

Hazelbury Bryan Parish Council

Hazelbury Bryan Parish Council Standing Orders

Meetings of the Council

1. The Statutory Annual Meeting
 - (a) in an election year shall be held on the Tuesday next following the fourth day after the ordinary day of elections to the Council, and
 - (b) In a year which is not an election year shall be held on first Tuesday in May.
2. "Meeting of this Council" is defined as a meeting of the Full Council, Committees or Working Parties unless otherwise amended in the Standing Orders.
 - (a) The Full Council shall normally meet on the first Tuesday of every month.
 - (b) Notice of all meetings of the Council must be given at least three clear working days prior to the meeting, not including the day of publication or the day of the meeting.
 - (c) Notices, of such meetings, are to be affixed to the various Parish Council Notice boards in the Parish and a summons to attend delivered to every Member of the Council.
3. The place for the Meeting shall normally be in the Village Hall, Partway Lane
 - (a) The start of the meeting will normally be at 20:00 hrs.
 - (d) There will normally be an adjournment of the Meeting at, or about, 20:15 pm for a maximum of 15 minutes to receive comments and questions from members of the public present. In the event of a large number of members of the public attending, speakers will be restricted to speak for no longer than 2 minutes. The adjournment can only be extended with the agreement of the Council/Committee,

Note: Members of the Public and the Press will be admitted to the Council Meeting unless the Council decides, by Resolution under the Public Bodies (Admission to Meetings) Act, 1960, to their exclusion during the whole, or part of, the Meeting, whenever publicity would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, or for reasons set out in S.100A (3) of the Local Government Act 1972.
4. The Chairman may, for a special reason, convene a Meeting at another time and/or place.
 - (a) Smoking is not permitted at Meetings of the Council, its Committees, or Working Parties, when held on Council premises.
 - (b) At 22:00 hrs the Meeting shall be closed by the Chair, unless the majority of those present, still being a quorum and without debate, resolve to continue until the agenda or part thereof, is completed.
5. Annual Parish Council Meeting
 - (a) In an election year the Annual Parish Council Meeting 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, the Annual Parish Council Meeting shall be held on such a day in May as the Council may direct.

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6. Chairman of Meeting
 - (a) The Meeting will be presided over by the duly elected Chairman
 - (b) In his/her absence, the Vice-Chair will preside.
 - (c) In the absence of both the Chair and the Vice Chair, the meeting shall choose a Councillor to preside
 - (d) The Chair or Vice Chair shall, unless resigning or ceasing to be qualified, continue in office until a successor is appointed
 - (e) The person presiding at a meeting may exercise all the power and duties of the Chair in relation to the conduct of the meeting.

Apologies for Absence

7. All Councillors are required to provide apologies for meetings they are unable to attend.
 - (a) Apologies for absence for Council meetings should be sent to the Clerk with reasons a minimum of 24 hours in advance of the meeting.
 - (b) Six months absence from Council Meetings is deemed to be resignation from the Council

Quorum of the Council

8. Quorum for meetings
 - (a) No business can be transacted at any Meeting of the Council unless at least three Members are present
 - (b) 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 Chair may fix
 - (c) The quorum for the Committees with delegated responsibility shall be one third of the Council
 - (d) For Sub-Committees, the quorum shall be set by the Committee responsible for its establishment.

Voting

9. Voting will take place on all resolutions
 - (a) Members shall vote by show of hands, or
 - (b) If at least two Members so request, in secret by signed papers.
 - (c) 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.
 - (d) The presiding Chair shall have the right to an original vote
 - (e) Subject to (f) and (g) below the Chairman **may** give an original vote on any matter out to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote
 - (f) 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 Chair and

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Vice-Chair until the end of their term of office, he may not give an original vote in an election for Chairman

- (g) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- (h) Chairmen of committees and sub-committees shall, in the case of an equality of votes, have a second or casting vote.

Order of Proceedings

10. The Annual Parish Council Meeting

- (a) The first business shall be to elect a Chair as this is the meeting following the Annual Parish Meeting.
- (b) To receive the Chair's Declaration of Acceptance of Office and undertaking to observe the Code of Conduct. If not then received, to decide when it should 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 and written undertakings to observe the code of conduct adopted by the Council which have not yet been received as provided by law, shall be received.
- (e) To elect a Vice Chair.
- (f) To appoint Members to various areas of responsibility and or membership of Standing Committees.
- (g) Each Standing Committee's Members will then elect a Chair. At the first of the Committees' meetings, a Vice Chair shall be elected.

11. All Meetings other than the Annual Parish Meeting

- (a) At every Meeting, other than at the Annual Parish Meeting, the first business shall be to appoint a Chair if the Chair and Vice-Chair be 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.
- (b) After the first business has been completed, the order of business, unless the Council decides otherwise as a matter of urgency, shall be as follows:-
 - (i) To record apologies received with reasons where known
 - (ii) To consider the Minutes for accuracy only, with the Chair initialling each page of the minutes as it is presented and if it is necessary, amend minutes as agreed; Amendments to be initialled by the Chair. The minutes having been circulated to all Councillors a minimum of 3 working days before the meeting.
 - (iii) To take matters arising: Only items advertised on an agenda can be dealt with under this heading, it cannot be used to raise matters not listed.
 - (iv) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
 - (v) To deal with business expressly required by statute to be done
 - (vi) To receive and consider reports and/or Minutes of Standing Committees (as appropriate):

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- Finance & Administration
 - Planning,
 - Playing Fields
 - Village Hall.
 - Allotments/Cemetery/War Memorial/The Keep
- (c) To receive and consider other matters of relevance to the Parish Council, as documented on the agenda. This may include but are not limited to the following:
- Village Shop
 - Parish Plan activities
- (d) To receive such communications as the presiding Chair may wish to lay before the Council, which he/she considers urgent and needing immediate decision.
- (e) To consider Receipts, Payment of Accounts and Direct Debits.
- (f) To consider motions and recommendations in the order in which they have been notified.
- (g) To summarise communications received by the Council and identify items for the next Agenda as appropriate.

Urgent Business

12. A motion to vary the order of business on the grounds of urgency may be proposed by:
- (a) The Chair, without being seconded
 - (b) By any Member with a seconder.
 - (c) Both (a) and (b) shall be put to the vote without discussion.

Notices of Motion

13. 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 and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.
14. The Clerk shall insert in the agenda for every Meeting, all notices of motion or recommendation, properly given, in the order in which it has been received, unless:-
- (a) The Member giving notice of motion has stated, in writing that he/she intends to move at some later meeting.
 - (b) The member withdraws it.
15. If a resolution, or recommendation specified in the agenda is not moved, it shall (unless postponed by the Council), be treated as withdrawn, and will not be moved without a fresh notice.
16. If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved or seconded stand referred without discussion to:-
- (a) Such a Committee, or
 - (b) Such Committee as the Council may determine, or
 - (c) Considered as a matter of urgency, by the Chair, be dealt with at that Meeting.

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17. Every resolution or recommendation shall be relevant to matters over which the Council has power, or which affects its area.
18. No 'Notice of Motion' to rescind any Resolution, which has been passed within the previous six months, can be placed before the Council unless the resolution has been proven to be contrary to the law or an interest that should have been declared was not.

