

HERMITAGE PARISH COUNCIL

STANDING ORDERS

21 May 2020

1. Meetings

- a. Meetings of the council shall be held on a date and time specified by the council, usually third Thursday of each month and usually at 7.30pm, and in any place it directs other than in a public house or other place serving alcohol.
- b. **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.**
- c. The first 10 minutes of a meeting are available for the public to make representations, answer questions and give evidence. Members of the public are given two minutes each to speak. More time may be granted by prior arrangement with the parish clerk by writing to the parish clerk listing the points to be made. If no member of the public wishes to speak the meeting will move to the next item on the agenda.
- d. In accordance with standing order 1c above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response is given.
- e. Only one person may speak at a time, directing their comments to the chairman. If more than one person wishes to speak the chairman will direct the order of speaking.
- f. Should exceptional circumstances prevail, the council can hold a meeting using video conferencing tools. In this case Members must be able to:
 - i. hear and be heard and, where practicable see, and be seen by, the other members in attendance;
 - ii. hear and be heard and, where practicable, see and be seen by any and all members of the public entitled to attend the meeting.
 - iii. both of the above conditions must be satisfied.

2. The annual 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. **the Chairman of the Council and councilors shall deliver their acceptance of office forms unless the council resolves to do this at a later date.**
- c. **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.**
- 3. In addition to the annual meeting of the council, at least three other meetings shall be held each year.**

4. Admission of the press and public to meetings

The public and press shall be admitted to all meetings of the council but may be excluded temporarily by means of the following resolutions:

'That in the view of the [special] [confidential] nature of the business about to be transacted, it is advisable, in the public interest, that the press and public be temporarily excluded and they are instructed to withdraw.' The council shall state the special reason for exclusion.

5. At all meetings of the council, the Chairman may, at her discretion and at a convenient time in the proceedings, adjourn the meeting to allow any members of the public to address the meeting in relation to the business being conducted at that time.
6. The Clerk shall afford to the press reasonable facilities for taking reports of proceedings at which they are entitled to be present. Except for confidential sessions, audio and video recording or photography is permitted at a meeting providing the council and any members of the public present have been informed before the meeting is opened. If the Chairman believes this to be inhibiting the contribution of a member of the public they may ask for the recording to be paused.
7. If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as necessary to restore order.

8. Quorum of the council

Three members or one third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the council.

9. If, during a meeting, the number of councillors present (not counting those debarred due to a declared interest) is below, or falls below, the required quorum the meeting shall be adjourned. If this causes business to not be transacted it shall be transacted at the next meeting or on any other day the Chairman may see fit.

10. Chairman of the meeting

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

11. Proper Officer

The Proper Officer is the Clerk to the council. The Proper Officer shall:

- a. **at least three days before a meeting of the council, serve on councillors electronically a signed summons confirming the time, place and the agenda;**
- b. **give public notice of the time, place and agenda at least three clear days before a meeting of the council**
- c. **convene a meeting of the full council for the election of a new Chairman of the Council occasioned by a casual vacancy in this office;**
- d. receive and retain declarations of acceptance of office;
- e. receive and record notices disclosing interests at meetings;
- f. receive and retain plans and documents;

- g. receive and send general correspondence and notices on behalf of the council;
- h. sign notices or other documents on behalf of the council;
- i. **receive and retain copies of bylaws made by another local authority;**
- j. keep proper records for all Council meetings securely

12. Voting

Councillors shall vote by show of hands or, if at least two members request it, by signed ballot and shall be recorded in the minutes.

- 13. (a) Subject to (b) and (c) below, the Chairman may give an original vote to any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not she gave an original vote.**
- (b) 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 Chairman and Vice Chairman until the end of their term of office, she may not give an original vote in an election for Chairman.**
- (c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

14. Order of business

At each annual parish council meeting the first business shall be:

- a. **to elect a Chairman of the council;**
- b. **to receive the Chairman's declaration of acceptance of office, if not then received, to decide when it shall be received;**
- c. **in the ordinary year of election of the council, to fill any vacancies left unfilled at the election because 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 been received, as provided by law, shall be received;**
- e. **to elect a Vice Chairman of the council;**
- f. **to appoint representatives to outside bodies.**

15. At every meeting, other than the annual parish council meeting, the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the council's code of conduct as required by law to be made or, if not then received, to decide when they shall be received.

- 16. In every year, not later than the meeting at which the estimates for next year are settled, the council shall review the pay and conditions of service of existing employees ie Parish Clerk. Standing Order 35 must be read in conjunction with this requirement.**
- 17. After the first business has been completed, the order of business shall be as follows (see point 18 below):**

- a. 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;
- b. **after consideration of their accuracy, to approve the signature of the minutes by the person presiding as a correct record;**
- c. **to deal with business expressly required by statute to be done;**
- d. to dispose of business, if any, remaining from the last meeting;
- e. to receive report(s) from the District Councillor(s);
- f. to consider recommendations to the district council on planning applications;
- g. to authorise the signing of cheques for payment, note the reconciliation of bank accounts and payments against the budget;
- h. to receive and consider reports and recommendations on projects and matters of concern to the council;
- i. to consider correspondence received since the last meeting;
- j. to receive reports or recommendations on any further matters and answer questions from councillors.

18. A motion to vary the order of business may be proposed by the Chairman or by any councillor. If proposed by the Chairman it shall be put to the vote without being seconded and without discussion.

19. Resolutions moved on notice

Except as provided by the standing orders, no resolution may be moved unless the business to which it refers 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 five clear days before the next meeting of the council.

20. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given unless the member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.

21. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the council, be treated as withdrawn and shall not be moved without fresh notice.

22. Every resolution or recommendation shall be relevant to some subject over which the council has power or duties which affects its area.

23. Resolutions moved without notice

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

- a. to appoint a Chairman of the 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;
- g. to adopt a report;
- h. to authorise the sealing of documents;
- i. to amend a motion;
- j. to give leave to withdraw a resolution or amendment;
- k. to extend the time limit for speeches;
- l. to exclude the public or press (see standing order 4 above);
- m. to silence or eject from the meeting a member named for misconduct (see standing order 31c below);
- n. to adjourn the meeting.

24. Questions

A member may ask the Chairman of the council or the Clerk any question concerning the business of the council provided 10 clear days' notice of the question has been given to the person to whom it is addressed. Questions not connected with business under discussion shall be asked during the part of the meeting set aside specifically for questions.

25. Every question shall be put and answered without discussion. A person to whom a question has been put may decline to answer.

26. Acceptance of minutes

No discussion shall take place on the minutes except upon their accuracy. Correction to the minutes shall be made by resolution and must be initialled by the Chairman.

27. Rules of debate

- a. A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice as already been given, it shall, if required by the Chairman, be reduced to writing and handed to her before it is further discussed or put to the meeting.
- b. When seconding a resolution or amendment, a member may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- c. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- d. No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed three minutes except by consent of the council.
- e. An amendment shall be either:
 - i. to leave out words;
 - ii. to leave out words and insert others;
 - iii. to insert or add words.
- f. An amendment shall not have the effect of negating the resolution before the council.
- g. 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 amendments may be moved.

- h. A further amendment shall not be moved until the council has disposed of every amendment previously moved.
- i. The mover of a resolution or an amendment shall have a right of reply not exceeding three minutes.
- j. A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.
- k. A motion or amendment may be withdrawn by the proposer with the consent of the council, which shall be signified without discussion, and no member may speak on it after permission has been asked for its withdrawal unless such permission has been refused.
- l. When a resolution is under debate no other resolution shall be moved except the following:
 - i. to amend the resolution;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. that the question be put now
 - v. that a member named be not heard further;
 - vi. that a member named does not leave the meeting;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting.

28. A member shall remain seated when speaking unless requested to stand by the Chairman.

- 29.** a. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b. Members shall address the Chairman. If two or more members wish to speak the Chairman shall decide who to call on.
- c. Whenever the Chairman speaks during a debate all other members shall be silent.

30. Closure

At the end of any speech a member may, without comment, move 'that the debate be adjourned now' or that 'the council now adjourns'. If such a motion is seconded, the Chairman shall put the motion but, in the case of a motion 'that the question be put now', only if it is her opinion that the question before the council has been debated sufficiently. If the motion that 'the question be put now' is carried she shall call upon the mover to exercise his/her right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the council shall not prejudice the mover's right of reply at the resumption.

31. Disorderly conduct

- a. In accepting the role of councillor and receiving a copy of these standing orders all councillors implicitly agree to behave in a manner that will not bring the council in to disrepute.
- b. At a meeting, no member shall persistently disregard the ruling of the Chairman, wilfully obstruct business or behave irregularly, offensively, improperly **or in such a manner as to bring the council into disrepute.**

- c. If, in the opinion of the Chairman, a member has acted in a manner contrary to that required the Chairman shall express that opinion to the council. Thereafter any member may move that the member named be no longer heard or that the member named leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- d. If the motion mentioned in paragraph c. above is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.
- e. No councillor shall, in the name of the council or on behalf of the council:
 - i. inspect any land or premises which the council has a right or duty to inspect;
 - ii. issue orders, instructions or directions unless authorised to do so by the council.
- f. Councillors are required to register and declare personal interests and will not be allowed to use their position improperly for personal gain. (See standing order 43, below.)

32. Right of reply

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived a vote shall be taken without further discussion.

33. Alteration of a resolution

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

34. Rescission of previous resolution

- a. A decision (whether affirmative or negative) of the council shall not be reversed within six months except either by a special resolution, the written notice of which carries the names of at least three members of the council, or by a resolution moved in pursuance of a report or recommendation.
- b. When a special resolution or any other resolution moved under the provisions of paragraph a. of this Order has been disposed of no similar resolution may be moved within a further six months.

35. Voting on appointments

Where more than two people have been nominated for any position to be filled by the council, and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken and so on until the majority of votes is given in favour of one person.

36. Discussions and resolution affecting an employee of the council

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 ie the Parish Clerk, it shall not be considered until the council has decided if the press and the public shall be excluded. (See Standing Order 4 above.)

