meeting by invitation of the Council whilst the subject of his sub-working party is being discussed, but shall have no right to vote.
- e) Every committee shall at its first meeting, before proceeding with any other business, elect a chairman and elect a vice-chairman, who shall hold office until the next Annual Meeting of the Parish Council.
- f) The chairman of a committee or the Chairman of the Parish Council may summon an additional meeting of that committee at any time.
- g) Every committee may appoint sub-working parties for purposes specified by the committee.
- h) The quorum of the committee or sub-working party shall be one half of its members, (or one half of its full membership plus one if there is an odd number of members).
- i) No committee or member of a committee shall have the authority to make decisions or to enter into any commitments on behalf of the Parish Council unless specifically authorised to do so within a duly minuted session of the Council.
- j) A programme of meetings shall be arranged. A written report to the minutes of committee meetings shall be sent to the Clerk.
- k) Representatives for relevant outside bodies may be elected by the committees.
- l) Working parties may be set up for the detailed study of any matter referred to it.
- m) The working party may include Non-Members of the Council.
- n) The working party shall report back to the committee from which it was formed.
- o) The committees may set up working parties of their own.
- p) Committee reports to the Council shall include the findings and recommendations of any relevant sub-committee or working party.

32. VOTING IN COMMITTEES OR WORKING PARTIES:

- a) Members of committees shall vote by a show of hands.
- b) Committee Chairmen shall, in the case of an equality of votes, have a second casting vote.**
- c) The Chairman and Vice-Chairman of the Parish Council have voting rights only on the committees to which they have been appointed.

33. PRESENCE OF NON-COMMITTEE MEMBERS AT COMMITTEE MEETINGS:

Any Council Member may attend any committee meeting, after advising the relevant chairman of their wish to attend. They may only speak by invitation of the committee chairman and they will have no right to vote.

34. ACCOUNTS AND FINANCIAL STATEMENTS:

All accounts for payment and claims upon the Parish Council shall be laid before the Council at a Council Meeting. Where it is necessary to make a payment before it has been authorised by the Parish Council the following procedures shall be observed:

- a) Such payment shall be certified as to its correctness by the Clerk. Such payment shall be authorised by the committee having charge of the business to which it relates or by the Chairman or Vice-Chairman of the Council.
- b) Cheques that are not signed at a Council Meeting must be signed by either the Chairman or the Vice-Chairman as one signatory.

- c) All payments ratified under paragraph a) of this order shall be separately included in the next schedule of the Finance Report laid before the Council at a Council Meeting.

35. END OF YEAR FINANCIAL STATEMENT:

The Clerk shall supply to each member a set of final accounts for internal audit after the end of each financial year.

36. FINANCIAL REGULATIONS:

The Council shall observe the Financial Regulations modelled on those published by NALC in July 2002. (see Appendix 1 to the Standing Orders)

37. INTERESTS:

- a) **If a member has a personal interest within the meaning of Part 2 of the Local Authorities (Model Code of Conduct) Order 2007, in any contract or other matter he/she shall, while it is under consideration by the Council, observe the regulations set out within this part of the Code of Conduct in relation to his attendance. (see Addendum)**

38. REGISTER OF INTERESTS:

- a) **Members shall complete a record of their personal interests in line with the Parish Council's Code of Conduct, to be retained for the duration of their membership by the Monitoring Officer at the District Council. The Clerk shall retain a copy of these details in a register to be made available for Public Inspection during reasonable hours of the day. Details recorded in the Register of Members Interests are to be updated when appropriate.**
- b) **The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or officer of the Parish Council relating to a personal interest in a contract. The book shall be available for Public Inspection during reasonable hours of the day.**

39. INSPECTION OF DOCUMENTS:

- a) A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Parish Council or a committee or working party and if copies are available shall, on request, be supplied for the purpose with a copy.
- b) **All minutes held by the Parish Council, any committee, sub-committee or working party shall be open for Public Inspection.**

40. PUBLICATION SCHEME:

The Council shall produce a Publication Scheme in line with the requirements of the Public Information Act 2000, indicating the information relating to their activities that is available to the Public. The Publication Scheme is to be updated annually by the Parish Council.

