

## **POLSTEAD PARISH COUNCIL** **STANDING ORDERS**

### 1. Meetings

- a) Meetings of the Council shall be held in each year on the THIRD Thursday of each month.
- b) Smoking is not permitted at any meeting of the Council.

### 2. The Statutory Annual 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 the third Thursday in May.**
3. **(England Only) In addition to the Statutory Annual Meeting at least nine other statutory meetings shall be held in each year on the third Thursday.**

### 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:-

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing personal and prejudicial interests.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bylaws made by a District Council.
- f) To certify copies of bylaws made by the Council.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

## **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.**

7. 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.

## **8. Voting**

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

9. **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.**

10. **(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.**

## **11. 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.
- f) To appoint representatives to outside bodies.
- g) To appoint Working Parties
- h) To consider the payment of any subscriptions falling to be paid annually.
- i) To inspect any deeds and trust investments in the custody of the Council as required;

And shall thereafter follow the order set out in Standing Order 14

- 12. **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 required by law to be made or, if not then received, to decide when they shall be received.**
- 13. 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. Standing Order 33 must be read in conjunction with this requirement.
- 14. 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.** No discussion shall take place upon the Minutes save as to their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
  - 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) To answer questions from Councillors. To be read in conjunction with Orders 17 to 20.
- g) Open Session for Members of the Public
- h) To receive and consider reports from Working Parties.
- i) Planning
- j) To consider in accordance with Orders 22-24 all items specifically set out in the agenda. For the avoidance of doubt no matter may be discussed or resolution passed unless it relates to an item on the agenda. No item shall be included in the agenda unless it relates to or affects the Parish of Polstead.
- k) To authorise the sealing of documents.
- l) If necessary, to authorise the signing of orders for payment.
- m) Future Agenda Items
- n) Date of next meeting

15. 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.

16. 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 refer a matter to a Working Party
- h) To appoint a Working Party or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To exclude the public.
- l) To silence or eject from the meeting a member named for misconduct.
- 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 65 below)
- o) To adjourn the meeting.

17. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided ( **10** ) clear days notice of the question has been given to the person to whom it is addressed.

18. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

19. Every question shall be put and answered without discussion.

20. A person to whom a question has been put may decline to answer.

21 Conduct of the meeting and the passing of resolutions.

Save as to any matters set out herein in black type the conduct of the meeting shall lie entirely within the discretion of the Chairman.

- 22 Subject to Order 21

(a) Each item on the Agenda shall be introduced by the Chairman or such other member of the Council as he may invite.

(b) Each item shall then be discussed by the members

(c) Such discussion shall be concluded by the passing of a resolution to be proposed, seconded and decided by vote with a show of hands.

23. Such resolution shall be drafted so as either

(a) To adjourn the item whether generally or to a specific future occasion.

(b) To carry the item forward and /or progress it

(c) To determine the item.

24. 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 resolutions:-

“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”.

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

26. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

27. If a member of the Public interrupts the proceedings at any meeting the Chairman may, after warning, order that he may be removed from the meeting.

28. Participation of the Public

a) Any member of the public may address the meeting on any topic NOT set out in the agenda. In the event of such address the members of the council may put questions but shall not discuss the matter raised save for the purposes of Order 14m (future agenda items).

(b) Any member of the public may address the meeting on any item on the agenda in which he/she has a general or specific interest. Such address shall be made after the introduction of such specific item. Members of the Council may ask questions and, in their discussion shall have regard to the content of the address.

(c) All addresses whether made pursuant to 28 (a) or (b) shall be limited to 2 minutes subject to curtailment or extension at the sole discretion of the Chairman.

(d) Any member of the public intending to address the meeting shall give notice of his intention to the Clerk.

29. Save in accordance with 28 above, no member of the Public may participate in the meeting

30. Disorderly Conduct

a) **All members must observe the Code of Conduct which was adopted by the council on (9<sup>th</sup> May 2007) 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 (a) or (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. **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 for England.**
- d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

31. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least **( 2 )** members of the Council, or by a resolution moved in pursuance of the report or recommendation of a working party.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

32. Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

33. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee has decided whether or not the public shall be excluded. (See Standing Order No. 24.)

