

PIRBRIGHT PARISH COUNCIL



STANDING ORDERS 2019-20

STANDING ORDERS SHOWN IN BOLD ITALIC TYPE ARE MANDATORY & MAY NOT BE CHANGED.

REVIEWED IN OCTOBER 2019

If any relevant matter is not adequately dealt with in these Standing Orders, reference shall be made to the Clerk's Manual, which shall be deemed to be part of Standing Orders in respect of that matter.

Contents

	Page no.
1. Meetings	3.
2. Liaison with County & Borough Councillors	3.
3. Admission of the Public & Press to Meetings	3.
4. Disorderly Conduct	4.
5. Model Code of Conduct	4.
6. Order of Business—Annual Meetings	5.
7. Voting on Appointments	5.
8. Order of Business—Monthly Meetings	5.
9. Resolutions Moved on Notice	6.
10. Resolutions Moved without Notice	6.
11. Questions	6.
12. Rules of Debate	7.
13. Closure	7.
14. Right of Reply	8.
15. Voting	8.
16. Adjourned Meetings	8.
17. Extraordinary Meetings	8.
18. Rescission of a Previous Resolution	8.
19. Unauthorised Activities & Confidential Business	9.
20. Canvassing of & Recommendations by Members	9.
21. Committees	9.
22. Non-Members of Committees Present at Committee Meetings	9.
23. Voting in Committee	10.
24. Expenditure by Committees	10.
25. Planning Applications	10.
26. Sealing & Inspection of Documents	10.
27. Proper Officer	10.
28. Resolutions on Expenditure	11.
29. Budget & Precept	11.
30. General Data Protection Regulations (GDPR)	11.
31. Variation, Revocation & Suspension of Standing Orders etc.	11.

1.

MEETINGS

(a) Meetings of the Council shall be held in the **Green Hut Meeting Room** or in Lord Pirbright's Hall at 7.30pm unless the Council decides otherwise at a previous meeting. *Meetings shall not take place in premises that 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) Smoking is not permitted at any meeting of the Council.

(c) Notice of all meetings of Council shall be given to members and others entitled to attend, and shall be posted on parish notice boards and website at least three clear days before each meeting.

(d) *When calculating the three clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, weekends, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.*

The statutory Annual Meeting (a) in an election year shall be held on the first Tuesday after the election or (b) in a year that is not an election year shall be held on the first Tuesday in May, unless otherwise decided by the Council.

The other meetings shall be held on the first Tuesday in each month, unless otherwise decided.

Photographing, recording, broadcasting or transmitting proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.

The minutes of a meeting shall record the names of councillors present and absent.

The Chairman, if present, shall preside at full Council meetings. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman & the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting. This person presiding at a meeting may exercise all the powers and duties of the Chairman in the conduct of the meeting.

The quorum at all meetings, including committees, is three. No business may be transacted at a meeting unless three members, other than those who have declared an interest, shall constitute a quorum.

If a quorum is not present at a meeting or, if during a meeting the number of members present & not debarred by reason of a declared interest falls below the quorum, the business not transacted shall be deferred until the next meeting or on such other day as the Chairman may fix.

2.

LIAISON WITH COUNTY & BOROUGH COUNCILLORS

A notice of meeting shall be sent, together with an invitation to attend, to the County Councillor for the county division and to the Borough Councillor for the borough ward.

3.

ADMISSION OF THE PUBLIC & PRESS TO MEETINGS

The public & press shall be admitted to all meetings of the Council and its committees but may, however, be temporarily excluded by means of the following resolution: "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/or press be temporarily excluded and they are instructed to withdraw".

(Notes: the special reasons should be stated. Circular 1/86 issued by the National Association deals with the situations where it is likely to be desirable to exclude the public. If a person's advice or assistance is needed they may be invited by name to remain after the exclusion is passed.)

The Clerk shall afford to the press reasonable facilities for taking their report of proceedings at which they are entitled to be present.

4.

DISORDERLY CONDUCT

To keep meetings orderly:

(a) No member shall at a meeting persistently disregard the Chairman's ruling, wilfully obstruct business, behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

(b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this order, the Chairman shall express that opinion to the Council and thereafter any other member may move that the named member no longer be heard or that that the member named should leave the meeting. The motion, if seconded, shall be put forthwith and without discussion.

(c) If either of the motions mentioned in (b) above is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

(d) 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.

5.

MODEL CODE OF CONDUCT

All members must comply with the Model Code of Conduct as agreed by the Council under the Localism Act 2011. In the event that any requirement of other Standing Orders conflict with that Code, the requirements of that Code shall apply.

