

# Warmingham Parish Council Standing Orders

Updated and re-approved 3<sup>rd</sup> March 2021

## 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. Any person speaking at a meeting shall address his comments to the Chairman.
- e. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking
- f. Parishioners' Time at the commencement of a Parish Council meeting shall be restricted to 15 mins overall and 3 mins. limit applied to each individual speaker on all topics they are raising. The Chairman to have discretion on these timings if applicable.
- g. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- h. 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.
- i. 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.
- j. 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.
- k. Subject to standing order 1 (q) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- l. 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 standing orders 2(h)( and ) (i) below)
- m. 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.
- n. The minutes of a meeting shall record the names of councillors present and absent and record the reason for absence.
- o. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- p. 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. (See standing order 6 below)

- q. 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.
- r. 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.

## **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 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, unless he resigned 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.

## **3. PROPER OFFICER**

- a. The Council's Proper Officer shall do the following: -
1. Sign and serve on councillors by delivery, post or email 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.
  2. 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)
  3. 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 order 3 (a(1))
  4. Receive and retain copies of byelaws made by other local authorities.
  5. Receive and retain declarations of acceptance of office from councillors.
  6. Keep proper records required before and after meetings.
  7. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1996, in accordance with and subject to the Council's procedures relating to the same.
  8. Receive and send general correspondence and notices on behalf of the Council except where

there is a resolution to the contrary.

9. 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.

10. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.

11. Refer a planning application received by the Council to the Chairman (or in his absence the Vice-Chairman of the Council) within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.

12. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

#### **4. MOTIONS NOT REQUIRING WRITTEN NOTICE**

a. Proposed and sectioned Motions in respect of the following matters may be moved without written notice: -

1. To appoint a person to preside at a meeting.

2. To approve the absences of councillors

3. To approve the accuracy of the minutes of the previous meeting.

4. To correct an inaccuracy in the minutes of the previous meeting.

5. To dispose of business, if any, remaining from the last meeting.

6. To alter the order of business on the agenda for reasons of urgency or expedience.

7. To proceed to the next business on the agenda.

8. To close or adjourn debate.

9. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.

10. To appoint a committee (or sub-committee) or any councillors thereto.

11. To receive nominations to a committee or sub-committee.

12. To dissolve a committee or sub-committee.

13. To note the minutes of a meeting of a committee or sub-committee.

14. To consider a report and/or recommendation made by a committee or sub-committee or an employee, professional advisor, expert or consultant.

15. To authorise the payment of monies.

16. To exclude the press and public for all or part of a meeting.

17. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

18. To suspend any standing order, except those which are mandatory by law

19. To adjourn the meeting.

20. To appoint representatives to outside bodies and to decide for those representatives to report back the activities of outside bodies.

21. To authorise legal deeds signed by two councillors and witnessed.

#### **5. 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 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.

d. Any amendment to a motion shall be either

1. To leave out words.

2. To add words

3 To leave out words and add other words.

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

f. 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.

g. Subject to Standing Order 5(f) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

h. Pursuant to standing order 5(f) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

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

j. 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.

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

l. With the consent of the seconder and/or 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. CODE OF CONDUCT**

a. All councillors are required to observe the Code of Conduct adopted by the Council.

## **7. DISCLOSURE OF INTERESTS**

a. Ideally these should be declared at the commencement of the meeting.

b. Councillors with a prejudicial interest in relation to any item of business being transacted and wishing to comment should appoint someone to speak on their behalf during public participation time and cannot take part in any debate or vote and should leave the room during the debate and voting.

c. Councillors with a Bias or Predetermined Interest should leave the room prior to the debate and voting after first having had an opportunity to make any representations.

d. Requests for dispensations should be made in writing to the Proper Officer of the relevant authority.

e. Sensitive Interests need agreement of Monitoring Officer.

## **8. MINUTES**

a. 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.

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 raised in accord with the standing order 4 (a)(4) above.

c. 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.

## **9. 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 8 (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 forth with and without discussion.
- c. If a resolution made in accordance with standing order 8(b) above, is disobeyed, the Chairman may take such further steps as may be reasonably necessary to enforce it and/or he may adjourn the meeting.

## **10. RECISSION 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 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion moved pursuant to standing order 9 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **11. VOTING ON APPOINTMENTS**

- a. Where more than 2 persons have been nominated for a position to be filled by the Council and none of these persons have 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. 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 once a year.
- c. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## **13. EXECUTION AND SEALING OF LEGAL DEEDS**

(See also standing order 4 (a)(21) above)

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. In accordance with a resolution made under standing order 12 (a) above, 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.

## **14. COMMITTEES**

(See also standing order 1 above)

- a. The Council may, at the annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary.
- b. May in accordance with standing orders, dissolve a committee at any time.

## **15. EXTRAORDINARY MEETINGS**

(See also standing order 1 above)

- 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 payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

## **17. ESTIMATES/PRECEPTS**

- a. The Council shall approve written estimates for the coming financial year at the meeting before the end of January.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

## **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 or a committee or a sub-committee, and request a copy of the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **19. UNAUTHORISED ACTIVITIES**

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

## **20. THE GENERAL POWER OF COMPETENCE**

The General Power of Competence is a new power available to local authorities in England that allows them to do 'anything that individuals generally may do'. It was provided for in the Localism Act 2011 and replaces the Well-Being Powers in the Local Government Act 2000. It was brought into force for local authorities on 18th February 2012.

## **21. MATTERS AFFECTING COUNCIL EMPLOYEES**

- a. A Staffing Committee shall be formed consisting of 2 councillors – always the current Vice Chairman plus another councillor (to be elected as appropriate) to deal with employee matters. A yearly staff appraisal will be undertaken

## **22. FREEDOM OF INFORMATION ACT 2000**

- a. 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.

### **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 £8,000 shall be procured on the basis of a formal tender.
- c. 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 these Regulations apply, the Council must comply with EU procurement rules

### **24. 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

### **25. STANDING ORDERS TO BE GIVEN TO COUNCILLORS**

- a. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.
- c. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.