34 **Expenditure**

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

35. **Sealing of Documents**

a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

36 Decisions

All decisions relating to or affecting the Parish of Polstead and all decisions relating to or affecting expenditure by the Council shall be made by the whole Council.

37. The Parish Council shall not be empowered to delegate to any working party any such expenditure as is set out in order 36 above.

38. The Council may at any time appoint a working party to look into any matter it may think fit.

39. Such working parties shall consist of no fewer than 2 members of the Council.

40 Such Working Parties shall be responsible for its own procedures save that the working party shall keep a record of its proceedings and communicate such record to the Parish Clerk within a reasonable period of time. Further all written communications from any third party shall be submitted to the Parish Clerk and all written communication to any third party shall be authorised and signed by the Parish Clerk.

41 Such Working Parties shall report to the Council as and when required to do so.

42 Such Working Party may make such recommendation or recommendations to the Council as it may think fit.

43 Such Working party shall not be empowered to make any decision nor to authorise any expenditure on behalf of the Council.

44. The Council may terminate the function of the Working Party and or wind it up at any time that the Council may see fit.

45. **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 proper officer, 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.
46. The Responsible Financial Officer shall supply to each member at the as soon as practicable after 31 March in each year a statement of the receipts and payments for 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.
47. Estimates / Precepts
- 1) The council shall approve written estimates for the coming financial year at its meeting at the end of the month of November.
48. Interests (ENGLAND)
- If a member has a personal interest as defined by the Code of Conduct adopted by the Council on (9<sup>th</sup> May 2007) then he shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.**
- 49 **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.**
50. Interests (WALES)
- If a member has a personal interest as defined by the Code of Conduct adopted by the Council on (9<sup>th</sup> May 2007) then that interest must be declared and a decision made by the member whether to stay or withdraw.**
- 51 **The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with**

**the Monitoring Officer of the Responsible Authority and/or as required by statute.**

52. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council. Where a relationship to a member is disclosed Standing Orders 48, 49 and 50 shall apply as appropriate.

53. The Clerk shall make known the purpose of Standing Order 52 to every candidate.

54 Canvassing of And Recommendations By Members

1) Canvassing of members of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.

2) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

55. Standing Order Nos. 52 & 54 shall apply to tenders as if the person making the tender were a candidate for an appointment.

56. 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 or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

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

58. Unauthorised Activities

No member of the Council or working party 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, and directions, enter into any agreement or incur any expenditure unless authorised to do so by the Council.

59 Confidential Business

- 1) No member of the Council or of any working party shall disclose to any person not a member of the Council any business declared to be confidential by the Council.
- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from the Council or working party.

60. Liaison with County and District Councillors

A notice of meeting shall be sent together with an invitation to attend to the County, Borough, Unitary or District Councillor for the appropriate division or ward.

61. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council or Planning Authority shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

62. Planning Applications

- 1) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
  - (a) the date on which it was received
  - (b) the name of the applicant
  - (c) the place to which it relates
  - (d) The Clerk shall refer every planning application received to the Chairman, Vice-Chairman and members of the Council either
    - (i) Not less than 7 days before the next Council meeting or
    - (ii) Within 48 hours of receipt or
    - (iii) Immediately after receipt, whichever the soonest.

63 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 and
  - e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £20,000.
- 2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£20,000] shall be procured on the basis of a formal tender as summarised in (3) below.
- 3) Any formal tender process shall comprise the following steps:
- a) a public notice of intention to place a contract to be placed in a local newspaper;
  - b) a specification of the goods, materials, services and the execution of works shall be drawn up;
  - c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
  - d) tenders submitted are to be opened, after the stated closing date and time, by the clerk and at least one member of Council;
  - e) 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. Any tender notice shall contain a reference to the Standing Orders 52, 54 & 55 regarding improper activity.
- 1) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

(Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level).

64. 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 for consideration.

65. 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.

66 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.

67. 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 comply with the Code of Conduct adopted by the Council.