

LEIGH PARISH COUNCIL

STANDING ORDERS

Adopted 7th February 2011

1 Meetings

- a Parish Council Meetings are held on the first Monday of every month. If there is a public holiday, the meeting will move to the following week.
- b Meetings of the Council shall be held in the Small Village Hall, Leigh from 8pm unless the Council decides at a previous meeting.
- c 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.**
- d There shall be 3 clear days for notice of a meeting to councillors and the public. This does not include the day on which notice was issued, the day of the meeting, a Sunday or any public holidays.**
- e 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.**
- f Any person attending a meeting of the Council who is not a member of the Parish Council is not entitled to speak unless invited to do so by the Chairman, or person presiding, and during this time the meeting will be suspended.
- g Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.**
- h 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.**
- 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 All resolutions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- k 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.**
- l 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 can be recorded to show whether each councillor present gave his vote for or against.**
- m The minutes of a meeting shall record the names of councillors present ** and absent.
- n 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.**
- o The quorum for the Council is one third, i.e. 3. No business may be transacted unless the meeting is quorate.**
- p If a meeting becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

2 Annual Parish Council meetings

- a In an election year, the Annual Parish Council meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.*
- b 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.*
- c The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Parish Council meeting.*
- d The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the Annual Parish Council meeting until his successor is elected.*
- e The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council.*
- f 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.*

4 Annual Assembly (Annual Parish Meeting)

- a The Annual Assembly, which is a meeting of the electorate, will be held annually between 1st March and 1st June inclusive.*

- b The Chairman of the Council must preside if he is present or, in his absence, the Vice-Chairman must preside. If he too is absent, the Annual Assembly must decide who is to preside.*

5 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion shall not be considered unless it has been proposed and seconded.

6 Code of Conduct

- a All councillors shall observe the Code of Conduct adopted by the Council.*
- b All councillors shall undertake to read the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.
- c Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.*
- d Within twenty-eight days of election or co-option, Councillors must complete a register of interests and give to the Proper Officer who sends a copy to the Monitoring Officer at the District Council. Councillors must ensure that this register is updated within twenty-eight days of their interests changing, or they will cease to be a member, and a vacancy is declared.
- e Councillors must at all times avoid bringing the Council into disrepute, nor can they use their position of Councillor to secure advantage or disadvantage. Councillors must promote equality and not unlawfully discriminate; treat others with respect; not compromise the impartiality of Council staff; not disclose confidential information; not prevent access to information if a person is entitled to it, and not use Council resources for party political purposes.
- f Councillors must disclose all gifts and hospitality received in connection with their role as a Councillor within twenty-eight days of receipt.

7 Minutes

Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

8 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 6(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 6(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.

9 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except by a special motion, and only if additional information has become available.
- b When a special motion pursuant to standing order 9(a) above has been disposed of, no similar motion may be moved within a further 6 months.

10 Voting on appointments of staff or Co-option of Members

Where more than 2 persons have been nominated 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.

11 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.*
- c 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, sub-committee or employee.*

12 Delegated Powers

- a The Planning Committee has delegated powers to consider routine planning applications and respond to the District Council as part of the consultation process within the specified deadline (21 days). The Planning Committee shall consult the Parish Council on contentious planning applications.
- b The Proper Officer (Clerk) has delegated powers to purchase equipment and stationery necessary to carry out their duties.

13 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless it has been authorised by a resolution.
- b 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.

14 Committees

- a The Council may appoint standing committees and shall determine their terms of reference.
- b The Planning Committee will meet 2 weeks from the last ordinary parish council meeting if necessary.

15 Sub-committees

Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

16 Advisory committees

The Council may appoint advisory committees comprised of a number of councillors and non-councillors. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

17 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.*

18 Inspection of documents

Apart from matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors and members of the public.

19 Unauthorised activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee inspect any land and/or premises or issue orders, instructions or directions.

20 Confidential business

- a Councillors shall not disclose information given in confidence or which is of a confidential nature.
- b A councillor in breach of the provisions of standing order 18 above may be removed from a committee or a sub-committee by a resolution of the Council.

21 Power of Well-Being

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. *

22 Matters affecting council employees

If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded.

23 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in

respect of handling requests under the Freedom of Information Act 2000.

- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council.

24 Relations with the press/media

All requests from the press or other media for an oral or written statement or comment from the Council shall be processed through the Proper Officer or Chairman, and councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

25 Tenders

- a Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of (£5,000) shall be procured on the basis of a formal tender as summarised below.*
- b Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed on parish noticeboards;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- c Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- d Where the value of a contract is likely to exceed (£50,000) the Council must consider whether the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 apply to the contract and if so the Council must comply with ER procurement rules.*

26 Allegations of breaches of the Code of Conduct

- a On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer shall refer it to the Chairman.
- b The subject matter of notifications shall be confidential.

27 Disqualification from Office

- a Councillors are disqualified from office if they do not attend at least one meeting of the Council during a period of six months. If it is appropriate to prevent disqualification after six months, the Council to vote on whether to accept the reason given for continued non-attendance.
- b Councillors are disqualified if they are declared bankrupt or if they have been convicted of a criminal offence in the last five years.

28 Variation, revocation and suspension of Standing Orders

- a Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

* = statutory requirement, should not be ignored or substantively amended.

** = statutory and mandatory