

# PENRICE COMMUNITY COUNCIL

## STANDING ORDERS

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.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

### MEETINGS

- 1 A meeting of the Council shall normally be held at monthly intervals (except in August) at 7.30pm and shall close not later than 10pm unless the Council decides otherwise at a previous meeting. A Council meeting may be convened at any time by the Chairman. In addition, if two Councillors sign a requisition requesting that the Council be convened, and the Chairman either refuses or neglects to do so for seven days, then any two Councillors (not necessarily those that signed the requisition) may convene the meeting.

### The Statutory Annual Meeting

- 2 **The Statutory Annual Meeting (a) in an election year shall be held within 14 days following the day on which the Councillors take office (excluding bank holidays) and (b) in a year which is not an election year shall be held in May as the Council may direct.** The meeting shall commence at 7pm.
- 3 Notices of meetings listing the Agenda shall be posted in the Community Councils notice boards and any other agreed place 5 clear days (including Saturday and Sunday) before the meeting. (excluding the day of the meeting and the day of posting the notice.)
- 4 A summons, including the Agenda of the meeting shall be given to each Community Councillor 5 clear days (including Saturday and Sunday) before the day of the meeting. (excluding the day of the meeting and the day of the posting the notice.)
- 5 Apologies for absence shall be given wither to the Chairman or the Clerk prior to the meeting.

### CHAIRMAN OF MEETING

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

### PROPER OFFICER

7. The Proper Officer of the Council shall be the Clerk in the following cases:
  - a) To receive Declarations of Acceptance of Office.
  - b) To receive and record notices disclosing pecuniary interest.
  - c) To receive and retain plans and documents.

- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bylaws made by the City Council.
- f) To certify copies of bylaws made by the Council.
- g) To sign summonses to attend meetings of the Council.
- h) To provide a minute book for recording the proceedings of the Council meetings

## **QUORUM**

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

- 9 If a quorum is not present when the Council meets or if during a meeting the number of Councillor's present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

## **VOTING**

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

### **11 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.**

### **12 (1) Subject to (2) and (3) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of vote, may give a casting vote even though he gave no 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 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.**

## **ORDER OF BUSINESS**

( In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence or in the presence of the Proper Officer, before the Annual Meeting commences.)

### **13 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 then received, to decide when it shall be received.**
- c) To elect a Vice-Chairman.**
- d) To appoint Statutory and Standing Committees.
- e) To appoint representatives to other organizations.

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

- 14 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 such Declarations of Acceptance of Office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**
- 15 In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 30 must be read in conjunction with this requirement.
- 16 The order of business at ordinary meetings of the Council, unless the Council decides otherwise on the grounds of urgency, shall be as follows;
- a) To read and consider the Minutes: provided that if a copy has been circulated to each Member no 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 presiding Chairman as a correct record.**
  - c) To deal with business expressly required by Statute to be done.**
  - d) To dispose of business, if any arising from the last meeting.
  - e) To receive and consider reports of any committees.
  - f) To receive communications addressed to the Council.
  - g) To authorise any signing of orders of payment, and grants of rights.
  - h) To consider other business as indicated on the Agenda.
  - i) Public Questions
  - j) To consider any outstanding matters as they arise.
  - k) Date of next meeting

#### **URGENT BUSINESS**

- 17 A motion to vary the order of business on the grounds of urgency:
- a) may be moved 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.

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

- 18 Where required by Standing Orders resolutions which may only be moved on notice, will be delivered by the Clerk at least 7 days before the next meeting of the Council. The Clerk shall bring every motion moved on notice to the next meeting of the Council for direction.
- 19 If the subject matter of the resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such a committee: provided that the Chairman, if s/he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

- 20 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 sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a motion or an amendment.
- m) To consider otherwise than in a committee a question affecting an employee of the Council.
- n) To exclude the press and public (as provided by Standing Orders on the admission of public to meetings).
- o) To silence or eject from the meeting a member named for misconduct.
- p) To invite a member having a pecuniary interest in the subject matter under debate to remain.
- q) To give consent of the Council where such consent is required by these Standing Orders.
- r) To suspend Standing Orders.
- s) To determine action to be taken in respect of an item on the Agenda.
- t) To adjourn the meeting.

