

STANDING ORDERS

Adopted for use by

Horsmonden Parish Council

1. **MEETINGS**
 - a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
 - b) Smoking is not permitted at any meeting of the Council.

2. **THE STATUTORY ANNUAL MEETING**
 - 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. **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.** Horsmonden Parish Council will normally meet 12 times a year. Such meetings being held, whenever possible, on the first Monday of each month at 7.30pm, unless the Council otherwise decides at a previous meeting, at one of the places appointed by the Council.

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. **THE CLERK, PROPER OFFICER AND RESPONSIBLE FINANCIAL 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.
 - To keep proper records for all Council meetings.In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the clerk.
The Clerk will also be the Responsible Financial Officer of the Council.

6. **QUORUM OF THE COUNCIL AND COMMITTEES**
Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council and/or committee meetings.

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 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 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.
f) To appoint representatives to outside bodies.
g) To appoint committees and sub-committees. New committees may be formed or disbanded as and when required.
h) To consider the payment of any subscriptions falling to be paid annually.
i) To inspect any deeds or trust investments in the custody of the Council as required;
- and shall thereafter follow the order set out in the Standing Order 14.
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. The Council shall review the pay and conditions of service of existing employees at least annually, not later than the meeting at which the estimates for next year are settled. Standing Order 32 must be read in conjunction with this requirement.
14. The order of business after the first business has been completed, and 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 answer questions from Councillors
 - g) To receive and consider reports and minutes of committees and Officers of the Council.
 - h) If necessary, to authorise the signing of orders for payment.
 - i) To consider resolutions or recommendations in the order in which they have been notified to the Clerk .
 - k) To deal with other business specified in the summons
15. 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.
16. 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. Notice of items to be put on the Agenda should be given to the clerk at least 7 days before the next meeting of the Council
17. If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
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 amend a motion.
 - k) To give leave to withdraw a resolution or amendment.
 - l) To extend the time limit for speeches
 - m) To exclude the press and public. (see Order 61 below)
 - n) To silence or eject from the meeting a member named for misconduct. (see order 28 below)
 - o) To give the consent of the Council where such consent is required by these Standing Orders.
 - p) To suspend any Standing Order. (see Order 74 below)
 - q) 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, provided 7 clear days notice of the question has been given to the person to whom it is addressed.
20. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
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. 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.

- 24 a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he 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 2 minutes and no other speech shall exceed 2 minutes except by consent of the Council.
- e) An amendment shall be either:-
- i) To leave out words.
 - ii) To leave out words and insert 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 of an amendment shall have a right of reply, not exceeding 2 minutes.
- j) 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 move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- k) 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 which may have been misunderstood.
- l) 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 asked for its withdrawal unless such permission has been refused.
- m) 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 be now put.

- v. That a member named be not further heard.
 - vi. That a member named leave the meeting.
 - vii. That the resolution be referred to a committee.
 - viii. To exclude the public and press.
 - ix. To adjourn the meeting.
25. A member shall remain seated when speaking unless requested to stand by the Chairman.
26. 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.
27. CLOSURE
- At the end of any speech a member may, without comment, move 'that the question be now put', 'that the debate be now adjourned' or 'that the Council do now adjourn'. If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has now been sufficiently debated (but not otherwise), he shall put the motion. If the motion 'that the motion is now put' is carried, he shall call upon the mover to exercise his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.
28. DISORDERLY CONDUCT
- a) **All members must observe The Code of Conduct which was adopted by the Council on 3rd September 2007, 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, 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 Standards Board (England).**
- 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. 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 the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
30. ALTERATION OF RESOLUTION
- A member may, with the consent of his seconder, move amendments to his own resolution.

31. 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.

32. 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 or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 61.)

33. RESOLUTIONS ON EXPENDITURE

In the absence of a detailed report, any motion which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council for a detailed report on the circumstances.

34. EXPENDITURE

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

35. SEALING OF DOCUMENTS

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

36. COMMITTEES AND SUB-COMMITTEES

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

37. The Chairman and Vice-Chairman shall be voting members of every committee.

Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and Vice Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

38. SPECIAL MEETING

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.

39 SUB-COMMITTEES

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

40. 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.

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

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

43 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

44. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by written ballot.

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

46. 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 is not a member, may explain his resolution to the committee but shall not vote.

47. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he is not a member.

48. 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. Unless it has been otherwise authorised by the Council, the Chairman and Vice-Chairman of the Council shall authorise payment.
- 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.