37. Resolutions on expenditure

Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure on any service which is under the management of the council or reduce the revenue at the disposal of the council, or which would involve capital expenditure shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council when the finance working party shall report on the financial aspect of the matters.

38. Expenditure

- a. **Orders for the payment of money shall be authorised by resolution of the council and signed by two members.**
- b. Every commitment to expenditure must be made in accordance with the council's financial regulations.

39. Sealing of documents

- a. A document may not be executed as a Deed unless its execution has been authorised by a resolution.
- b. Any two members of the council named in a resolution moved under paragraph a. above may sign on behalf of the council any document required by law to be executed as a Deed.

40. Payments

- a. Except as provided in paragraph b. (below) of this Standing Order or by statute, all accounts for payment and claims upon the council shall be laid before the council.
- b. Where it is necessary to make a payment before it has been authorised 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 member having charge of the business to which it relates and a member of the finance working party, all with the approval of the Chairman or Vice Chairman of the council.
- c. All payments ratified under paragraph b. (above) of this Standing Order shall be separately included in the next schedule of payments before the council.

41. The Responsible Financial Officer shall supply to each member, as soon as is practicable after 31 March 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 (receipts and payments or income and expenditure) for the year to 31 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 formal approval before despatch.

42. Budget and precept

- a. The council shall approve the budget and precept for the coming financial year at a meeting before the end of January.
- b. Any councillor wishing to incur expenditure shall give the Clerk a written estimate of the expenditure for the coming year no later than the council meeting held in November.

43. Interests

- a. If a member has a personal interest then they must declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- b. If a member has declared a personal interest, then considers the interest to be prejudicial he must withdraw from the room during consideration of the item to which the interest relates.
- c. The Clerk is required to compile and hold a register of members' interests. The Government is committed to maintaining high standards of conduct in office and will ensure that councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members are required to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intends that wilful failure to comply with these requirements will constitute a criminal offence. (Introduction of Localism Bill 2011.)

44. Appointments

- a. Canvassing of members, directly or indirectly, for any appointment under the council shall disqualify the candidate for such appointment.
- b. If a candidate for any appointment under the council is, to his/her knowledge, related to any council member or the holder of any office or contract he/she shall declare the relationship in writing to the Clerk who will report it to the council. Failing to do so will disqualify the candidate from that appointment and, if appointed, may be dismissed without notice.

45. Inspection of documents

A member may, solely for the purpose of his/her duty, inspect any document in possession of the council and, if copies are available, shall, on request, be supplied with a copy. **All minutes kept by the council shall be open for inspection by any member of the council.**

46. Freedom of Information Act and data protection

- a. Requests for information held by the council shall be handled in accordance with the Council's policy for handling requests under the Freedom of Information Act 2000 and the 2018 Data Protection Act.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

47. Confidential business

No member of the council shall disclose to any person not a member of the council any business declared to be confidential by the council.

48. Liaison with District Councillor(s)

A summons and agenda for each meeting shall be sent, together with an invitation to attend, to the District Councillors for Hermitage.

49. Planning applications

- a. The Clerk shall maintain a record of the following details of every planning application notified to the council:

- i. the date on which it was received;
 - ii. the address to which the application refers;
 - iii. the place to which it refers and the proposed work;
 - iv. the decision of the planning authority.
- b. The Clerk shall notify the receipt of every planning application to the Chairman and to the lead person for planning.

50. Financial matters

The council shall consider, approve and abide by Financial Regulations as put forward by the RFO. Such regulations shall include detailed arrangements for the following:

- i. the maintenance of accounting records and systems of internal control;
- ii. the assessment and management of risks faced by the council;
- iii. the work of the Internal Auditor and the receipt of reports from the Internal Auditor which shall be required at least annually;
- iv. the requirements to provide monthly to members a bank reconciliation; a written statement of receipts and payments and an analysis of cumulative receipt and payments against the budget for the financial year; and
- v. procurement policies.

51. Code of conduct on complaints

The council shall deal with complaints of maladministration allegedly committed by the council or by any officer or member in accordance with the council's complaints procedures.

52. Variation, revocation and suspension of Standing Orders

Any or every part of the Standing Orders, except those printed in **bold type**, may be suspended by resolution in relation to any specific item of business. A resolution permanently to add, vary or revoke a standing order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.

53. Standing Orders to be given to councillors

A copy of these Standing Orders shall be given to each councillor by the Clerk upon delivery to her of the member's Declaration of Acceptance of Office and written undertaking to observe all orders, policies and procedures adopted by the council.

54. The Annual Parish Assembly shall be held on a date determined by the council between March 1st and May 31st each year.

- a. Each APA shall be presided over by the Chairman of the parish council or, in the absence of the Chairman, by another councillor.
- b. The order of business shall be:
 - i. the receipt of any apologies;
 - ii. the Chairman's report
 - iii. the Clerk and RFO's report;
 - iv. the receipt of reports from local organisations;
 - v. award of grants; and
 - vi. an open forum for public participation.

55. These standing orders shall be reviewed on or before May 2021 and must always reflect any change in legislature. All items written in **bold** type are legal requirements.

Reviewed 21st May 2020 (Virtual meeting)

Signed Chairman