Copies of Members' statements of interests submitted to the GBC Standards Officer and maintained by the Clerk may be inspected by Members, with due cause and at the discretion of the Clerk.

The Council's adopted code of conduct will apply to members in respect of the whole meeting.

Members must disclose the existence & nature of a disclosable pecuniary interest arising from the code of conduct at all meetings and it shall be recorded in the minutes. The declaration may be made at the beginning of the meeting or at any point during it when the nature of the business being discussed suggests that it is necessary.

Councillors with a disclosable pecuniary 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 discussed but must then leave the room or chamber before the vote is taken. Those members remaining must form a quorum before the business can be transacted.

Councillors with a personal interest in any item of business to be transacted are advised to make a declaration as such but are not required to leave the room or chamber when the vote is taken. The declaration may be made at the beginning of the meeting or at any point during it when the nature of the business being discussed suggests that it is necessary.

If a candidate for any Council appointment is to his/her knowledge related, in law or fact, to any member of or the holder of any Council office, 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 or to the appropriate committee any such disclosure. The Clerk shall make known the purport of this Standing Order to every candidate.

The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by a member or officer of the Council of a pecuniary interest in a contract. The book shall be open during reasonable hours of the day for inspection by any member.

All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

6.

ORDER OF BUSINESS—ANNUAL MEETINGS

In an election year councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of the Clerk before the meeting begins.

At each Annual Meeting the first business shall be

(a) To elect a Chairman.

(b) To receive the Chairman's declaration of acceptance of office or, if not received, to decide when it shall be received.

(c) In the year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) If any declarations of acceptance have not been received as provided by law, to decide how and when they shall be received, not later than one month from the date of elections.

(e) To elect a Vice-Chairman.

(f) To nominate trustees, school governors and representatives of the Council on other bodies.

(h) To consider the payment of any subscriptions to be paid annually.

(i) To inspect any deed and trust instruments in the custody of the Council.

(j) To approve procedures for budgetary control and authorisation of expenditure.

(k) To approve Standing Orders or amendments. A motion to 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.

And shall thereafter follow the order set out in Standing Order 8.

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.

ORDER OF BUSINESS—MONTHLY MEETINGS

At every meeting other than the Annual Meeting, the first business shall be to appoint a Chairman, if the Chairman and Vice-Chairman be absent, and to receive any declarations of acceptance of office 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 in accordance with Standing Order 8:1, the following order of business, unless the Council otherwise decides on the ground of urgency, shall be:

(a) To receive apologies for absence and declarations of interest.

(b) To approve the signature of the Minutes by the Chairman as a correct record

(c) To receive the Clerk's report on matters arising from the Minutes

(d) To deal with business expressly required by statute to be done

(e) To dispose of business, if any, remaining from the last meeting

(f) To discuss issues raised in the Public Forum and communications sent & received since the last meeting

(g) To approve payments of orders since the last meeting

(h) To receive and approve reports & minutes of committees

(i) To consider resolutions or recommendations in the order notified

(j) To agree the entry for the next Parish newsletter

(j) Chairman's conclusion.

A motion to vary the order of business on the ground of urgency 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 put to the vote without discussion.

9.

RESOLUTIONS MOVED ON NOTICE

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk, or the mover has given notice in writing of its terms and has delivered notice to the Clerk (at least 5 working days) before the next meeting of the Council.

The Clerk shall date every notice of resolution or recommendation when received, shall number each notice in the order in which it was received and shall enter it in a book that shall be open to the inspection of every member.

The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member who gave a notice of motion has stated in writing that he/she intends to withdraw it or move it at some later meeting. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

Every resolution or recommendation shall be relevant to a subject over which the Council has power or which affects its area or which it considers to be of concern to the residents of the Parish. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved & seconded, be referred without discussion to such committee as the Council may determine for report. But if the Chairman considers it to be a matter of urgency, he/she may allow it to be dealt with at the meeting at which it was first moved.

10.

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 authorise the sealing of documents
- (k) To amend a resolution
- (l) To give leave to withdraw a resolution or an amendment
- (m) To exclude the public
- (n) To silence or eject from the meeting a member named for misconduct
- (o) To invite a member having an interest in the subject matter under debate to remain
- (p) To give the consent of the Council as required by these Standing Orders
- (q) To suspend any Standing Order
- (r) To adjourn the meeting

11.

QUESTIONS

A member may ask the Chairman or the Clerk any question concerning Council business, provided notice of the question has been given to the person to whom it is addressed before the meeting.

No questions unconnected with the business under discussion shall be asked except during the part of the meeting on the agenda. A question put without prior notice may be answered either in writing or at the next meeting. A person to whom a question has been put may decline to answer.