41. ADMISSION OF THE PUBLIC AND THE PRESS TO MEETINGS:

- a) **The Public shall be admitted to all meetings of the Parish Council.**
- b) The Public may temporarily be excluded from meetings 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’

- *The special reasons should be stated. Circular 1/86 issued by the National Association of Local Councils deals with the situations where it is likely to be desirable to exclude the Public. If a person’s advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution had been passed.*

42. PUBLIC PARTICIPATION:

- a) At Council Meetings; a Member of the Public present may, with the permission of the Chairman and provided written notice had been received by the Clerk no later than 9 am. on the Friday before the meeting, ask a question or make a statement relating to a matter to which the Council has powers or duties, or which affects the Parish. Regulations relating to Public Participation are to be made available by the Clerk (see Appendix 2)
- b) At Planning Meetings; a Member of the Public present may, with the permission of the Chairman and provided written notice had been received by the Clerk prior to the start of the meeting, make a statement in relation to any planning application listed for consideration by the Council on the agenda of that meeting. Regulations relating to Public Participation are to be made available by the Clerk (see Appendix 3)

43. THE PRESS:

The Clerk shall afford to the Press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

44. PUBLIC CONDUCT AT MEETINGS:

If a Member of the Public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting room.

45. CONFIDENTIAL BUSINESS; the following shall apply:

- a) No Member of the Parish Council or any committee, sub-committee or working party shall disclose to any person who is not a Member of the Council any business declared to be confidential by the Parish Council, the committee, sub-committee or working party as the case may be.
- b) Any member in breach of the provisions of paragraph a) of this order shall be removed from any committee, sub-committee or working party of the Council by the Parish Council.

46. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS:

- a) A notice of meeting shall be sent with an invitation to attend that meeting, to the County Councillor for the Division and to the District Councillors of the Ward.
- b) With the agreement of the Chairman, County and District Councillors shall be allowed to comment on items where they have specialist knowledge.
- c) Unless the Council otherwise orders, a copy of correspondence sent to the County and District Councils shall be sent to the appropriate councillors if they have shown an interest in matter to which the correspondence refers.

47. PROCEDURE RELATING TO PLANNING APPLICATIONS; the following shall apply:

- a) The Clerk shall, as soon as it is received, make a record of the following particulars of every planning application notified to the Council:
 - The date of receipt.
 - The name of the applicant.
 - The application reference number.
 - The place to which the application relates.
 - A summary of the nature of the application.
- b) The Clerk shall refer every planning application to the Chairman of the Planning Committee or, in his absence, the Vice-Chairman of the Planning Committee, as soon as is practical and preferably within 48 hours of receipt.

48. CODE OF CONDUCT ON COMPLAINTS:

The Parish Council shall deal with complaints of mal-administration allegedly committed by the Council, or by any officer or member, in the manner recommended in Legal Topic Note 56 issued in July 2003 by the National Association of Local Councils. (see Appendix 4.)

49. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS:

- a) Any or every part of the Standing Orders, with the exception of those printed in **bold type**, may be suspended by resolution in relation to any specific item of business.
- b) A resolution to permanently add, vary or revoke a standing order shall, when proposed and seconded, stand adjourned without discussion to the next meeting of the Parish Council.

50. DISTRIBUTION OF STANDING ORDERS TO MEMBERS:

A copy of these standing orders shall be given to each Member of the Parish Council by the Clerk upon receipt of the member's Declaration of Acceptance of Office.

***ADDENDUM**

Local Government Act 1972, Schedule 12, Paragraph 9.(2)

If the Chairman refuses to call an Extraordinary Meeting of the Council after a requisition for that purpose, signed by two Members of the Council, has been presented to him/her, or if, without so refusing, the Chairman does not call an Extraordinary Meeting within seven days after such a requisition had been presented to him/her, any two Members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an Extraordinary Meeting of the Council.

Local Authorities (Model Code of Conduct) Order 2007 Part 2 Section 12 (2)

Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise.