

West Hallam Parish Council

**STANDING ORDERS**

September 2013



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## **STANDING ORDER NO 1 - STANDING ORDERS**

1. No arrangement shall be made whereby a committee, sub-committee or officer may exercise any power of the West Hallam Parish Council to vary, revoke or add to these standing orders.
2. A printed copy of these standing orders shall be given to each member upon delivery to the proper officer of a declaration of acceptance of office.
3. The ruling of the person presiding at any meeting as to the construction or application of any of these standing orders shall not be challenged at that meeting.

## **STANDING ORDER NO 2 - ORDINARY MEETINGS OF THE PARISH COUNCIL**

1. In addition to the Annual General Meeting of the Council and the Annual Parish Meeting other meetings for the transaction of general business shall be held at such dates, at such times and at such venues as may be fixed by the Parish Council.

## **STANDING ORDER NO 3 - ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE PARISH COUNCIL**

1. The Parish Council shall at the Annual General Meeting elect a Chairman and Vice Chairman for each year.

## **STANDING ORDER NO 4 - MEETINGS OF THE PARISH COUNCIL**

1. The Chairman may at any time call an extraordinary meeting of the Parish Council.
2. Where the Chairman or any other five members of the Parish Council decide to call an extraordinary meeting the Clerk of the Parish Council will be informed so, the business to be transacted and the date and time for which the meeting is called.
3. The Clerk of the Council shall then ensure that the notices and summonses required are published three clear days prior to a meeting of the Parish Council.

## **STANDING ORDER NO 5 - PERSON PRESIDING AT MEETINGS OF THE PARISH COUNCIL**

1. Any power of the Chairman in relation to the conduct of a meeting of the Parish Council may be exercised by the person presiding at the meeting.
2. If it is necessary to choose a member of the Parish Council to preside in the

absence of the Chairman and Vice Chairman, the Clerk shall call for a member of the Parish Council to move that a member to be named shall take the Chair. The Clerk will also call for any such motion to be seconded.

3. The motion and any amendments shall be put to the vote.

#### **STANDING ORDER NO 6 - QUORUM OF MEETINGS OF THE PARISH COUNCIL**

1. If, either at the commencement of or during any meeting of the Council the Chairman, after counting the number of members present declares that there is not a quorum of 3 of the whole Parish Council present, the meeting shall end.
2. The consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed shall be postponed to the next appropriate meeting of the Council.

#### **STANDING ORDER NO 7 - ORDER OF BUSINESS AT MEETINGS OF THE PARISH COUNCIL**

1. The order of business at every meeting of the Parish Council shall be such of the following items as it is necessary to include on the agenda:
  - a) To choose a person to preside if the Chairman and Vice Chairman are absent
  - b) At the Annual General Meeting and at any other meeting which is the first meeting after the office of Chairman shall have become vacant, to elect the Chairman and Vice Chairman of the Parish Council
  - c) To approve as a correct record the minutes of the last meeting of the Parish Council and for the person presiding to sign them.
  - d) At the Annual General Meeting to appoint standing committees and subcommittees
  - e) The agenda shall include matters arising, accounts for payment, planning, correspondence, any other business and date of next meeting.
  - f) A summons to attend an ordinary or extraordinary meeting of the Parish Council specifying the business to be transacted shall be delivered by the Clerk of the Parish Council to each member of the Council at least three clear days before the meeting.
  - g) No business shall be transacted at any meeting of the Parish Council other than that specified on the summons except where the Chairman or the member presiding by reason of special circumstances considers that the item should be dealt with as a matter of urgency.

### **STANDING ORDER NO 8 - MINUTES OF PARISH COUNCIL MEETINGS**

1. Minutes of every meeting of the Parish Council shall be submitted to and signed at the next ordinary meeting of the Parish Council.
2. The Chairman or the member presiding shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting.
3. No discussion shall take place upon the minutes except upon their accuracy and any question of the accuracy shall be raised by a member. If no such question is raised or if it is raised then as soon as it has been disposed of the Chairman or the member presiding shall sign the minutes.