49. 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 not later than the June meeting. The Statement of Accounts of the Council (which is subject to external audit) shall also be presented to Council for formal approval at the same time.

50. ESTIMATES/PRECEPTS

- 1) The council shall approve written estimates for the coming financial year at its meeting before the end of the month of January
- 2) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than the meeting in December.

51. INTERESTS

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 3rd September 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

52. **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.**

53. 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, this Standing Order shall apply.

54. The Clerk shall make known the purport of this Standing Order to every candidate.

55. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- a) Canvassing of members 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.
- b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion, but nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

56. Standing Orders No. 51 and 53 shall apply to tenders as if the person making the tender were a candidate for an appointment.

57. INSPECTION OF DOCUMENTS

A member may for the purpose of his duty as such (but not otherwise) inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

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

59. The Minutes of the Council shall be open for inspection by any local government elector of the Parish without charge

60. 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.
61. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS
The public 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”
62. The Council shall state the special reason for exclusion.
63. At all meetings of the Council, the Chairman may at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 3rd September 2007 shall apply to all members of the Council in respect of the entire meeting. Where, however, members of the Council exercise their rights pursuant to Standing Order No. 64, below, members of the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
64. At all meetings of the Council, the Chairman may permit members of the Council (including co-opted members as defined by s.49 (7) Local Government Act 2000) who have prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council Meeting in law and shall be duly minuted. The Code of Conduct which was adopted by the Council on 3rd September 2007 shall apply to members of the Council in respect of the entire meeting.
65. 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.
66. 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.
67. CONFIDENTIAL BUSINESS
a) 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.
b) Any member in breach of the provisions of paragraph a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.
68. 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, Borough, Unitary or District Councillor for the appropriate division or ward.

69. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

70. PLANNING APPLICATIONS

The Parish Council at its request is supplied by the local planning authorities with a copy of all applications affecting its area, and is required to notify its comments to the appropriate authority by the date set out by that authority. Details of such applications shall be referred to the planning or other nominated committee. The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-

- (a) the application reference
- (b) the place to which it relates;
- (c) the expected date for discussion of the application

71. CONTRACTS FOR THE SUPPLY OF GOODS OR MATERIALS OR THE EXECUTION OF WORK

- a) Where it is intended to enter into a contract exceeding £15,000.00 the selection of contractors shall be either from lists of firms included in the appropriate list of contractors maintained by Kent County Council or Tunbridge Wells Borough Council or if no such list is maintained following public notice by an advertisement in a local newspaper of the intention of the Council to let the contract.
- b) Contracts exceeding £10,000.00 shall not be entered into without a minimum of three contractors being invited to submit tenders.
- c) Contracts over £500 and not exceeding £10,000.00 shall not be entered into without three written quotations being obtained
- d) Contracts up to £500 shall be entered into after consideration of estimates invited from a contractor(s) at the Council's discretion
- e) Except that where in all the circumstances of a particular case it would be inappropriate to invite such a number, in paragraphs b) and c) of this standing order a lesser number of contractors, as decided by the Council may be so invited.
- f) Where the work or the supply of goods or materials is of such a nature as to render competitive tendering or the obtaining of a quotation impracticable, the Council may decide to select a single firm with or without a quotation for the purpose.
- g) Tenders shall be opened by the clerk or other person to whom tenders are required to be addressed, on the date specified in the Tender and shall be reported by the person who opened them to the council, or sub-committee, where appropriate
- h) All tenders and quotations for goods or materials or for the execution of works shall be as far as is practicable based on a specification and as a general rule no tender shall be accepted which deviates from that specification. If a deviation in a tender or quotation is acceptable, it shall not be accepted until all the tenders have had the opportunity of re-tendering on the basis of that deviation.
- i) Neither the Council or any committee or sub-committee is bound to accept the lowest tender.
- j) If no tenders are received or all the tenders are identical, the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- k) A notice issued under this standing order shall contain a statement to the effect of standing orders 53 (relationship to officer), 55 (canvassing) and 56 (disqualification).

72. MINOR DAY TO DAY WORK AND SUPPLY OF GOODS

The Clerk shall have discretion to order goods and sundries and the execution of minor works up to £100, necessary for the day to day performance of the Council business. Where possible the clerk will consult with one or more Councillors.

73. **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 for consideration.
74. **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**
i) 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.
ii) 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.
75. **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.

(Approved by the Council on 3rd September 2007)