

# EVERSHOLT PARISH COUNCIL

## STANDING ORDERS

DATE these Standing Orders adopted by Council .....27<sup>th</sup> April 2010...  
DATE these Standing Orders reviewed by Council .....22<sup>nd</sup> February 2011.....  
DATE these Standing Orders reviewed by Council .....27<sup>th</sup> March 2012.....  
DATE these Standing Orders reviewed by Council .....26<sup>th</sup> February 2013.....  
DATE these Standing Orders reviewed by Council .....25<sup>th</sup> February 2014.....  
DATE these Standing Orders reviewed by Council .....24<sup>th</sup> February 2015.....  
DATE these Standing Orders reviewed by Council .....23<sup>rd</sup> February 2016.....  
DATE these Standing Orders reviewed by Council .....31<sup>st</sup> January 2017.....  
DATE these Standing Orders reviewed by Council .....27<sup>th</sup> February 2018.....  
DATE these Standing Orders reviewed by Council .....26<sup>th</sup> March 2019.....  
DATE these Standing Orders reviewed by Council .....26<sup>th</sup> May 2020.....  
DATE these Standing Orders reviewed by Council .....5<sup>th</sup> May 2021.....  
DATE these Standing Orders reviewed by Council .....March 2022.....

### MEETINGS

Meetings of the Council shall normally be held at 7.30pm on the last Tuesday of each month (excluding August and December) at the Village Hall, Eversholt. Additional meetings may be held on such dates and times and at such place as the Council may direct.

Meetings should not last longer than two hours other than in exceptional circumstances; if this cannot be avoided a break must be permitted.

### ANNUAL STATUTORY MEETING OF THE COUNCIL

**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 in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**

**In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

### 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.**

### PROPER OFFICER

- The duties of the clerk (referred to in legislation as the proper officer) are as follows:
- to receive declarations of acceptance of office.
- to receive and record notices disclosing interests at meetings.
- to receive and retain plans and documents.
- to sign notices or other documents on behalf of the Council.
- to receive copies of bylaws made by another local authority.
- to certify copies of bylaws made by the Council.
- to sign and issue the summons to attend meetings of the Council.
- to keep proper records for all Council meetings.

### QUORUM OF THE COUNCIL

**Three members of the total membership shall constitute a quorum at meetings of the Council.**

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 Chairman may fix.

### VOTING

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

**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.**

**(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

**(2) 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 he may not give an original vote in an election for Chairman.**

**(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

### ORDER OF BUSINESS

**At each Annual Parish Council Meeting the first business shall be:-**

- **to elect a Chairman of the Council**
- **to receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- **in the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- **to decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- to elect a Vice-Chairman of the Council.
- to appoint representatives to outside bodies.
- to appoint committees and sub-committees.
- and shall thereafter follow the usual order of council business

**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 are required by law to be made or, if not then received, to decide when they shall be received.**

After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-

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.

- After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- To deal with business expressly required by statute to be done.
- To dispose of business, if any, remaining from the last meeting.
- To receive such communications as the person presiding may wish to lay before the Council.
- To answer questions from Councillors.
- To receive and consider reports and minutes of committees.
- To receive and consider resolutions or recommendations in the order in which they have been notified.
- To authorise the sealing of documents.
- If necessary, to authorise the signing of orders for payment.

#### URGENT BUSINESS

A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and shall be put to the vote without discussion.

#### RESOLUTIONS MOVED ON NOTICE

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 5 clear days before the next meeting of the Council. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

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. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

#### RESOLUTIONS MOVED WITHOUT NOTICE

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

- to appoint a Chairman of the meeting.

- to correct the Minutes.
- to approve the Minutes.
- to alter the order of business.
- to proceed to the next business.
  
- to close or adjourn the debate.
- to refer a matter to a committee.
- to appoint a committee or any members thereof.
- to adopt a report.
- to authorise the sealing of documents.
- to amend a motion.
- to give leave to withdraw a resolution or amendment.
- to extend the time limit for speeches.
- to exclude the press and public.
- to silence or eject from the meeting a member named for misconduct.
- to give the consent of the Council where such consent is required by these Standing Orders.
- to suspend any Standing Order.
- to adjourn the meeting.

#### RULES OF DEBATE

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

A resolution or amendment must be proposed and seconded and supported by a majority of members to be carried.

Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

Whenever the Chairman speaks during a debate all other members shall be silent.

#### DISORDERLY CONDUCT

**All members must observe the Code of Conduct.**

No member shall at a meeting 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**. If, in the opinion of the Chairman, a member has broken these provisions, the Chairman shall express that opinion to the Council, and thereafter, any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If either of these motions are disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

#### VOTING ON APPOINTMENTS

Where more than two persons 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 a majority of votes is given in favour of one person.

#### DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES

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

Council or committee (as the case may be) has decided whether or not the press and public shall be excluded.

### EXPENDITURE

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members. The RFO and two Councillors to be signatories.

### BANKING

Two signatories to sign each cheque.

Signatories are to ensure that the amount on the invoice matches that on the cheque and counterfoil, initialling the invoices and the cheque counterfoil.

The RFO to obtain bank balances in advance of each meeting for inclusion on the agenda where possible and to prepare a bank reconciliation on a quarterly basis.

### SEALING OF DOCUMENTS

A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution. Any two members of the Council named in the resolution may seal, on behalf of the Council, any document required by law to be issued under seal.

### COMMITTEES AND SUB-COMMITTEES

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

may dissolve or alter the membership of the committee.

**Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

### ACCOUNTS AND FINANCIAL STATEMENT

All accounts for payment and claims upon the Council shall be laid before the Council. 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 appropriate officer. Such payment shall be authorised by the Chairman or Vice-Chairman of the Council. All such payments shall be included in the next schedule of payments before the Council.

The Responsible Financial Officer shall supply to each member as soon as practicable after 31<sup>st</sup> March in each year a statement of the receipts and payments of the Council for the completed financial year. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval at the appropriate time along with a copy of the annual return. Two members of the Council shall, twice a year in March and September, check the receipts and payments of the Council against bank statements.

### BUDGET/PRECEPT

The council shall approve written budgets for the coming financial year at its meeting before the end of the month of November.

### INTERESTS

**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.**

**If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**

**The Clerk is required to compile and hold a register of members' interests.**

**Under Section 12 (2) of the Code of Conduct for Town and Parish Councils, where there is a prejudicial interest in any business of the authority, the member may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.**

#### APPOINTMENTS

If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure.

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. 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 for appointment.

#### INSPECTION OF DOCUMENTS

A member may inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

#### UNAUTHORISED ACTIVITIES

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council, inspect any lands or premises which the Council has a right or duty to inspect or issue orders, instructions or directions, unless authorised to do so by the Council or the relevant committee or sub-committee.

#### ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

**The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions;**

*"That in 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.

At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

### CONFIDENTIAL BUSINESS

No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be. Any member in breach of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### PLANNING APPLICATIONS

The Clerk shall, as soon as practicable, refer every planning application to the planning committee or the Council (if there is no planning committee).

### FINANCIAL MATTERS

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised below:

- a public notice of intention to place a contract to be placed in appropriate local newspapers or newsletters;
- a specification of the goods, materials, services and the execution of works shall be drawn up;
- tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote.

The Financial Regulations of the Council shall be subject to review once a year.

### COMPLAINTS

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration.

### 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.

COPIES TO BE GIVEN TO MEMBERS

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.