### **STANDING ORDER NO 9 - RULES OF DEBATE FOR PARISH COUNCIL MEETINGS**

1. When a motion is under debate no other motion shall be moved except the following:
  - a) To amend the motion
  - b) To adjourn the meeting
  - c) To adjourn the debate
  - d) To proceed to the next business
  - e) That the question be now put
  - f) That a member be not further heard
2. A member may move without comment at the conclusion of a speech of another member, "that the question be now put", "that the Parish Council proceed to the next business", "that the debate be now adjourned".
3. The ruling of the Chairman or the member presiding on a point of order or the admissibility of a personal explanation shall not be open to challenge or discussion.

### **STANDING ORDER NO 10 - MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

1. If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the conduct of any person employed by the Parish Council such questions shall not be the subject of discussion until the Parish Council has decided whether or not the power of exclusion of the public under section 100(a) (2) or (4) of the Local Government Act 1972 shall be exercised.

### **STANDING ORDER NO 11 - PREVENTION OF DISORDERLY CONDUCT**

1. If the Chairman or the member presiding is of the opinion that a member has misconducted or is misconducting himself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council he may notify the meeting of that opinion.
2. On such notification the Parish Council may on a motion being proposed and seconded and determined without discussion take any of the following courses of action:
  - a) Direct that the member named be not further heard and if carried the member named shall not speak further at that meeting.
  - b) Direct that member named to leave the meeting and if carried the member named shall leave that meeting.
3. In the event of general disturbance which in the opinion of the Chairman or the member presiding renders the due and orderly dispatch of business impossible, the Chairman or member presiding in addition to any other powers vested in him may without question put, adjourn the meeting of the Council for such a period as he in his discretion shall consider expedient.
4. If a member of the public interrupts the proceedings at any meeting the Chairman or member presiding may warn him. If he continues the interruption, the Chairman or member presiding may order his removal from the Council chamber. In case of general disturbance in any part of the chamber open to the public the Chairman or member presiding may order that part to be cleared and may at his discretion and for such period as he may determine adjourn the meeting to enable that part or the whole of the chamber to be cleared.

#### **STANDING ORDER NO 12 - VOTING AND RECORDING OF ATTENDANCES**

1. The mode of voting at meetings of the Parish Council shall be by a show of hands provided that on the requisition of any member of the Parish Council made before the vote is taken, and supported by three other members who signify their support by a show of hands, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his vote. The name of any member present and not voting shall also be recorded.
2. Where immediately after a vote is taken at a meeting of the Parish Council any member may require that there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether he abstained from voting.
3. Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a 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 shall be taken and so on until a majority of votes is



given in favour of one person.

4. The names of all members attending meetings of the Parish Council shall be recorded in the minutes together with the times of arrival and departure if they leave before the full term of the meeting.
5. The number of members of the public attending all or part of the meeting shall be recorded in the minutes.
6. The names of representatives of Constabulary, Derbyshire County Council, Erewash Borough Council or persons formally addressing the meeting shall be recorded in the minutes.
7. The attendance of elected members from other Authorities shall be recorded by name in the minutes.

#### **STANDING ORDER NO 13 - INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

1. If any member of the Parish Council has any pecuniary interest direct or indirect within the meaning of section 95 of the Local Government Act 1972 in a contract, proposed contract or other matter that Member shall withdraw from the meeting while the contract, proposed contract or other matter is under consideration by the Council unless:
  - a) The disability to discuss that matter imposed upon him by the section has been removed by the Secretary of State for the Environment.
  - b) The contract, proposed contract or other matter is under consideration by the Council as part of the report of a Committee and is not itself the subject of debate.
  - c) The Council invite him to remain.

#### **STANDING ORDER NO 14 - INTERESTS OF OFFICERS IN CONTRACTS**

1. The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract.

#### **STANDING ORDER NO 15 - CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

1. A member of the Parish Council shall not solicit for or against any person in respect of any appointment under the Council but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

### **STANDING ORDER NO 16 - RELATIVES OF MEMBERS OR OFFICERS**

1. A candidate for any appointment under the Council who knows that he is related to any member of the Council shall when making application disclose that relationship to the Clerk. A candidate who fails to disclose such a relationship shall be disqualified from the appointment and if appointed shall be liable to dismissal without notice. Every member of the Council shall disclose to the Clerk any relationship known to him to exist between himself and any disclosure made to him.
2. The purport of this standing order shall be included in any form of application.

