

HARDWICKE PARISH COUNCIL

STANDING ORDERS

1. MEETINGS.

1.1 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

1.2 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

1.3 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

1.4 Subject to standing order 1.3 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda during the period set aside for public participation. The period of time which is designated for public participation shall not exceed 20 minutes

1.5 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

1.6 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.

1.7 Voting on any question shall be by a show of hands or if two members so request, by secret ballot. 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 before moving on to the next item of business on the agenda

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

1.9 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 4. If a meeting is or becomes inquorate 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

1.10 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.

1.11 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

1.12 In addition to the annual meeting of the Council, The Council will meet on a monthly basis, with meetings being held on the first Monday of each month, subject to public holidays which may fall on a Monday.

2 Annual Meeting

2.1 The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council

2.2 The Chair 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.

2.3 Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows.

- i. In an election year, delivery by councillors of their declarations of acceptance of office.
- ii. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- iii. Review and adoption of appropriate standing orders and financial regulations.
- iv. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- v. Review of representation on or work with external bodies and arrangements for reporting back.

3 Proper Officer/Clerk.

3.1 The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders

3.2 The Council's Proper Officer shall do the following.

- i. Sign and serve on councillors 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 and sub-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 or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his withdrawal of it.
- iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing orders.
- v. Make available for inspection the minutes of meetings.
- vi. Receive and retain copies of byelaws made by other local authorities.
- vii. Receive and retain declarations of acceptance of office from councillors.

- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and/or electronic form.
- xiii. 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.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority.
- xv. Refer a planning application received by the Council to the Chairman of the Council immediately upon receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders

4 Motions requiring written notice.

4.1 In accordance with standing order 3(1)(iii) above, 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.

4.2 The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.

4.3 If the Proper Officer considers the wording of a motion received in accordance with standing order 4.1 above 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.

4.4 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda

4.5 Having consulted the Chairman or councillors pursuant to standing order 4.3 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

4.6 Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection which shall be open to inspection by all councillors.

4.7 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents

5 Motions not requiring written notice.

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

- a. To appoint a person to preside at a meeting.
- b. To approve the absences of councillors.
- c. To approve the accuracy of the minutes of the previous meeting.
- d. To correct an inaccuracy in the minutes of the previous meeting.
- e. To dispose of business, if any, remaining from the last meeting.
- f. To alter the order of business on the agenda for reasons of urgency or expedience.
- g. To proceed to the next business on the agenda.
- h. To close or adjourn debate.
- i. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- j. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- k. To receive nominations to a committee or sub-committee.
- l. To dissolve a committee or sub-committee.
- m. To note the minutes of a meeting of a committee or sub-committee.
- n. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- o. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- p. To exclude the press and public for all or part of a meeting.
- q. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- r. To give the consent of the Council if such consent is required by standing orders.
- s. To adjourn the meeting.
- t. 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

6.1 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.

6.2 Subject to standing orders 4.1–4.7 above, a motion shall not be considered unless it has been proposed and seconded.

6.3 Subject to standing order 3.2 iii above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

6.4 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.

6.5 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.

6.6 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.

6.7 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

6.8 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.

6.9 Subject to Standing Order 6.8 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

6.10 Pursuant to standing order 6.9 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

6.11 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

6.12 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.

6.13 The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes

6.14 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.

6.15 Subject to standing orders 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.

6.16 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.

6.17 A point of order shall be decided by the Chairman and his decision shall be final.

6.18 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.

6.19 Subject to standing order 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.

6.20 In respect of standing order 6.19 iv above, 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

All councillors shall observe the code of conduct adopted by the Council.

7.1 All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

7.2 If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

7.3 Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the meeting room.

8 Minutes

8.1 If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

8.2 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 raised in accordance with standing orders.

8.3 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.

8.4 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

9 Disorderly conduct

9.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

9.2 If, in the opinion of the Chairman, there has been a breach of standing orders 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.

9.3 If a resolution made in accordance with standing order 9.2 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.

10 Rescission of previous resolutions

10.1 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 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

10.2 When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

11 Voting on appointments

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, 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

12 Extraordinary meetings

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

12.2 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.

12.3 The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

12.4 If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 3 councillors, those 3 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 3 councillors.

13 Freedom of Information Act 2000

13.1 All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

13.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer/Clerk to the Chairman. The Clerk and Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests.