

# SIBFORD FERRIS PARISH COUNCIL

## STANDING ORDERS

These Standing Orders were adopted by the Council at its meeting held on 24 November 2014.

### 1 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) The minimum three clear days for notice of a meeting does not include 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 a bank holiday or a day appointed for a public holiday.
- c) The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
- d) 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 done by a resolution which shall give reasons for the public's exclusion.
- e) A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of a parish council or its committees but otherwise may:
  - i) Film, photograph or make an audio recording of a meeting;
  - ii) Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii) Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- f) 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/her absence be done by, to or before the Vice-Chairman (if any).
- h) The Chairman, if present, shall preside at the 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.
- i) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

- 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/her casting vote whether or not he/she gave an original vote. (See standing orders 3 (i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.)
- 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 request shall be made before moving on to the next item of business on the agenda.
- l) The minutes of a meeting shall record the names of Councillors present and absent.
- m) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- 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) A Councillor who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- 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 three.
- q) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. Any outstanding business on the agenda shall be adjourned to another meeting.

## **2 COMMITTEES AND SUB-COMMITTEES**

- a) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c) Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

### **3 ORDINARY COUNCIL MEETINGS**

*See also standing order 1 above*

- 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) In 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 (if any) of the Council shall be the first business completed at the annual meeting of the Council.
- f) The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.
- g) The Vice-Chairman of the Council, if any, unless he/she 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/she 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/she 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.
- j) Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include: in an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council and his acceptance of office form unless the Council resolves for this to be done at a later date.

### **4 THE COUNCIL'S CLERK SHALL DO THE FOLLOWING:-**

- a) Sign and serve on the Councillors by delivery or post at their residence a signed summons confirming the time, date, place and the agenda of a meeting of the Council at least three clear days before the meeting.

OR

At least three clear days before a meeting of the Council serve on the Councillors a summons, by email, confirming the time, date, place and the agenda for a meeting provided any such email contains the electronic signature and title of the Clerk.

- b) Give public notice of the time, date, place and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- c) Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office.
- d) Receive and retain copies of byelaws made by other local authorities.
- e) Receive and retain declarations of acceptance of office from councillors.

## **5 MOTIONS NOT REQUIRING WRITTEN NOTICE**

To suspend any standing order except those which are mandatory by law.

## **6 CODE OF CONDUCT AND DISPENSATIONS (ENGLAND)**

See also standing order 1(o) above.

- a) All Councillors shall observe the code of conduct adopted by the Council.
- b) Unless he/she has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest or another interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c) Dispensation requests shall be in writing and submitted to the Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- d) A decision as to whether to grant a dispensation shall be made by meeting of the Council for which the dispensation is required and that decision is final.
- e) A dispensation may be granted in accordance with standing order 6(d) above if having regard to all the relevant circumstances the following applies:
  - i. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
  - ii. Granting the dispensation is in the interests of persons living in the Council's area or
  - iii. It is otherwise appropriate to grant a dispensation.

## **7 CODE OF CONDUCT COMPLAINTS (ENGLAND)**

Upon notification by the District or Unitary Council that a Councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **8 EXPENDITURE**

- a) The Council's financial regulations shall be reviewed once a year.
- b) 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 to an employee.

## **9 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 7(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.

(The above is applicable to a Council without a common seal.)

## **10 EXTRAORDINARY MEETINGS**

- a) *See also standing order 1 above*
- b) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- c) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two Councillors any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.

## **11 ESTIMATES/PRECEPTS**

The Council shall approve written estimates for the coming financial year.

## **12 FINANCIAL MATTERS**

- a) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 13(b) below.
- b) Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;

- 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 (the Proper Officer being the Clerk or any other staff member nominated by the Council in the Clerk's absence) 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 £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.
- e) Any cheques issued shall be signed by two authorised Members of the Parish Council.

### **13 STANDING ORDERS GENERALLY**

- 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.
- c) The Proper Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his declaration of acceptance of office.
- d) The Chairman's decision as to the application of standing orders at meetings shall be final.