

CRADLEY
PARISH
COUNCIL

STANDING ORDERS

1. MEETINGS

October 2008.

Meetings of the Council shall be held each year on such dates and times and at such place at the Council may direct.

Smoking is not permitted at any meeting of the Council.

2. STATUTORY ANNUAL MEETING

In an election year, the Annual Parish Council meeting shall be held on or within fourteen days following the day on which the councillors elected take office.

In a year which is not an election year, the Annual Parish Council Meeting shall be held on such day in May as the Council direct.

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.

3. 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.

4. PROPER OFFICER -

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

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

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

To receive copies of bylaws made by another local authority.

To certify copies of bylaws made by the Council.

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

To keep proper records of all Council meetings.

5. 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.

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 direct.

For a quorum relating to a committee or sub-committee, refer to Standing Order 24.

6. VOTING -

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

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 the vote.

Subject to the above, 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. 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.

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

7. ORDER OF BUSINESS -

At each Annual Parish Council meeting the first business shall be -

To elect a Chairman of the Council.

To receive the Chairman's declaration of acceptance of office, or if not then received, to decide when it shall be received.

In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.

To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

To elect a Vice Chairman of the Council.

To appoint representatives to outside bodies.

To appoint Committees, sub-committees and working groups.

To consider the payment of any subscriptions falling to be paid annually.

To inspect as required any deeds and trust investments in the custody of the Council.

8. At every meeting other than the Annual Parish Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice Chairman are absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.

9. 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 the Clerk as soon as they are aware of the agreed National Settlement. This payment shall be back-dated to the 1st April in every year.

10. The Council shall conduct its lawful business according to the Agenda. The Chairman can vary the order of business without notice, and will consider any reasonable request from a member to do so, provided it is supported by a majority of the Councillors present.

After consideration, to approve the signature of the Minutes by the person presiding as a correct record.

To deal with business expressly required by statute to be done.

11. URGENT BUSINESS may be discussed at the meeting, subject to the agreement of the majority of Councillors present.

12. MINUTES - 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. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

13. RULES OF DEBATE -

A resolution or amendment shall not be discussed unless it has been proposed and seconded. An amendment shall be either to leave out words, leave out words and

insert others or to insert or add words.

An amendment shall not have the effect of negating the resolution before the Council. The amendment shall be voted on first. If the amendment fails, a vote shall be taken on the original resolution. A further amendment shall not be moved until the Council has disposed of every amendment previously moved. The mover of a resolution or of an amendment shall have a right of reply. A motion or amendment may be withdrawn by the proposer with the consent of the Council. When a resolution is under debate, no other resolution shall be moved.

14. A member shall remain seated when speaking unless requested to stand by the Chairman.

15. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon. Whenever the Chairman speaks during a debate, all other members shall be silent.

16. DISORDERLY CONDUCT -

All members must observe the Code of Conduct which was adopted by the Council on 8th May 2007 a copy of which is annexed to these standing orders, and Section 12 (2) on 15th August 2007.

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.

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. The Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to control disorderly conduct.

17. RIGHT OF REPLY - The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote.

18. ALTERATION OF RESOLUTION - A member may, with the consent of the person seconding the alteration, move amendments to his own resolution.

19. RESCISSION OF PREVIOUS RESOLUTION - A decision (whether affirmative or negative) of the Council shall not normally be revisited unless significant new information comes to light, and further debate is agreed by the majority of Councillors present.

20. 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 shall will 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.

21. DISCUSSIONS & RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL - If 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 (as the case may be) has excluded the press and public (See Standing Order No. 32).

22. EXPENDITURE - Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.
Monitoring of expenditure shall be carried out by the Finance Working Group.

23. COMMITTEES, SUB-COMMITTEES & WORKING GROUPS - The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf -

Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

May appoint persons other than members of the Council to any Committee, and may, subject to the provisions of the Standing Order above, at any time dissolve or alter the membership of committee.

The Chairman and Vice Chairman, ex officio, shall be voting members of every committee, sub committee and working group.

