

# **BRIMSCOMBE & THRUPP PARISH COUNCIL**

## **Standing Orders for Proceedings and Business**

1. The Clerk shall give to each member a copy of these Standing Orders and of any permanent variation or revocation of them.
  
2. **DATE OF MEETINGS**
  - (a) In a year of ordinary elections of Parish Councillors the Annual Meeting of the Parish Council shall be held on or within 14 days following the day on which the Councillors elected take office and
  
  - (b) In a year which is not an election year the Annual Meeting of the Parish Council shall be held on the first Tuesday in May. Ordinary meetings shall be held on the first Tuesday of all other months except where the Council has decided otherwise.
  
  - (c) The Chairman of the Council may summon a special meeting of the Council at any time giving at least 5 days' notice. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Council. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
  
3. **PLACE AND TIME OF MEETINGS**

Meetings of the Council shall be held at the Brimscombe & Thrupp Social Centre. They shall be held at 7.30 p.m. unless the Council has otherwise decided. They shall end after two hours unless a proposal for an extension for a fixed period of time is supported by a majority of the members.
  
4. **QUORUM**

Three members shall constitute a quorum. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present 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.
  
5. **VOTING**
  - (a) Voting at meetings of the Council shall be determined by 'aye' or 'no' or a show of hands, or, if at least two members so request, by signed ballot. The Chairman shall ascertain the number voting for or against any motion or amendment, and his declaration as to the result thereof shall be conclusive.

- (b) If a member so requires, the Clerk shall record in the minutes of the meeting the names of the members who voted on any question so as to show whether they voted for or against it. A member of the Council has the right to have his or her name recorded.
- (c) Subject to (d) and (e) 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/she gave no original vote.
- (d) 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/she may not give an original vote in an election for Chairman.
- (e) 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:-

- (a) To elect a Chairman of the Council.
- (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 of the Council.
- (f) To appoint representatives to outside bodies.
- (g) To appoint committees and sub committees.

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:-

- (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 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 such communications as the person presiding may wish to lay before the Council.
- (f) To receive and consider resolutions or recommendations in the order in which they have been notified.
- (g) To receive and consider reports and minutes of committees.
- (h) To receive Wards reports.
- (i) To receive reports from representatives on other bodies.

#### **DISORDERLY CONDUCT**

- (a) All members must observe the Code of Conduct which was adopted by the Council.
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, willfully 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 broken the provisions of paragraph (b) 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. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales).
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

#### **6. PUBLIC PARTICIPATION**

The Clerk shall include an item on all full Council and Committee meeting agendas allowing a period of not more than 15 minutes for questions to be put by the public on matters that are within the powers and duties of the Parish Council.

#### **7. 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.

#### **8. RESTRICTIONS ON VOTING INTERESTS**

- (a) If a member has a personal interest as defined by the Code of Conduct adopted by the Council then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- (b) 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.
- (c) The Clerk shall record in a book to be kept for the purpose particulars of any disclosure of a pecuniary interest in a contract, proposed contract or other matter made under Order No. 8(a) and of any general notice given under Section 96 of the 1972 Act, and the book shall be open at all reasonable hours to inspection by any member.

#### **9. AGENDA**

- (a) Three clear days at least before a meeting a summons to attend it specifying the business proposed to be transacted and signed by the Clerk shall be left at or sent by post or email to the usual place of residence of every member of the Council.
- (b) A member wishing to propose a matter for inclusion in the agenda of a meeting shall give notice to the Clerk 14 days prior to the meeting and if he/she proposes to move a resolution in relation to the matter shall specify its terms in the notice.
- (c) A motion to alter the proposed order of business may be moved by the Chairman or by any member and if proposed by the Chairman may be put to the vote without being seconded.

#### **10. RULES OF DEBATE**

- (a) Except where it has been proposed by the Chairman a resolution or amendment shall not be discussed unless it has been seconded.
- (b) An amendment shall not have the effect of negating the motion before the Council.
- (c) 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.
- (d) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- (e) The mover of a resolution or of an amendment shall have a right to reply immediately before it is put to the vote, but shall not introduce new matter. After this right has been exercised or waived a vote shall be taken without further discussion.
- (f) 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 and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he/she shall forthwith put the motion. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive 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.