12.

RULES OF DEBATE

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

For resolutions or amendments the following shall apply:

(a) A resolution or amendment to a resolution shall not be discussed unless it has been proposed and, unless proper notice has been given it shall, if required by the Chairman, be put in writing and handed to him before it is further discussed or put to the meeting.

(b) A member shall direct his speech to the question under discussion or to a relevant personal explanation or to a question of order and be kept to a minimum.

(c) An amendment shall be either:

- (i) To leave out words
- (ii) To leave out words and insert or add others
- (iii) To insert or add words.

(d) An amendment shall not have the effect of negating the resolution before the Council.

(e) If an amendment be carried, the amended resolution shall take the place of the original one, to become the resolution upon which any further amendment may be moved.

(f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

(g) The mover of a resolution or of an amendment shall have a right of reply.

(h) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to:

- (i) Move an amendment or further amendment
- (ii) Make a point of order
- (iii) Make a personal explanation
- (iv) Move a closure.

(i) A member may make a point of order or a personal explanation and shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him that may have been misunderstood.

(j) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been refused.

(k) When a resolution is under debate, no other resolution shall be moved other than:

- (i) To amend the resolution
- (ii) To proceed to the next business
- (iii) To adjourn the debate/meeting
- (iv) That the question be now put
- (v) That a member named be not further heard
- (vi) That a member named does leave the meeting
- (vii) That the resolution be referred to a committee
- (viii) To exclude the public and press.

The above rules may be waived at the discretion of the Chairman.)

Members shall:

Accept the Chairman's ruling without discussion on a point of order or on the admissibility of a personal explanation.

Address the meeting through the Chairman.

Allow the Chairman to determine the order of speaking.

Remain seated and silent whenever the Chairman rises during a debate.

13.

CLOSURE

At the end of any speech a member may, without comment, move:

(a) "That the question be now put" or

(b) "That the debate be now adjourned" or "That the Council does now adjourn".

If such motion is seconded, the Chairman shall put the motion but in the case of (a), only if he/she is of the opinion that the question before the Council has been sufficiently debated. If (a) is carried, the Chairman shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate/meeting shall not prejudice the mover's right of reply at the resumption.

14.

RIGHT OF REPLY

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before it is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

15.

VOTING

All resolutions at a meeting shall be decided by a majority of the Councillors present and voting thereon. Members shall vote by show of hands or, if at least two members so request, by signed ballot. 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.

Subject to (a) and (b) below the Chairman may give an original vote on any matter, and in the case of an equality of votes may give a casting vote even if he/she gave no original vote.

(a) If the person presiding at the Annual Meeting has ceased to be a member of the council but for the statutory provisions that preserve the membership of the Chairman and Vice-Chairman until the end of the term of office, he/she may not give an original vote in an election for Chairman.

(b) *The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.*

16.

ADJOURNED MEETINGS

Where a meeting is adjourned, the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.

17.

EXTRAORDINARY MEETINGS

The Chairman of the Council may convene and sign the summons to an extraordinary meeting of the Council at any time. 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 two councillors must sign statutory public notice giving the time, the venue and agenda for such a meeting.

18.

RESCISSION OF PREVIOUS RESOLUTION

(a) A Council decision (whether affirmative or negative) shall not be reversed within six months except either by a **special resolution**, the written notice whereof bears the names of at least three members of the Council, or by a **resolution moved in pursuance of the report or recommendation of a committee**.

(b) When a special resolution or other resolution moved under provisions of paragraph (a) of this order has been disposed of, ***no similar resolution may be moved within a further six months.***

19.

UNAUTHORISED ACTIVITIES & CONFIDENTIAL BUSINESS

Unless authorised to do so by the Council or relevant committee, no member of the Council 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.

No member of the Council or of any committee shall disclose to anyone not a member of the Council any business that is declared to be confidential by the Council or the committee. Any member in breach of the provisions of this order may be removed from any committee by the Council.

20.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

Canvassing of other 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 the purport of this sub-paragraph of the Standing Order to every candidate. This Standing Order shall also apply to tenders as if the person making the tender were a candidate for an appointment.

A Councillor member 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.

21.

COMMITTEES

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such committees as necessary but, subject to any statutory provision in that behalf, it:

- (a) Shall not appoint a member of a committee to hold office later than the next Annual Meeting.
- (b) May appoint persons other than members of the Council to any committee.
- (c) May, subject to a resolution passed at any full meeting of the Council, dissolve or alter the membership of the committee.

The Chairman, ex officio, shall be a member of every committee.

Every committee shall at its first meeting, before proceeding to other business, elect a Chairman, who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time, subject to the normal rules of notice.

Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of members in contracts & other matters apply to committee meetings

The Council may appoint advisory committees:

- (a) The Clerk shall inform the members of such advisory committees of its terms of reference.
- (b) An advisory committee may make recommendations and give notice thereof to the Council.
- (c) An advisory committee may consist wholly of persons who are not members of the Council.
- (e) Non-members may not normally vote, unless making a decision about the promotion about tourism or a festival.

22.

NON-MEMBERS OF COMMITTEES PRESENT AT COMMITTEE MEETINGS

Members not appointed to a particular committee may attend its meetings but may not participate or vote at such meetings.

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

23.

VOTING IN COMMITTEE

Members of committees entitled to vote shall vote by show of hands or, if at least two members so request, by signed ballot. Chairmen of committees shall in the case of an equality of votes have a second or casting vote.

24.

EXPENDITURE BY COMMITTEES

Any committee desiring to incur expenditure shall, not later than 30th November, give to the Clerk a written estimate of the expenditure recommended for the coming year.

25.

PLANNING APPLICATIONS

The Clerk shall:

- (a) Date & file particulars of all planning applications as soon as it is notified to the Council by the Borough Council.
- (b) Inform the Chairman [of the Planning Committee] of applications received and agree the date for their discussion.
- (c) Publish the agenda for the meeting in consultation with the Chairman [of the Planning Committee] and notify members.

26.

SEALING OF DOCUMENTS

A Document for sealing on behalf of the Council must:

- (a) Have been authorised by resolution.
- (b) Be sealed by using the Council's Common Seal.
- (c) Be applied by the proper officer in the presence of two members who shall sign the document as witnesses.

27.

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.

All minutes kept by the Council and committees shall be open for the inspection of any Councillor and by members of the public, in accordance with the Freedom of Information Act 2001.

28.

PROPER OFFICER

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk

- (a) To receive and record notices disclosing pecuniary interests.
- (b) To receive and retain plans and documents.
- (c) To sign notices or other documents on behalf of the Council.
- (d) To receive copies of byelaws made by the County or Borough Council.
- (e) To certify copies of byelaws made by the Council.
- (f) To sign summonses to attend ordinary meetings of the Council.
- (g) To receive declarations of acceptance of office.
- (h) To receive and sign all correspondence on behalf of the Council.
- (i) To transmit a copy of each letter ordered to be sent to the county or borough council to the County Councillor or to the Borough Councillor as appropriate, unless the Council otherwise orders,

29.

RESOLUTIONS ON EXPENDITURE

Procedures for authorising expenditure shall be the subject of a resolution at the Annual Meeting and are listed in further detail in THE FINANCIAL REGULATIONS. **The Council's Financial Regulations are to be considered as part of these Standing orders.**

Subject to the Financial Regulations, orders for the payments of money shall be authorised by resolution of the Council and shall be signed by two members.

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

(a) For routine payments made before they have been authorised by the Council, the Clerk shall certify them as to correctness, number and code them under the appropriate expenditure head, and take all possible steps to settle every invoice within 30 days of receipt. Such payments, including those made by direct debit, shall be authorised by the committee, if any, having charge of the business to which it relates or by the Clerk with approval of the Chairman or Vice-Chairman of the Council.

(b) All payments ratified under sub-paragraph (a) of this Standing Order shall be listed in the next schedule of payments laid before the Council, in accordance with the Financial Regulations.

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

BUDGET AND PRECEPT

30.

The Council shall approve the budget and a precept for the new financial year at its December meeting (or a date as may be approved, but no later than required by the Borough Council for submission).

At the same meeting, the Council shall review the pay & conditions of service of existing employees.

31.

GENERAL DATA PROTECTION REGULATIONS (GDPR)

New regulations are now in force and all organisations are required to comply with the basic rules involving use of details held about residents and others. The data that the Council currently holds is solely to contact, inform or respond to contacts about Parish or LPH business. This data consists of contacts' names, postal & email addresses, landline and/or mobile phone numbers. No other personal data may be recorded.

The Council must:

***(a)** Inform all current contacts of their rights about what the council does with their data.*

***(b)** Keep this data stored safely so that a third party cannot access it.*

***(c)** Not pass on contacts' data to a third party without their express permission. If contacts email the Council with a query that has to be referred to a third party, the Council must either request consent or redact their surname, email address and any other details that can identify them.*

***(d)** Delete data within 30 days if requested. Contacts also have the right to correct personal data or "be forgotten".*

32.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

Any or every part of the Standing Orders except those printed in bold type or italic type may be suspended by resolution in relation to any specific item of business. A resolution permanently to add to, vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.