## **RULES OF DEBATE**

- 21 No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by a resolution and shall be initialled by the Chairman.
- 22
  - a) A resolution or amendment shall not be discussed unless it has been proposed and seconded.
  - b) A member when seconding a resolution or amendment may, if then declares his intention to do so, reserve his speech until a later period of the debate.
  - c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 5 minutes except by the consent of the Council.
  - e) 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.
  - f) An amendment shall not have the effect of negating the resolution before the Council.
  - g) 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.
  - h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - i) The mover of a resolution or an amendment shall have right of reply.
  - j) A member other than the mover of a resolution, shall not, without the leave of the Council, speak more than once on any resolution.
  - k) A motion or amendment may be withdrawn by the proposer with the consent of the Council.

l) 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 the question now be put.
- v) That a member named leaves the meeting.
- vi) That the resolution be referred to a committee.
- vii) To adjourn the meeting.
- viii) To exclude the press and public.
- ix) To adjourn the meeting.

- 23
- 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 the debate all other members shall be silent.

## CLOSURE

- 24
- At the end of any speech a member may, without comment, move that "the question now be put". If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated he shall forthwith put the motion.

## DISORDERLY CONDUCT

- 25.
- a) **All members must observe the Code of Conduct which was adopted by the Council on \_\_\_\_\_, 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 scandalise the Council or bring it in to contempt or 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, and the motion, if seconded, shall be put forthwith and without discussion. **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 Local Commissioner (Wales).**
  - d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## RIGHT OF REPLY

- 26
- 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 the amendment is put to the vote. A Member exercising a right of reply shall not introduce a new matter.

After a right of reply has been exercised, a vote shall be taken without further discussion.

### **ALTERATION OF RESOLUTION**

- 27 A member may, with the consent of his seconder, move amendments to his own resolution.

### **RECISSION OF PREVIOUS RESOLUTION**

- 28 The following will apply:

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least five members of the Council.
- b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

### **VOTING ON APPOINTMENTS**

- 29 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.

### **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

- 30 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 public has been excluded.

### **EXPENDITURE**

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

### **SEALING OF DOCUMENTS**

- 32 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

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

- 33 The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and
  - b) May at any time dissolve or alter the membership of a committee.
  - c) The Chairman and Vice Chairman shall be voting members of every committee.
- 34 Except where ordered by the Council in the case of a committee or by the Council, the quorum of a committee shall be one half of its members.

- 35 The committee must elect a Chairman of that committee.
- 36 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings

### **SPECIAL MEETING**

- 37 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee 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.

### **VOTING IN COMMITTEES**

- 38 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.
- 39 Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**
- 40 Presence of Non-Members of Committees at Committee Meetings
- a) A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

### **ACCOUNTS AND FINANCIAL STATEMENT**

- 41 The following applies to payments by the Council:
- a) Except as provided by paragraph (b) of this Standing Order, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be included in the next schedule of payments laid before the Council.
- c) The Responsible Financial Officer shall supply to each member before July in each year a statement of the receipts and payments of the Council for the completed financial year. 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.

### **ESTIMATES**

- 42 Any committee desiring to incur expenditure to be defrayed out of the rates shall give the Clerk a written estimate of the expenditure recommended for the coming year.

### **INTERESTS**

- 43 If a member has a personal interest as defined by the Code of Conduct adopted by the Council on \_\_\_\_\_ then that interest must be declared and a decision made by the member whether to stay or withdraw.**
- 44 The Clerk, as the Monitoring Officer's delegate is 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.**

45 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 and the person to whom he 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. Where a relationship to a member is disclosed, Standing Order 43 shall apply as appropriate.

46 The Clerk shall make known the purpose of Standing Order 45 to every candidate.

#### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

47

- a) Canvassing of members, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.
- b) 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.

#### **INSPECTION OF DOCUMENTS**

**48 Copies of minutes of meetings of the Council and its committees shall be kept by the Council shall be open for inspection by any member of the Council.**

#### **ADMISSION OF THE PRESS AND PUBLIC TO MEETINGS**

**49 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"

The Council shall state the special reason for exclusion.

50 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.

51 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.

52 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.



## **CONFIDENTIAL BUSINESS**

- 53 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.
- 54 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.
- 55 A member of the public may, with the consent of the Council address the Council.

## **LIAISON WITH COUNTY COUNCILLOR**

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

## **PLANNING APPLICATIONS**

- 57 Planning applications will be discussed at the ordinary meetings of the Council, unless the application is of a nature that would adversely affect some or all of the community. The Clerk will then refer this application to the Chairman.

## **FINANCIAL MATTERS**

- 58 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.
    - 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 61, 63 & 64 regarding improper activity.
- 5) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

#### **CODE OF CONDUCT ON COMPLAINTS**

- 59 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 Ombudsman for consideration.

#### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- 60 Any or every part of the Standing Orders except those underlined may be suspended by resolution in relation to any specific item of business.
- 61 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.

#### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

- 62 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.