**11. RESCISSION OR PREVIOUS RESOLUTION**

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least four members of the Council and was delivered to the Clerk not later than Monday in the week before the next meeting of the Council.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- (c) This Order shall not apply to rescinding resolutions moved in pursuance of a report by the Clerk or of a report or recommendation of a committee.

**12. COMMITTEES AND SUB-COMMITTEES**

The Council shall at the Annual Meeting appoint such committees as are necessary but subject to any statutory provision on that behalf:-

- (a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and
- (b) May, subject to the provision of Order No. 11 at any time dissolve or alter the membership of a committee.
- (c) The Chairman and Vice-Chairman of the Council shall be ex-officio members of all Parish Council Committees.
- (d) The Chairman of each committee shall be elected by that committee during the proceedings of the Annual Parish Council Meeting.
- (e) The Chairman of a committee may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of that committee, but in no case less than two. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

- (f) Every committee may appoint sub-committees for purposes to be specified by that committee.
- (g) The quorum of a committee or sub-committee shall be one half of its members. If a quorum is not present when a committee or sub-committee meets or if during a meeting the number of members fall 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.
- (h) Orders No. 3 (Place and time of meetings), No. 5 (Voting), No. 8 (Restrictions on voting-interests) and No. 10 (Rules of debate), shall apply to Committee and Sub-committee meetings.
- (i) Chairman of Committees or Sub-committees shall have a second or casting vote.
- (j) A member who has proposed a motion which has been referred to any committee of which he/she is not a member may explain his/her motion to the committee but shall not vote.
- (k) All Council members shall be informed of the date, time and place of committee and sub-committee meetings, including any adjournment thereof and any member shall be entitled to be present as an observer and may address the committee if so invited, but shall not vote.
- (l) The Planning Committee will consist of appointed Members of the Council.

### **13. ACCOUNTS AND PAYMENTS**

- (a) Except as provided in paragraph (b) or (c) of this Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) The Clerk is authorised to make single payments not exceeding £100 without the prior approval of the Council.
- (c) Where apart from paragraph (b) of this Order 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 Clerk or by the Chairman of the committee, if any, having charge of the business to which it relates and shall be authorised by the Chairman or Vice-Chairman of the Council.
- (d) All payments authorised under paragraph (b) or (c) of this Order or made without the authority of the Council shall be separately included in the next schedule of payments laid before the Council.
- (e) Orders for the payment of money shall be signed by two nominated Councillors and subject to the provisions of Order No. 13(a) shall be authorised by prior resolution of the Council.

**14. ANNUAL STATEMENT OF ACCOUNTS**

The Clerk shall supply to each member at the ordinary meeting next after the end of the financial year a statement of receipt and payments.

**15. ADMISSION OF THE PUBLIC & THE PRESS TO MEETINGS**

- (a) The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public or the press or both by means of the following resolution, viz: “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 and press be temporarily excluded and they are instructed to withdraw”.
- (b) The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- (c) 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 place of meeting or that the part of it open to the public be cleared.

**16. 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 shall issue orders, unless authorised to do so by the Council or the relevant committee or sub-committee.

**17. 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.

**18. INSPECTION OF DOCUMENTS**

A member may for the purpose of his/her 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.

**19. APPOINTMENTS WITHIN THE COUNCIL**

If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointments, 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 the Standing Orders Nos. 8(a) and 8(b) on interests of members in contracts and other matters shall apply.

**20. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- (a) Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.
- (b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a member may give a written testimonial of a candidate's ability, experience of character for submission to the Council with an application for appointment.
- (c) The Clerk shall make known the purport of Order Nos. 19 and 20(a) to every candidate.

**21. CO-OPTION TO THE COUNCIL**

Where a casual vacancy arises among Councillors and the District Council has given notification that no poll having been claimed the vacancy is to be filled by co-option, the Clerk shall as soon as practicable inform all members of the fact specifying the date by which the co-option must be made. Councillors wishing to make nominations for the vacancy must deliver them to the Clerk together with relevant personal information not less than seven days before the next most convenient Council meeting within the time allowed, for circulation with the agenda for that meeting.

