

STANDING ORDERS OF DAVENHAM PARISH COUNCIL

MEETINGS

- 1 (a) Meetings of the Council shall be usually held at Davenham Methodist Church at 19.30 unless the Council otherwise decides at a previous meeting or exceptional circumstances prevail.
- (b) Smoking is not permitted at any meeting of the Council.
2. The Statutory Annual Meeting
 - (a) in an election year shall be held within the 14 days (not counting Bank Holidays) following the fourth day after the election
 - (b) in a year which is not an election year shall be held on the penultimate Monday in May.
3. Three other statutory meetings shall be held on the last Monday of the months of September, January and March.
4. Additional meetings shall be normally be held on the last Monday in each month except where this falls on a Bank Holiday or such other day as the Chairman may decide in the event of extenuating circumstances. No meeting will usually be held in August or on the last Monday in December.

CHAIRMAN OF MEETING

5. 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

6. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the clerk:
 - (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing pecuniary interests.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other similar documents on behalf of the Council.
 - (e) To receive copies of bylaws made by the Borough Council.
 - (f) To certify copies of bylaws made by the Council.
 - (g) To sign summonses to attend meetings of the Council.

QUORUM

7. Four members shall constitute a quorum.
8. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum. The business not transacted at that meeting shall be transacted at the next meeting or on such other day as the chairman may fix.

VOTING

9. Members shall vote by show of hands or if at least two members so request by signed ballot.
10. 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.
11. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes may give a casting vote even though he gave no 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

(In an election year councillors should execute Declarations of Acceptance of office in each others presence or in the presence of the proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

12. At each Annual Meeting the first business shall be
 - (a) To elect a Chairman.
 - (b) To receive the Chairman's declaration of acceptance of office or 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 by reason of insufficient nominations.
 - (d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - (e) To elect a Vice-Chairman.

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- (f) To appoint school governors (if necessary, governors normally serve for a term of 4 years).
- (g) To appoint committees, working groups and such others as shall be required to be created by the council.
- (h) To consider the payment of any subscriptions falling to be paid annually.
- (i) To inspect any deeds and trust instruments in the custody of the council: and shall thereafter follow the order set out in Standing Order 15.

13. At every meeting other than the Annual 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) as are required by law to be made or if not then received to decide when they shall be received.

14. 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 (See Standing Order 38, below.)

15. 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:

- (a) To read and consider the accuracy of 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 to approve the signature of the Minutes by the person presiding as a correct record. Each separate page to be initialled by the person presiding.
- (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 such communications as the person presiding may wish to lay before the Council.
- (f) To answer questions from Councillors
- (g) To receive and consider reports and minutes of committees.
- (h) To receive and consider reports from officers of the Council.
- (i) To authorise the sealing of documents.
- (j) To authorise the signing of orders for payment.
- (k) To consider resolutions or recommendations in the order in which they have been notified.
- (l) Any other business which is either specified in the summons, accepted by the Chairman or submitted in writing before commencement of the meeting.

16. A motion to vary the order of business on the ground of urgency

- (a) 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
- (b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

17. 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 and seconder have given notice in writing of its terms and have delivered the notice to the Clerk at least three clear days before the next meeting of the Council.

18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall keep a record of such resolutions, which shall be open to the inspection of every member of the Council.

19. 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.

20. 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.

21. 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.

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

RESOLUTIONS MOVED WITHOUT NOTICE

23. 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 refer a matter to a committee.
- (h) To appoint a committee or any members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the public. (See Order 66 below.)
- (o) To silence or eject from the meeting a member named for misconduct. (See Order 33 below.)
- (p) To invite a member having an interest in the subject matter under debate to remain. (See Order 57 below.)
- (q) To give the consent of the Council where such consent is required by these Standing Orders
- (r) To suspend any Standing Order. (See Order 75 below.)
- (s) To adjourn the meeting.

QUESTIONS

24. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

28. No discussion shall take place upon the Minutes except upon their accuracy as a record of the meeting. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 29.
- (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman, be submitted in writing and handed to him before it is further discussed or put to the meeting.
 - (b) A member when seconding a resolution or amendment may, if he then declare his intention to do so, reserve his speech until a later period of the debate.
 - (c) A member shall direct his 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, except by consent of the Council.
 - (e) An amendment shall be either:
 - i. To leave out words.
 - ii. To leave out words and insert or add 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 be carried- the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment 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 of an amendment shall have a right of reply, not exceeding three minutes.
 - (j) A member, other than the mover of a resolution shall not, without leave of the Chairman, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood or any alleged misrepresentation by another member.
 - (l) 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 upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - (m) 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 now put.
 - v. That a member named be not further heard.

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- vi. That a member named do leave the meeting.
- vii. That the resolution be referred to a committee.
- viii. To exclude the public and press.
- ix. To adjourn the meeting.

30. A member may stand when speaking.

31.

- (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.
- (c) If two or more members indicate a wish to speak the Chairman shall call upon one of them to speak in order.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

32. At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded the Chairman shall put the motion but in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried he shall call upon the mover to exercise or waive his 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. (Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

33. 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 new matter. After the right of reply has been exercised or waived a vote shall be taken without further discussion.