Every Committee shall at the first meeting before proceeding to any other business, elect a Chairman and may elect a Vice Chairman who shall hold office until the next annual meeting of the Council, and shall settle its programme of meetings for the year.

24. SPECIAL MEETING - The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

SUB COMMITTEES - Every committee may appoint sub-committees for purposes to be specified by the committee.

The Chairman and Vice Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one third of its members.

The Standing orders on rules of debate (except those parts relating to standing and to speaking more than once) and the standing order on interests of members in contracts and other matters shall apply to committee, sub-committee and working group meetings.

25. ADVISORY COMMITTEES -

The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.

The Clerk will inform the members of each advisory committee of the terms of reference of the committee.

An advisory committee may make recommendations and give notice thereof to the Council.

An advisory committee may consist wholly of persons who are not members of the Council.

26. VOTING IN COMMITTEES -

Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed and/or confidential ballot. Chairmen of committees and sub committees shall in the case of an equality of votes have a second or casting vote.

27. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS -

A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the Committee but shall not vote.

28. ACCOUNTS & FINANCIAL STATEMENT -

Except as provided in Para 2. of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman and Vice Chairman of the Council. The limit shall be 10% of the annual precept for that year. All payments ratified under this section shall be separately included in the next schedule of payments before the Council.

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

Three estimates shall be sought for expenditure likely to be in excess of 10% of the annual precept.

29. INTERESTS -

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 8th May 2008 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the floor or chamber during consideration of the item to which the interest relates.

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.

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 or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, the

above standing orders shall apply as appropriate.

The Clerk shall make known the purpose of this standing order to every candidate.

Section 12 (2) Code of Conduct - Prejudicial Interests -

Where a Councillor has a prejudicial interest in any business of the Council, he may attend a meeting (including a meeting of the overview and scrutiny committee of the authority or of a sub-committee of such a committee) 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 a statutory right or otherwise.

30. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS -

Canvassing of members or officers of the Council or of any committee, 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 sub-paragraph of this standing order to every candidate.

A member of the Council or of any committee 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.

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

31. UNAUTHORISED ACTIVITIES -

No member of the council or of any committee or sub-committee shall in the name of or on behalf of the Council inspect any lands or premises which the Council has a right or duty to inspect or issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

32. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS -

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

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

The Council shall state the special reason for exclusion.

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

The Clerk shall afford to the press reasonable facilities for the taking of 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.

If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

33. CONFIDENTIAL BUSINESS -

No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee., sub-committee or working group as the case may be. Any member in breach of the provisions of this standing order shall be removed from any committee or sub-committee of the Council by the Council.

34. LIAISON WITH COUNTY & DISTRICT COUNCILLORS -

A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the unitary councillor for the appropriate division or ward.

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

35. PLANNING APPLICATIONS -

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 -

- *The date on which it was received,*
- *The name of the applicant,*
- *The place to which it relates.*

The Clerk shall refer every planning application received to the Chairman, Chairman of the Planning Committee or in the Chairman's absence to the Vice Chairman, normally within 48 hours of receipt, or as otherwise agreed by the Parish Council.

36. FINANCIAL MATTERS -

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer/Clerk

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 below) including the setting of values for different procedures where the contract has an estimated value less than £2,000.

Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £2,000. shall be procured on the basis of a formal tender as summarised below.

Any formal tender process shall comprise the following steps -

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

The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders regarding

improper activity.

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. Some standing order must be made for contracts for the supply of goods or the execution of works.

37. CODE OF CONDUCT ON COMPLAINTS -

The Council shall follow the guidelines of the National Association of Local Councils in dealing appropriately with complaints of maladministration allegedly committed by the Council or by any officer or member, except for those complaints which should be properly directed to the Standards Board for England for consideration.

38. VARIATION & REVOCATION OF STANDING ORDERS -

A resolution permanently to add, vary or revoke a Standing Order shall be proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

39. STANDING ORDERS -

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

NOTE - Reference to "he" throughout this document refers to a person statement.

This document will be reviewed at the beginning of each 4yr. cycle.

These Standing Orders were adopted by Cradley Parish Council at a meeting held on

Signed..... Dated.....