

CLEY PARISH COUNCIL

STANDING ORDERS

Adopted 3rd April 2018

To be reviewed by April 2020

Note that items in bold can not be changed as they are contained in legislation.

1 Meetings

a. Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.

b. When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.

c. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

d Subject to standing order 1(c) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda. (At Public Question Time).

e. The period of time for public participation in accordance with SO 1d above shall not exceed 15 minutes. 3 minutes per person. Discussion held in public participation is recorded only briefly in the minutes – without personal information. A question asked by a member of the public during public participation, need not receive a response. The Chairman may advise when a response will be given. Public shall raise their hand to ask a question or take part, and shall address his / her comments to the Chairman. The Chairman will direct the order of speaking should more than one person wish to speak.

f. In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present. Members of the public may photograph, record, broadcast or transmit the proceedings of the meeting in the designated area of the meeting room. If this causes disruption the Chairman is within his rights to ask the person to leave.

g. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).

h. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

i. All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

j. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also SO 2 (j) below.)

k. Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made in advance of the voting.

l. The minutes of a meeting shall record the names of councillors present.
Apologies received shall be recorded with reasons for absence, and their approval.

m. If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution this shall be recorded in the minutes of the meeting at which the approval was given.

n. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

o. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. Members with an interest should ask the Council for a dispensation if they wish to speak or vote.

p. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.

q. If a meeting is or becomes unquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

r. Meetings shall not exceed a period of 2 hours.

2. Ordinary Council meetings - *See also standing order 1 above*

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e The election of the Chairman and Vice-Chairman (if any) of the**

Council shall be the first business completed at the annual meeting of the Council.

- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j The order of business for the Annual Parish Council Meeting (following an ordinary election (every fourth year) and following receipt of the signed declaration of acceptance of office by councillors shall be:**
 - I. Election of Chairman followed by the declaration of acceptance of office**
 - II. Election of Vice-Chairman (if any) of the Council**
 - III. Receive and accept apologies**
 - IV. Declarations regarding interests and requests for dispensations**
 - V. Confirmation of the accuracy of the minutes of the last meeting of the Council. Reaffirmation of the Power of General Competence (if applicable)**

3. Proper Officer

- a The Council's Proper Officer and Responsible Financial Officer shall be the**

parish clerk, duties to be outlined in a job description, which is reviewed at least every third year. The Council may nominate another employee to undertake the role of RFO.

- b The Council's Proper Officer shall do the following.
 - i. **Sign and serve on councillors electronically, or by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.**
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them.**
 - iii. **Receive and retain copies of byelaws made by other local authorities.**
 - iv. **Receive and retain declarations of acceptance of office from councillors.**
 - v. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection. Submit originals to NNDC for their website.
 - vi. Keep proper records required before and after meetings;
 - vii. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the Council's procedures relating to the same.
 - viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - ix. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
 - x. Arrange for legal deeds to be signed by 2 councillors and witnessed.
 - xi. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
 - xii. Record every planning application notified to the Council and the Council's response to the local planning authority.
 - xiii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4. Motions requiring written notice

- a No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 10 clear days before the next meeting.

- b If the Proper Officer considers the wording of a motion received in accordance is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 10 clear days before the meeting. A motion may be rejected if it is considered unlawful or improper. Every motion shall relate to the Council's statutory function, powers and legal obligations, or shall relate to an issue which specifically affects the Council's area or its inhabitants.

5. Motions not requiring written notice

Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To dispose of business, if any, remaining from the last meeting.
- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To silence or exclude from the meeting a Councillor or a member of the public or disorderly conduct.
- x. To suspend any standing order except those which are mandatory by law (these are written in bold).**
- xi. To adjourn the meeting.
- xii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion shall not be considered unless it has been proposed and seconded.
- c A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- d A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;

- iii. to leave out words and add other words.
- f A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- g Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- i If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- j The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 2 minutes.
- k Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- l Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- m During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- n A point of order shall be decided by the Chairman and his decision shall be final.
- o With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- p Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;

- ix. to suspend any standing order, except those which are mandatory.
- s. The Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7 Code of Conduct (England)

- a **All councillors shall observe the code of conduct adopted by the Council. The new Code of Conduct came into force in July 2012 due to changes enforced by the Localism Act 2011.**
- b **The national rules require a council's code of conduct to comply with the "Seven Principles of Public Life" and councillors will have to disclose and register pecuniary and other interests and comply with the code adopted (from North Norfolk District Council).**

8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 3 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

9 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors (either as a hard copy or electronically) no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be proposed and seconded. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph to the same effect:
- d Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes, notes or recordings of the meeting shall be destroyed.

10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave

offensively or improperly.

- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11. Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 5 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

12. Co-Option

Where more than 2 persons wish to stand for a co-option vacancy on the council

The name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

13. Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed regularly – at least every three years.**
- c The Parish Clerk has the authority to place an order and make a payment up to the sum of £500 in the event of an emergency. The detail must immediately be notified to the Chairman or the Vice Chairman in the absence of the Chairman.

14. Execution and sealing of legal deeds

- a **A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution. Any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15. Extraordinary meetings

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by**

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

16. Accounts and Financial Statement

- a All receipts and payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed regularly and at least every three years. The list of receipts and payments shall be accompanied by a bank reconciliation for the main bank account.

17. Estimates/precepts

- a The Council shall approve written estimates for the coming financial year at its meeting by the second week in January.

18. Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council and request a copy for the same purpose.

19. Unauthorised activities

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

20. Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

21. Relations with the press/media

All requests from the press or other media for an oral or written statement or comment from the Council shall be processed by the Clerk and the Chairman, or Vice Chairman in the absence of the Chairman. This SO is supported by the Media Policy adopted by the Council.

22. Liaison with District and County Councillors

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County Councils.

23. Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.

b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised below.

- c Any formal tender process shall comprise the following steps:

- i. a public notice of intention to place a contract to be placed in a local

- newspaper;
- ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
- iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
- iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
- v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- vi. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

d Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

24. Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Monitoring Officer of the District Council. The subject matter of notifications shall be confidential.

25. Variation, revocation and suspension of standing orders

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

24. Data protection

- a. The Council is the Data Controller, and the Clerk is the Data Protection Officer.
- b. The DPO must remain independent from the processes at all times.
- c. All councillors and staff should receive training on data protection.

25. Standing orders to be given to councillors

- a The Proper Officer shall provide an electronic copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