### **STANDING ORDER NO 17 - STAFF ESTABLISHMENT AND FILLING OF VACANCIES**

1. All vacancies to be filled in offices under the Parish Council shall be publicly advertised except where the Council otherwise determine.
2. Provided that where within six months of the filling of a vacancy which has been publicly advertised a similar vacancy occurs in the office the Parish Council may appoint one of the former applicants.

### **STANDING ORDER NO 18 - APPOINTMENTS OF PARISH CLERK OR ASSISTANT PARISH CLERK**

1. Where the Parish Council proposes to appoint a Clerk or Assistant Clerk it shall draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed.
2. The Parish Council shall make arrangements for the post to be advertised in such a way as is likely to bring to the attention of persons who are qualified to apply for the vacancy and to make arrangements for a copy of the statement mentioned in paragraph one to be sent to any person, on request.
3. Where a post has been advertised the Council shall interview all qualified applicants for the post or select a short list of such qualified applicants and interview those included on the short list.
4. Where no qualified person has applied the Authority shall make further arrangements for advertising the vacancy.

### **STANDING ORDER NO 19 - INSPECTION OF DOCUMENTS**

1. A member of the Parish Council may for the purpose of his duty as such a member but not otherwise on application to the proper officer inspect any document and have access to other information which contains material relating to any business to be or which has been transacted at a meeting of

the Parish Council.

2. The proper officer may refuse to allow a member to inspect a document or other material which discloses exempt or confidential information which is of or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.
3. No person, member or officer shall be entitled to inspect any document or have access to any information relating to a matter in which that person has a pecuniary interest within the meaning of section 94 of the Local Government Act 1972.
4. Where a person inspects a document or other material the inspection shall take place in the presence of the proper officer or an officer nominated by him.
5. Where the Parish Council may lawfully make a copy of any document or other material which is open to inspection by a member that member may be provided on request with a copy of the document.
6. A copy of all information supplied in writing to a member of the Council shall be forwarded by the supplying officer to the Chairman at the same time.
7. Rights of inspection conferred by this standing order do not extend to co-opted members.

#### **STANDING ORDER NO 20 - RIGHTS OF MEMBERS AND ACCESS TO LAND AND BUILDINGS ETC**

1. No member of the Council shall have any claim or right by virtue of his position to issue any order with respect to any works which are being carried out by or on behalf of the Parish Council or with respect to any goods or services which are being or might be purchased or sold by the Parish Council.

#### **STANDING ORDER NO 21 - APPOINTMENT OF COMMITTEES**

1. The Parish Council shall at the Annual General Meeting appoint such committees as may be required together with standing committees and standing subcommittees.
2. The Parish Council may at any time appoint such other committees as are necessary to carry out the work of the Parish Council but shall not appoint any member of a committee so as to hold office later than the next Annual General Meeting of the Council. Additionally the Parish Council may at any time dissolve a committee or alter its membership.

#### **STANDING ORDER NO 22 - PROCEEDINGS OF COMMITTEES TO BE CONFIDENTIAL**

1. No member or officer shall disclose to any representative of the news media or any other person not being a member of the Council the contents of any report or other document containing confidential or exempt information.
2. No member or officer shall disclose details of any business transacted at a meeting whilst a resolution to exclude the press and public was in operation until the items become publicly available.

### **STANDING ORDER NO 23 - CONSTITUTION AND OPERATION OF COMMITTEES**

1. No member of a committee or a sub-committee who is unable to attend a meeting of that body shall be allowed to send a substitute or deputy to take his place at that meeting unless the appointment of substitute or deputy has been specifically approved by resolution in advance by the relevant committee or sub-committee.

### **STANDING ORDER NO 24 - ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF COMMITTEES**

1. The Parish Council shall at its first meeting before proceeding to any other business elect a Chairman and Vice Chairman for the year from amongst and by the voting members. In the absence from a meeting of the Chairman and Vice Chairman a Chairman for that meeting must be appointed but only from and by the voting members present at the meeting.
2. If it is necessary to choose a member of the Council to preside in the absence of the Chairman and Vice Chairman, the Clerk shall call for a member to move that a member to be named shall take the Chair, he shall also call for any such motion to be seconded.
3. If discussion arises on that motion the Clerk shall exercise the power of the person presiding to regulate that discussion and to maintain order at the meeting.
4. The motion and any amendments shall be put to the vote and members present.