**22. SITE PANELS**

When members of the Parish Council attend District Council Planning Site Inspection Panels they shall read to the Panel the observations of the Council previously submitted to the Planning Department. They shall remain in attendance until the Panel concludes its deliberations in order to answer any questions the Panel members may pose.

**23. PROPER OFFICER**

The Clerk is the proper officer for any purpose in respect of which a proper officer is mentioned in any statute.

**24. SUSPENSION OF STANDING ORDERS**

Subject to half of the full number of Council members being present, any part of the Standing Orders may be suspended by resolution in relation to any specific item of business at the meeting at which the suspension is moved with the exception of those Standing Orders which detail statutory requirements.

**25. VARIATION OR REVOCATION OF STANDING ORDERS**

A motion permanently to vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

# **STANDING ORDERS ON CONTRACTS**

1. The Council will seek tenders on any contract which is likely to exceed £3,000. A minimum of 3 quotations should be sought, however if the work is of a similar nature and is within 12 months of the original tender the Council reserves the right to appoint a tenderer without seeking a further 3 quotations. The Council may also determine to employ the quotation process for sums below £3,000.
2. Exemption from any of the following provisions of these Standing Orders may be made by direction of the Council where it is satisfied that the exemption is justified in special circumstances.
3. A list shall be compiled and maintained by the Clerk of all persons or bodies wishing to tender for contracts and who are approved by the Council and shall indicate the categories of contract for which approval has been given.
4. Invitation to tender for a contract shall be sent to:
  - (a) not less than three of those persons or bodies selected by the Council or the appropriate Committee from among those approved for a contract of the relevant category, or
  - (b) where fewer than three persons or bodies are so approved all those persons or bodies.
5. Invitation to tender shall require bids to be enclosed in a sealed envelope bearing the word "Tender" followed by the subject to which it relates.
6. All tenders received shall be opened at one time and only in the presence of the Clerk and the Chairman or Vice Chairman of the Council or the Chairman of the appropriate Committee, and shall then be recorded.
7. A register of all contracts placed by the Council shall be kept by the Clerk and shall for each contract specify the name of the contractor, the works to be executed or the goods supplied and the contract value.
8. The Parish Council will not be bound to accept the lowest tender returned, and in awarding contracts will have in mind the best value for money offered.
9. Orders No. 20(a) and 20(b) shall apply to tenders as if the person making the tender were a candidate for appointment.

## **HEALTH AND SAFETY/**

# RISK ASSESSMENT

1. The reporting of Health and Safety issues is the responsibility of all members. Members are to report any areas of concern to the Clerk or Chairman.
2. Listed at Annexe A to these Standing Orders are check lists which are to be conducted at the intervals prescribed undertaking Risk Assessment. These assessments are to be conducted by the appropriate Committees and presented to the Council.

## ANNEXE A

### FINANCIAL RISK ASSESSMENT

#### CHECK LIST FOR PARISHES ON RISK ASSESSMENT

COUNCIL : BRIMSCOMBE & THRUPP PARISH COUNCIL DATE :

#### Potential Risk Areas

#### Insurable Risks

#### COMMENTS

1. Fixed Assets      Protection  
                                 Maintenance  
                                 Security  
                                 Register Maintenance
2. Public Liability to third parties as result of services, amenities for public, or property ownership
3. Consequential loss of income following damage by third parties or loss of services
4. Fidelity Guarantee
5. Employers Liability arising from employees

#### External Assistance

6. Market Management
7. Investment Management
8. Trading Units
9. Hiring in of Services

#### Statutory Requirements

10. To confirm borrowings been properly authorized
11. Compliance with PAYE regulations
12. Compliance with VAT regulations
13. Adoption of codes of conduct
14. Register of Members interests
15. Appointment of Internal Auditor
16. Maintenance of Accounting records
17. Adoption of Standing Orders/  
Financial Regulations

**Self Controlled Areas**

18. Ensuring adequacy of Precept budget
19. Monitoring of expenditure with Precept budget
20. Legality of payments being made
21. Proper use of grants and S137 donations
22. Preservation of Voters Rights
23. Safety of documents including Minutes
24. Documentation regarding dealings with  
the Public
25. Standby arrangements for absence of Clerk

**Note**

Comment should be made on all heads with  
“N/A” where the heads are not applicable