DISORDERLY CONDUCT

34.

- (a) 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 scandalise the Council or bring it into contempt or ridicule.
- (b) If in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, 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.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

36.

- (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 whereof bears the names of at least five members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (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.

VOTING ON APPOINTMENTS

37. 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 OF THE COUNCIL

38. 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 excluded the public and press. (See Standing Order No. 66.)

RESOLUTIONS ON EXPENDITURE

39. Any resolution [which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee] and which, if carried, would in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon and the Finance Committee shall report on the financial aspect of the matter.

EXPENDITURE

40. Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

SEALING OF DOCUMENTS

41.

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council any document required by law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

42. 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:

- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- (b) may appoint persons other than members of the Council to any Committee and
- (c) may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee.

43. The Chairman or Vice-Chairman ex officio shall be members of every committee.

44. Every committee or working group shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year. A committee or working group must convene at least once during the year.

45. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. Except where specifically delegated by resolution of the Council, a committee or working group may not make decisions, binding or on behalf of, the Council.

47. Spare

48. Except where ordered by the Council the quorum of a committee or working group shall be one-half of its members.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee meetings and meetings of working groups.

Working groups

50.

- (a) The Council may from time to time set up working groups whose name, number of members, the bodies to be invited to nominate members and the Terms of Reference shall be agreed by resolution of the Council.
- (b) The Clerk shall inform the members of each working group of the terms of reference.
- (c) A working group may make recommendations and give notice thereof to the Council.
- (d) A working group must include one or more members of the Council.

VOTING IN COMMITTEES.

51. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

52. Chairmen of committees and working groups shall in the case of an equality of votes have a second or casting vote.

PRESENCE OF NON-MEMBERS OF SUB COMMITTEES AT COMMITTEE MEETINGS

53. 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 STATEMENT

54.

- (a) Except as provided in paragraph (b) 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 appropriate 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 payments with the approval of the Chairman or Vice-Chairman of the Council.
- (c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

55. The Clerk shall supply to each member at the ordinary meeting next after the end of the Financial Year a statement of receipts and payments.

ESTIMATES

56.

- (a) The Council shall formally approve or reject written estimates.
- (b) Any committee desiring to incur expenditure shall, not later than the last Monday of November give to the Clerk a written estimate of the expenditure recommended for the coming year.

INTERESTS

57. Any member who has a personal interest, within the meaning of the Local Government Act 2000 - Code of Conduct, in any matter which is under consideration by the Council, shall declare that interest at the start of the meeting or as soon as the interest comes to light within the meeting. If the personal interest is a prejudicial interest the member shall withdraw from the meeting.

58. The Clerk shall record in the minutes any declaration of interest made by a member.

59. Members shall provide a record of their interests as required by the Local Government Code of Conduct. The register of members interests shall be maintained by the Clerk and be available for public inspection.

60. If a candidate for an 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. Where relationship to a member is disclosed Standing Order 58 shall apply.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

61.

- (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.

62. Standing Orders Nos. 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

63. A member may, for the purpose of his duty as such (but not otherwise), 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.

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

UNAUTHORISED ACTIVITIES

65. No member of the Council or of any committee or subcommittee 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 or directions regarding the same

unless authorised to do so by the Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

66. The public shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public by means of the following resolution:

"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 be temporarily excluded and they are instructed to withdraw."

(Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name)

to remain after the exclusion resolution is passed.)

67. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

68. 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.

CONFIDENTIAL BUSINESS

69. (a) No member of the Council or of any committee or working groups' 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.

(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.

(c) A member unable or unwilling to maintain confidentiality shall declare this fact and leave the meeting before the confidential item is discussed.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

70. A notice of the Annual meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the Borough Councillor or Councillors for the district ward.

71 spare

PLANNING APPLICATIONS

72. (a) The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council:

- (i) the date on which it was received, (ii) the name of the applicant; (iii) the place to which it relates;
- (iv) a summary of the nature of the application. (v) the decision of the council

(b) The Clerk shall refer every planning application to the Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 72 hours of receiving it.

(c) In the case of an ambiguous response from the committee, the Clerk shall seek guidance from the Chairman or Vice Chairman of the Planning Committee

CONTRACTS & TENDERS

73. (a) Where the total value of goods or service to be supplied is more than £2,500 but less than £15,000, quotations must be sought where practicable from at least three parties who meet appropriate standards of technical and financial competence, in addition to any in-house bid.

(b) Where the total value of goods or service to be supplied is more than £15,000 at least three tenders are required where practicable from parties/organisations who meet appropriate standards of technical and financial competence. At least one of the tenderers should normally be a local organisation.

These are **minimum** requirements; the number of tenders invited should reflect individual contract values and associated levels of risk.

(c) Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed in the presence of the Chairman or Vice-Chairman together with at least one other member on the date specified within the tender documents. The results of the tenders shall be reported by the person who opened them to the Council.

(d) The Council or any committee is not bound to accept the lowest or any tender.

(e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

(f) A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos. 60, 61 and 62.

CODE OF CONDUCT ON COMPLAINTS

74. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in the Code of Practice included in Legal Topic Note 56 dated July 2003 and published by the National Association of Local Councils.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

75. 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.

76. 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

77. 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.