

**THERFIELD PARISH COUNCIL**

**STANDING ORDERS**

For regulation of the proceedings  
and business of the Council

## CONTENT OF STANDING ORDERS

These Standing Orders approved by the Council on 14<sup>th</sup> March 2023, regulate the proceedings and business of Therfield Parish Council and any Standing Committees and other designated bodies appointed from time to time by the Council.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered unless by resolution of the Council.

The Council's Standing Orders comprise the following paragraph numbers 1-69 which should be read in conjunction with the Council's Financial Regulations and the Code of Conduct although the latter does not form part of the Council's Standing Orders but is included for completeness.

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## STANDING ORDERS

### 1. Meetings

- a) The Annual General Meeting (the Statutory Annual Meeting) of Therfield Parish Council.
- b) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- c) Smoking is not permitted at any meeting of the Council.

### 2. The Statutory Annual Meeting (AGM)

- a) **In an election year the Annual Parish Council Meeting 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 Parish Council Meeting shall be held on such day in May as the Council may direct.**

### 3. **(England Only) In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

### 4. Chairman of the Meeting

**The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

### 5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he/she shall be the clerk or nominated officer: -

- To receive declarations of acceptance of office.

- To receive and record notices disclosing interests at meetings.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- To receive copies of bylaws made by another local authority.
- To certify copies of bylaws made by the Council.
- To sign and issue the summons to attend meetings of the Council (included as part of the Agenda).
- To keep proper records for all Council meetings.

## **6. Quorum of the Council**

**Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**

7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

## **8. Voting**

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

- 9 **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. Such a request must be made before moving on to the next business.**

10. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an 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/she 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.

11. 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.

and shall thereafter follow the order set out in the Standing Order 13.

12. **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.**
13. 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 reports and minutes of committees
  - g) If necessary, to authorise the signing of orders for payment.

14. Urgent Business

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.

15. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates is requested at the start of the meeting and agreed by The Chairman.

- 16. If the subject matter of a resolution comes within the province of a committee of the Council, it shall be referred without to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 17. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

18. Resolutions Moved Without Notice

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 exclude the press and public. (see Order 57)
- k) To silence or eject from the meeting a member named for misconduct. (see order 28)
- l) To give the consent of the Council where such consent is required by these Standing Orders.
- m) To suspend any Standing Order. (see Order 67)
- n) To adjourn the meeting.

19. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council without prior notice, but the person to whom the question is addressed can delay reply to the next meeting if necessary.

- 20. No questions not connected with business under discussion shall be asked unless the Chairman agrees.
- 21. Every question shall be put and answered without discussion
- 22. A person to whom a question has been put may decline to answer.
- 23. Members of the public may ask questions only if they have sought permission to do so from the Chairman or Clerk one week prior to the meeting.

## 24. Rules of Debate

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

25. a) A resolution or amendment shall not be discussed unless agreed by the Chairman.
- b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 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 member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.
- e) 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 a member named leave the meeting.
  - v. That the resolution be referred to a committee.
  - vi. To exclude the public and press.
  - vii. To adjourn the meeting.

26. A member shall remain seated when speaking unless requested to stand by the Chairman.
27. 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. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

28. Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the council, Item 10.1 of the Minutes, and a copy of which is annexed to these Standing Orders.**
- b) 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 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, **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.

29. 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.

30. Discussions and Resolutions Affecting Employees of the Council

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 has decided whether or not the press and public shall be excluded. (See Standing Order No. 57).

31. Expenditure

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

32. Committees and Sub Committees

The Council may appoint standing committees at any other time during the year, if required for special projects:

- a) May appoint persons other than members of the Council to any Committee; and
- b) May at any time dissolve or alter the membership of any committee.

33. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman who will be responsible for reporting progress on projects to The Council.

34. Special Meeting

The Chairman of the Council may summon an additional meeting 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.

35. Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

36. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

37. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

38. The Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

39. Advisory Committees

1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.

- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

#### Voting in Committees

40. 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.
41. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

42. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a resolution, which has been referred to any committee of which he/she is not a member, may explain his resolution to the committee but shall not vote.

43. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) 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 Chairman or Vice-Chairman of the Council.

- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.
44. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.
45. Estimates / Precepts
  - 1) The council shall approve the budget and any written estimates for the coming financial year at its meeting before the end of the month of (November).
  - 2) Any estimates for expenditure occurring during the year will be considered at the first appropriate Council meeting.
  - 3) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended two weeks prior to the Council meeting at which it will be considered.

46. **Interests (ENGLAND)**

**If a member has a personal interest as defined by the Code of Conduct adopted by the Council on (25 July 2007) then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**



47. **If a member who has declared a personal interest then considers the interest to be prejudicial, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.**
48. **The new Code of Conduct adopted on 25 July 2007 included paragraph 12(2) giving members with a prejudicial interest the same rights as members of the public to speak to a meeting on an issue and then leave before the main discussion and vote.**
49. **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
50. If a candidate for any appointment under the Council is to his 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 appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council any such disclosure. Where a relationship to a member is disclosed, Standing Orders 46 and 47 shall apply as appropriate.
51. The Clerk shall make known the purpose of Standing Order 50 to every candidate.
52. Canvassing of and Recommendations By Members
  - 1) 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.

2) 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; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

53. Standing Order Nos. 50 and 51 shall apply to tenders as if the person making the tender were a candidate for an appointment.

54. Inspection of Documents

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.

**55. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

56. 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:-

a) Inspect any lands or premises which the Council has a right or duty to inspect; or

b) Issue orders, instructions or directions.

Unless authorised to do so by the Council or the relevant committee or sub-committee.

57. Admission of The Public and Press to Meetings

**The public and press shall be admitted to all meetings of the Council and its committees** and sub-committees, **which may, however, temporarily exclude** the public by means of the following resolutions: -

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

58. The Council shall state the special reason for exclusion.
59. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
60. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
61. 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 meeting and may adjourn the meeting for such period as is necessary to restore order.
62. Confidential Business
- 1) 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.

- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

63. Liaison with County and District Councillors

A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County and District Councillors for the appropriate division or ward.

64. Planning Applications

- 1) The Clerk shall, as soon as it is received, file in an electronic folder a copy of the planning application showing the following details of every planning application notified to the Council:
  - a) Planning application number
  - b) the date on which it was received
  - c) the name of the applicant
  - d) the place to which it relates;
  - e) nature of request.
- 2) The Clerk shall circulate every planning application received to all members of the Council within 48 hours of receipt.

65. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- 1) Such Regulations shall include detailed arrangements for the following:
  - a) the accounting records and systems of internal control;
  - b) the assessment and management of risks faced by the Council;

- c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
  - d) the financial reporting requirements of members and local electors and
  - e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £50,000.
- 2) 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 (3) below.
- 3) Any formal tender process shall comprise the following steps:
- a) a public notice of intention to place a contract to be placed in a local newspaper;
  - b) a specification of the goods, materials, services and the execution of works shall be drawn up;
  - c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
  - d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
  - e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- 4) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 50, 52 & 53 regarding improper activity.

- 5) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

{Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level}

(Note: Some Standing Order **must** be made for contracts for the supply of goods or the execution of works)

66. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) or Commission (Wales) for consideration.

67. Variation, Revocation and Suspension of Standing Orders

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.

68. 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.

69. Standing Orders to be Given to Members

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 and written undertaking to observe the Code of Conduct adopted by the Council.