Resolutions moved without notice

19. Resolutions dealing with the following matters may be moved without Notice, notwithstanding that contained in Standing Order No 11:-
 - (a) To appoint a Chair of the Meeting.
 - (b) To correct the minutes.
 - (c) To approve the minutes. To alter the order of business
 - (d) To proceed to the next business.
 - (e) To close or adjourn the debate
 - (f) To refer a matter to a Committee
 - (g) To appoint a Committee or any Members thereof.
 - (h) To Adopt a report
 - (i) To authorise the sealing of documents
 - (j) To amend a motion
 - (k) To give leave to withdraw a motion or an amendment
 - (l) To extend the time limit for speeches
 - (m) To consider, otherwise than in Committee, a question affecting an employee of the Council.
 - (n) To exclude the Press.
 - (o) To exclude the Public.
 - (p) To silence or eject from the meeting a member named for misconduct
 - (q) To exclude a Member, who considers he/she has a prejudicial interest in the subject under debate,
 - (r) To give consent of the Council where such consent is required by these Standing Orders
 - (s) To suspend any standing order (see 59)
 - (t) To Adjourn the meeting

Rules of Debate

20. No discussion shall take place upon the Minutes, except upon accuracy. Corrections to the Minutes shall be made by resolution, and must be initialled by the Chair.
 - (a) A resolution or amendment shall not be discussed unless:-
 - (i) Proper notice has been given.
 - (ii) It has been proposed and seconded.
 - (iii) If so required by the Chair, it shall be produced in writing and be with the Chair prior to it being put to the Meeting.
 - (b) Members shall direct their speech through the Chair to:-
 - (i) The question under discussion.

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- (ii) A personal explanation.
 - (iii) A question of order.
 - (iv) An amendment shall not have the effect of negating the motion before the Council.
- (c) If an amendment is carried, the resolution, as amended, shall take the place of the original resolution, and shall become the resolution upon which any further amendment is moved.
- (d) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (e) When a resolution is under debate, no other resolution shall be moved, except the following:-
- (i) To amend a resolution.
 - (ii) The resolution is carried.
 - (iii) That the resolution is referred to a Committee.
 - (iv) To exclude the Press or Public, or both.
 - (v) To adjourn the debate.
 - (vi) To proceed to the next business.
 - (vii) To adjourn the Meeting.
- (f) The ruling of the Chair, after consultation with the Clerk to the Committee, on a point of order, or on the admissibility of a personal explanation, shall not be discussed.
- (g) Whenever the Chair rises during a debate, all other Members shall be seated and silent.

Alteration of a Resolution

21. A Member may, with the consent of his seconder, move amendments to his own resolution.

Voting on Appointments

22. Where more than two persons have been nominated for any position to be filled by the Council, and there is no absolute majority of votes in favour of one person, the person with the least number of votes will be excluded from the list and a fresh vote taken. This process will be repeated until one person obtains a majority of the votes.

Discussions and Resolutions affecting Employees of the Council

23. 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 public is excluded.

Disorderly Conduct

24. All Members must observe the code of Conduct, as issued by the Standards Board for England. 'The Model Code of Conduct order 2007 (SI No 1159)'.
- (a) No Member shall, at a meeting, persistently disregard the ruling of the Chair, wilfully obstruct business or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute
 - (b) If, in the opinion of the Chair, a Member has acted in a manner contrary to that required, the Chair shall express that opinion to the Council and thereafter any Member may move

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that the Member named no longer be heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forth with 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.

Resolutions of Expenditure

25. Any motion moved by any Committee which, if carried, would have the effect of increasing the level of expenditure or reducing revenue or which will involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next meeting of the Finance and Administration Committee which will consider the proposal and make a recommendation to the Council at the next ordinary meeting and any Committee affected by it shall decide whether it desires to report thereon.
26. Any Committee affected financially by the motion shall consider it, and report its findings to the Finance & Administration Committee, which shall make a recommendation to the Council.

