

# **The Henny's Middleton & Twinstead Parish Council**

## **STANDING ORDERS**

### **MEETINGS**

1. Meetings of the Council shall be held at a venue within the parishes we represent at 7.30pm, unless the Council decides on an alternative time, date or place, or the Chairman, plus one councillor decides, or in the absence of the Chairman, two councillors decide. Such change must be advised to all councillors and the public by a minimum of seven clear days notice.

A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:

- a) film, photograph or make an audio recording of a meeting;
  - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
2. The statutory Annual Meeting
    - a) in an election year shall be held within 14 days after the day of the election and
    - b) in a year which is not an election year it will be held in May.
  3. Other meetings will be held in alternate months i.e. July, September, November, January and March.

### **CHAIRMAN OF MEETING**

4. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

### **PROPER OFFICER**

5. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:
  - a) To receive declarations of office.
  - b) To receive and record notices disclosing pecuniary interest.
  - c) To receive and retain plans and documents.
  - d) To sign notices or other documents of behalf of the Council.
  - e) To receive copies of byelaws made by the District Council.
  - f) To certify copies of byelaws made by the Council.
  - g) To sign summonses to attend meetings of the Council.
  - h) To receive and grant requests for special dispensations where appropriate.

## **QUORUM**

6. Four members shall constitute a quorum for general Parish Council meetings. A minimum of three shall constitute a quorum for a planning meeting. In the event of no representation to the village concerned, opinion must be sought of the respective Councillors.

### **(Planning Meetings)**

The Clerk will notify all Councillors' of a planning application in the first instance; the initial responsibility will be with the Councillors' from the relevant village, the reply will be from the Parish Council as a whole. If deemed necessary an open meeting will be arranged.

7. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary 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.

## **VOTING**

8. 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.
10. (1) Subject to (2) and (3) 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 though he gave no original vote.  
(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for that statutory provisions until the end of their term of office he/she may not give an original vote in an election of Chairman.  
(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## **ORDER OF BUSINESS**

At each Annual Meeting the order of business shall be:

11.
  - a) To elect a Chairman for a maximum period of 2 years, circumstances notwithstanding.
  - b) In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;

- c) To decide when any declarations of office which have not been provided by law shall be received.
  - d) Whilst there is no paid Clerk and a member acts as Clerk, to elect a Deputy Chairman/Clerk.
  - e) To elect a Vice Chairman.
  - f) To receive Declarations of Interest.
  - g) To appoint committees.
  - h) To consider the payment of any subscriptions falling to be paid annually.
12. At every meeting other than the Annual Meeting, the first business shall be to appoint a Chairman if the Chairman, Deputy Chairman and Vice Chairman be absent and to receive declaration of office (if any) as required by law to be made, or if not then received to decide when they shall be received.
13. After the first business has been completed, the order of business, unless the Council decided otherwise on the ground of urgency, shall be as follows:
- a) Public speaking time of 15 minutes.
  - b) Declarations of personal and prejudicial interests by Councillors on any agenda items.
  - c) 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.
  - d) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - e) To deal with business expressly required by law to be done.
  - f) To dispose of business, if any, remaining from the last meeting.
  - g) To receive such communications as the person presiding may wish to lay before the Council.
  - h) To receive and consider reports and minutes of committees.
  - i) To authorise the signing of orders for payment.
  - j) To consider resolutions and recommendations in the order they have been notified.
  - k) Any other business specified in the summons.

14. A motion to vary the order of the business on the ground of urgency

- a) may be proposed by the Chairman or any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) shall be put to the vote without discussion.

### **RESOLUTIONS MOVED ON NOTICE**

15. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms to the Clerk at least seven clear days before the next meeting of the Council. The Clerk shall date every notice of resolution or recommendation.

### **RESOLUTIONS MOVED WITHOUT NOTICE**

16. Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairman of a 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.

### **QUESTIONS**

17. Questions from the public may, at the discretion of the Chairman, be received at anytime during the meeting with a maximum time limit of 15 minutes public question time.

### **EXPENDITURE**

18. a) Orders for payment of monies shall be authorised by resolution of the Council and signed by two members.
- b) The Chairman or Vice Chairman and one other Councillor in consultation with the Clerk may be authorised to spend up to £200 on necessary repair work to parish facilities/equipment between ordinary Parish Council meetings.
- c) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£3,000] shall be procured on the basis of a formal tender .
- d) Litter Pick Payments  
To ensure the 3 parish litter pick groups are paid from parish funds the following are included in the standing orders

- e) The names of all members of the parish litter pick groups must be given to the Parish Clerk and must be updated when people leave or join
- f) All litter pick members must wear hi viz jackets when on the public highway
- g) Failure to follow this procedure means the parish councillors will not authorise payment

## **COMMITTEES**

19. The Chairman and Vice-Chairman shall be members of every committee.

## **CODE OF CONDUCT & INTERESTS**

20. If a member has any interest as defined by the Code of Conduct adopted by the council on September 2012 then he/she 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 disclosable pecuniary interest he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.

A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council (Braintree District Council code was adopted)

Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final

A dispensation may be granted in accordance with standing order above if having regard to all relevant circumstances the following applies:

- i without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii granting the dispensation is in the interest of persons living in the council's area or

iii it is otherwise appropriate to grant a dispensation.

#### Code of conduct complaints

Upon notification by the District Council that a councilor or non-councillor with voting rights has breached the council's code of conduct the council shall consider what if any action to take against him such action exclude disqualification or suspension from office.

21. The Clerk shall record in a book kept for the purpose, particulars of any notice given by any member or officer of a disclosabe pecuniary interest on a contract.

### **INSPECTION OF DOCUMENTS**

22. A member may for the purpose of his duty as such (but not otherwise) inspect any document in the possession of the Council.
23. All Minutes kept by the Council and by any committee shall be open for inspection by any member of the Council.

### **ADMISSION OF PUBLIC AND PRESS**

24. The public shall be admitted to all meetings of the Council, which may, however, temporarily exclude the public by means of the following resolution, viz.:  
  
"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". Any grievance procedure between the Parish Council and the Clerk should be heard in private.
25. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

Minute 63, January 2008. New guidance from NALC:  
(NALC Model A/O 70A)

- 25 (a) At all meetings the Chairman may at his/her discretion and at a convenient time in the transaction of business, allow members of the Public to address the meeting in relation to the business to be transacted. Such sessions form part of the council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council September 2012 shall apply to members of the Council in respect of the entire meeting.

### **CONFIDENTIAL BUSINESS**

26. (a) No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council.
- (b) Any member in breach of the provision of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

### **EXTRAORDINARY MEETINGS**

27. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

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.

### **CONDUCT OF BUSINESS**

28. The Council accepts the guidance given in the NALC's publication "Standing Orders and Chairmanship" and will follow the guidance it gives in any event not specifically covered in the Standing Orders 1 – 27 above.

**Updated 21<sup>st</sup> May 2019**