

BELBROUGHTON and FAIRFIELD PARISH COUNCIL: STANDING ORDERS

How to use standing orders

- Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them.
- Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee meetings because these are subject to fewer statutory requirements. If it does not, committees may adopt their own standing orders.
- These standing orders are based on those provided by NALC (National Association of Local Councils).
- These standing orders do not include financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

1. Conduct of 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 Subject to standing order 1c above the public are permitted to make representations, answer questions, and give evidence in respect of any item included on the agenda. The length of time which is designated for public participation shall be at the discretion of the Chairman.
- e Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted subject to the Council's separate policy document attached.
- f 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.

- g 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.
- h 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.
- i 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.
- j 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.
- k 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. Such a request shall be made before moving on to the next item of business on the agenda.
- l. Except as otherwise provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been included in the agenda. Motions to suspend any standing order, except those which are mandatory by law, may be moved without notice.
- m The minutes of a meeting shall record the names of councillors present.
- n The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- o 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.
- p 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.
- q If a meeting becomes inquorate no business shall be transacted and the meeting shall be adjourned.

2. Annual meeting of the Council

- 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. 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, if any, unless he resigns 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 be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence.
- b. The Council's Proper Officer shall
 - sign and serve on councillors by delivery or post at their residences or serve electronically 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.

- 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 the agenda of an extraordinary meeting of the Council convened by councillors is signed by them.
- Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.
- Make available for inspection the minutes of meetings.
- Receive and retain copies of byelaws made by other local authorities.
- Receive and retain declarations of acceptance of office from councillors.

4. Code of conduct

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

Councillors with a disclosable pecuniary interest (DPI) or an Other Disclosable interest in relation to any item of business being transacted at a meeting must disclose the nature and existence of the interest. If the interest is a DPI or meets the criteria set out in paragraph 4(b) of the Code in relation to other disclosable interests then the Councillor concerned must leave the meeting and take no part in the discussion, unless by virtue of S33 of the Localism Act 2011 the parish council has granted a dispensation to the member

- i. to remain in the meeting and to take part in the debate or
- ii. to remain in the meeting, take part in the debate and to vote.

5. 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 5(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 forthwith and without discussion.
- c If a resolution made in accordance with standing order 5(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

6. Rescission of previous decisions

- a A decision of the Council shall not be reversed within 6 months except either by a special motion supported by at least eight members 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 6(a) above has been disposed of, no similar motion may be moved within a further 6 months.

7. Voting on appointments

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

8. Execution and sealing of legal deeds

- 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 8(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.

9. Extraordinary meetings

- 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.

10. Power of well-being

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 10 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 10(b) above.

11. Financial matters

- a. The Council shall approve written estimates for the coming financial year before the end of January.
- b. Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- c. The Council's financial regulations shall be reviewed once a year.
- d. 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 or to the proper officer.

- e. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in the Council's financial regulations.
- f. 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 those Regulations apply, the Council must comply with EU procurement rules.

Approved by the Council on 9th May 2016