Expenditure

27. Orders for the payment of money not within the approved budget of the respective committee shall be authorised by resolution of the Council and signed by a minimum of three Members and the Clerk to the Council.
28. In the case of an emergency, the Chair of the Council (or Vice-Chair if the Chair is unavailable), the Chair of the Committee concerned and Clerk can authorise the expenditure, provided it is signed by the Members concerned and countersigned by the Clerk to the Council.
29. A resolution for expenditure to be made from the Council's Capital Reserve Fund, shall be made only when supported by a minimum of **three quarters** of the Serving Councillors at the time of the resolution

Committees

30. The Council shall, at the Annual Parish Council Meeting, appoint Members to the Standing Committees (Standing Order No 10 refers) and appoint Chairs to those Committees, and may, at any time, appoint such other Committees, or Special Groups, as are necessary, but subject to any statutory provision in that:-
 - (a) Members so appointed shall only hold office until the next Annual Parish Council meeting.
 - (b) The Council may, at the Annual Parish Council Meeting, either form, dissolve or amalgamate a standing committee. The Council may alter the membership of a said committee at any time.
 - (c) The Council may at any time form, amalgamate, dissolve or alter the membership of any sub-committee.
31. Chairs of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
32. The Chair and Vice-Chair of the Council ex-officio shall be voting members of every committee

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33. Details of Councillors' names, addresses and Committee are sent to each Councillor annually, after the Annual Parish Council Meeting.
34. The Chair of a Committee, or of the Council, may summon a special Meeting of that Committee at any time.
35. Every Committee may appoint Sub-Committees for purposes to be specified by that Committee.
36. The quorum for the various Committees shall be one half of its Members.
 - (a) For Sub-Committees, the quorum shall be set by the Committee responsible for its establishment.

Standing Committees

37. Should the Council so resolve they could set up the following could be the Standing Committees with delegated power to act with the numbers of Members as shown. Members would be required to join at least one Committee in addition to Planning.
 - (a) Planning, Highways & Transportation - 7 Members
 - (b) Open Spaces & Amenities - 2 Members
 - (c) Finance & Administration - 2 Members Chair & Vice Chair of the Council

Presence of non-members at Committee meetings

38. 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.

Accounts and Financial Statements

39. Except as provided in paragraph (b) of this Standing Order, or by statute, all accounts and claims upon the Council shall be laid before the Council.
 - (a) Where payments are required to be paid before authorisation by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial 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 Chair or Vice-Chair of the Council.
 - (b) All payments authorised under (a) of this Standing Order, shall be separately included in the next schedule of payments laid before the Council.
 - (c) Orders for the payment of money shall be authorised by resolution of the Council and cheques are to be signed by two members
 - (d) The Clerk will maintain proper records of all transactions on a receipt and payment basis.
 - (e) The Clerk will prepare a quarterly statement of income and expenditure for review and verification by the Council.
 - (f) The Clerk is responsible for the preparation of the annual budget for approval by the Parish Council.
 - (g) The full Council will consider, approve, and adopt the budget and authorise the issue of a precept upon the District Council at its December meeting.
 - (h) The Clerk , acting as the RFO, will

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- (i) Be responsible for ensuring that the Parish Council comply with the accounts and audit regulations 1996 or any amendment thereof including making available for 15 working days prior to audit the accounts and other documents required for the accounts prior to audit.
- (ii) Supply to each member, as soon as practicable after 31st 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 for a year to 31st 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 approval in accordance with the Accounts and Audit Regulations.

Annual Budget

40. Any Committee desiring to incur expenditure to be paid out of the precept shall give the Clerk a written estimate of the expenditure. This shall be submitted to the December Meeting of the Full Council. Should the expenditure require prolonged discussion, an extraordinary meeting of the Council may be called.

Interests

- 41. If a Member has a personal interest as defined by the Code of Conduct then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 42. If a Member who has declared a personal interest considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
 - (a) The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
 - (b) The Clerk shall make known the purpose of this Standing Order to every candidate.
- 43. Canvassing of and recommendations by members
 - (a) Canvassing of Members 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.
 - (b) 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
 - (c) This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment

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Inspection of documents

44. A Member may, for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council, or a Committee, and if copies are available shall, on request, be supplied for the like purposes with a copy.
- (a) All Minutes kept by the Council and by any Committee, shall be open for the inspection of any Member of the Council, or member of the public, during office hours, with reasonable prior notice having been given.
 - (b) Photocopies requested by the public shall be charged for at the current charge made by the Council as set out in its Publication Scheme in accordance with the Freedom of Information Act, together with such administrative charge as is appropriate and reasonable, having regard to the time expended to extract the information.