### **STANDING ORDER NO 25 - QUORUM OF COMMITTEES AND SUB-COMMITTEES**

1. Except where authorised by a statute or ordered by the Council business shall not be transacted at a meeting of any Committee unless at least three members of the Parish Council are present.
2. Business shall not be transacted at a sub-committee unless at least one quarter of the whole number of the sub-committee is present, provided in no case shall the quorum of a sub-committee be less than three members.

3. Business transacted at meetings of the Parish Council shall be recorded in the form of minutes by the Clerk or Assistant Clerk.

### **STANDING ORDER NO 26 - VOTING IN COMMITTEES AND SUB-COMMITTEES**

1. Voting at a meeting of a committee or sub-committee shall be by show of hands. In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

### **STANDING ORDER NO 27 - FINANCIAL ADMINISTRATION**

1. Every member of the Parish Council and Clerk of the Council shall conform with the financial arrangements made by the Parish Council under the provisions of Section 151 of the Local Government Act 1972.

### **STANDING ORDER NO 28 - VARIATION AND REVOCATION OF STANDING ORDERS**

1. Any motion to add to, vary or revoke these standing orders shall when formally proposed and seconded stand adjourned without discussion to the next meeting of the Parish Council.

### **STANDING ORDER NO 29 - SUSPENSION OF STANDING ORDERS**

1. A motion to suspend standing orders shall not be moved without notice unless there shall be present at least one half of the whole number of the members of the Parish Council present.

### **STANDING ORDER NO 30 - STANDING ORDERS TO BE GIVEN TO MEMBERS**

1. A copy of these standing orders and of such statutory provisions as regulate the proceedings and business of the Parish Council shall be given to each member of the Parish Council by the Clerk upon delivery to him of the Member's Declaration of Acceptance of Office on the Member being first elected to the Parish Council.

### **STANDING ORDER NO 31 - INTERPRETATION OF STANDING ORDERS**

1. The ruling of the Chairman or any other person presiding at the meetings of the Parish Council and the ruling of the person presiding at meetings of other bodies as to the construction or application of any of these standing orders or as to any proceedings of the Council or other bodies shall not be challenged at that meeting.

### **CONTRACT STANDING ORDER NO 32 - COMPLIANCE WITH- STANDING ORDERS**

1. Every contract made by or on behalf of the Parish Council shall comply with these standing orders
2. No exception shall be permitted except by the direction of the Parish Council or by one of its committees.
3. Every exception made by the Parish Council or by a committee shall be recorded in the minutes and the minutes shall specify the reasons for the exception.
4. The contract values stated in these contract standing orders shall be altered with effect from 1 April in line with any movement in the general index of retail prices during the twelve months in the proceeding year subject to the resulting values being rounded upwards to the nearest £100.

### **STANDING ORDER NO 33 - TENDERS**

1. The Parish Council will require tenders to be submitted for works or supply of goods and services in excess of £7,500.
2. At least fourteen days notice shall be given stating the nature and purpose of the contract and the closing date and time for receipt of tenders.
3. Such notice shall be given in one or more local newspapers circulating in the District.

### **STANDING ORDER NO 34 - SUBMISSION OF TENDERS**

1. Every tender must require the tenderer to submit his tender in a plain sealed envelope bearing the word "tender" followed by the subject to which it relates but with no other mark on it by which the sender can be identified.
2. Tenders must be sent to the Clerk of the Parish Council and shall remain in his custody until the time they are opened.
3. Where there has been an infringement of paragraph one or the conditions of tender and the Clerk considers that such infringement is of a minor procedural nature then the tender may be accepted.

### **STANDING ORDER NO 35 - OPENING OF TENDERS**

1. No tender shall be opened before the closing date and time specified in the notice or invitation to tender.
2. All tenders received for the same contract shall be opened at the same time and only in the presence of:

- a) The Clerk or Assistant Clerk
  - b) The Chairman of the Parish Council or his nominee
3. A record of tenders received shall be maintained by the Clerk.