Unauthorised Activities

45. No Member of the Council, or any Committee or Sub-Committee 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 of directions

Unless authorised to do so by the Council or the relevant committee or sub-committee.

Admission of the Public and Press at Meetings

46. The Public and Press shall be admitted to all Meetings of the Council and its Committees and Sub-Committees, which may, however, temporarily exclude either or both, 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 and Press are temporarily excluded, and that they are instructed to withdraw”
47. If a Member of the Public interrupts the proceedings at any Meeting, the Chair may, after warning, order that person to be removed from the Council Chamber, or that the part of the Chamber open to the public is cleared.

Confidential Business

48. Confidential business
- (a) No Member or Officer of the Council shall disclose to any person not a Member of the Council, any business declared, or considered to be confidential by the Council, the committee or sub-committee as the case may be.
 - (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

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Liaison with County Councillors

49. A Notice of Meeting shall be sent, together with an invitation to attend, to the County Councillor for the division
50. If the Council so wishes, a copy of each letter sent to the County and Borough Councils, shall be sent to their Councillors for the Ward.

Planning Applications

51. As soon as each Planning Application is notified to the Council, the Clerk shall place it on file, in numerical order, together with the information as follows:-
 - (a) the date on which it was received
 - (b) the name of the applicant
 - (c) the place to which it relates
 - (d) a summary of the nature of the application

Financial Matters

52. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. 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 (54) below) including the setting of values for different procedures where the contract has an estimated value greater than £500.
53. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000.00 shall be procured on the basis of a formal tender as summarised below and detailed in the Financial Regulations.
 - (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 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 the Council;
 - (e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee
54. The Council or a Standing Committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Order 45 regarding improper activity.
55. The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

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Standing order on Contracts.

56. Where it is intended to enter into a contract exceeding £10,000 in value, the Clerk shall give at least 3 weeks public notice of such intention as set out in Standing Order 53.

Quotation

57. Standing order on quotations

- (a) At least three quotations shall be obtained for all expenditure by the Council or its Committees where the said expenditure is likely to exceed £1,500 for a single item or £3,000 per annum with one supplier or contractor.
- (b) The Council, or its Committees may employ an approved Contractor for the supply of goods or services for the maximum of three years without obtaining alternative quotations, but shall normally, obtain a minimum of three quotations at 3-yearly intervals, to ensure that any Contractor's prices remain competitive.
- (c) The Council or a committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 45 regarding improper activity

Variation, revocation and suspending of Standing Orders

58. Any part of the Standing Orders, except relating to Governance of meetings and Finances may be suspended by resolution in relation to any specific item of business.

59. A motion permanently to vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next Meeting of the Finance & Administration Committee, which shall consider the proposals and make recommendations to the Council.

Standing Orders to be given to Members

60. A printed copy of these Standing Orders shall be given to each Member of the Council by the Clerk upon delivery of the Members declaration of acceptance of Office and written undertaking to observe the Code of Conduct adopted by the Council, or whenever a revision by the Council is carried out.

Minutes

61. Standing order for Minutes

- (a) The Minutes of all Meetings of the Council, Committees and Sub-Committees, shall be page numbered. The actions in the minutes shall be numbered in chronological order throughout the year commencing with the January Meeting.
- (b) The signed copies shall, at the end of the municipal year, be stored in a loose leaf file and retained indefinitely.
- (c) An Index of Minutes shall be prepared annually and a copy stored with the signed minutes.
- (d) A copy of the Index of Minutes shall, at the end of each municipal year, be sent to each Councillor.