### **STANDING ORDER NO 35 - ACCEPTANCE OF TENDERS**

1. A tender other than the lowest if payment is to be made by the Parish Council or the highest if payment is to be made to the Parish Council shall not be accepted except by authority of the Parish Council and following full discussions which will be minuted.
2. Persons tendering shall not be allowed to alter their tenders after the closing date and time unless and to the extent only that the Clerk is satisfied that the tender contains an arithmetical error and that to permit the person tendering to correct that error would be in the best interest of the Parish Council.
3. No tender received after the closing date and time shall be considered.
4. Where in the opinion of the Clerk and the Chairman of the Parish Council it is considered advantageous for the Council to negotiate on prices or conditions after the receipt of tenders, the Clerk and Chairman of the Parish Council shall be permitted to do so with the lowest tenderer to seek to achieve cost savings. In those cases where ranges of materials or goods are involved the Clerk and Chairman of the Parish Council shall be permitted to negotiate with the major suppliers to reduce prices on those items where the supplier has not submitted the lowest price.
5. All cases of amendments to tender prices and conditions and the reasons for them shall be recorded in writing and presented to the next meeting of the Parish Council.

### **STANDING ORDER NO 36 - CONTRACTS**

1. Every contract shall be in writing.
2. Every contract which exceeds £7,500 in amount shall be prepared and signed by the Clerk on behalf of the Parish Council unless the Chairman of the Parish Council agrees that such a formal contract is unnecessary.

### **STANDING ORDER NO 37 - STANDARD SPECIFICATION OR CODE OF PRACTICE**

1. Where an appropriate British standard specification or British standard code of practice issued by the British Standards Institution is current at the date of the tender every contract shall require that as the case may be all goods and materials used or supplied and all workmanship shall not be inferior to that standard.
2. Where there is no such appropriate British standard or where there is an

equivalent European Community standard the contract shall require goods, materials and workmanship to be not inferior to the appropriate European Community standard.

### **STANDING ORDER NO 38 - POWER TO CANCEL CONTRACT**

1. There shall be inserted in every written contract a clause permitting the Parish Council to cancel the contract and recover from the contractor any loss arising out of such cancellation if the contractor or any person employed by him or acting on his behalf has offered an inducement of any sort or had in any way improperly attempted to influence any person in relation to the obtaining or carrying out of the contract or of any other contract with the Parish Council or if in relation to any contract with the Parish Council the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 - 1916 or shall have any fee or reward the receipt of which is an offence under section 117 (2) of the Local Government Act 1972.

### **STANDING ORDER NO 39 - HEALTH AND SAFETY OF CONTRACTORS, EMPLOYEES AND INDUSTRIAL RELATIONS**

1. A contractor shall certify that he has to the best of his knowledge complied with the duties imposed on him by part 1 of the Health and Safety at Work Act 1974 and shall undertake that he will continue to do so during the period of the contract.
2. The contractor shall certify that so far as he is able he has complied with the codes of practice issued from time to time under Section 6 of the Employment Protection Act 1975 or subsequent legislative provision to the like effect for the time being in force and that he will continue to do so during the period of the contract.



## **NOTES ON ELECTION OF CHAIRMAN OF PARISH COUNCIL**

- The Chairman of the Parish Council holds office, unless he resigns or becomes disqualified, until the appointment of his successor (s 15(4) LGA 1972)
- Election of Chairman is to be first item of business transacted at the Annual Meeting of the Parish Council
- Nominations for appointment of Chairman are normally invited by the retiring Chairman
- The Chairman takes however many nominations there may be (each one must be moved and seconded). Any second (or further) nominations simply go to make up a 'list' - the question of amendments does not arise
- Assuming the Parish Council's Standing Orders follow the Borough Council's, voting is then by show of hands taken in turn for each of the persons nominated.
- In the unlikely event that more than two persons are nominated and there is not a majority in favour of one person, the person having the least number of votes is struck off the list and a fresh vote taken.
- In the case of an equality of votes in the election of Chairman, the person presiding at the meeting (which on this occasion will be the retiring Chairman) shall give a casting vote in addition to any other vote he may have (s 15(3) LGA 1972)