

# **Naburn Parish Council**

## **Standing Orders**

**Adopted 29<sup>th</sup> September 2008.**

**Version 1.1 dated 29<sup>th</sup> September 2008.**

**Version 1.2 dated 12<sup>th</sup> April 2014 (amended to  
incorporate the 2013 NALC statutory requirements by  
Meera Tharmarajah).**

**To be reviewed on an annual basis before 30<sup>th</sup>  
September.**

## **PREFACE**

This document contains a complete set of Standing Orders for Naburn Parish Council incorporating various new requirements, such as those to be observed under the current Code of Conduct. .

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.

## **STANDING ORDERS**

### **1. Meetings**

- a) Meetings of the Council shall be held at 7.30pm usually on a Monday on a date to be set at the start of each year and confirmed at the previous meeting of the Council, at the Reading Room, Front Street, Naburn. Additional meetings may be held 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.
- c) Meetings shall not take place in premises which 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.
- d) The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, 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.
- e) The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter
- f) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

### **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 new councillors elected take office.
  - 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.
  - c) If no other time is fixed, the annual meeting of the council shall take place at 7pm.
3. In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.

### **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.**

**Subject to standing orders, which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

**a) The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**

**b) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**

**c) In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**

**d) In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

**e) Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:**

**i.) In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**

**i) Confirmation of the accuracy of the minutes of the last meeting of the council;**

**ii) Receipt of the minutes of the last meeting of a committee;**

**iv) Consideration of the recommendations made by a committee;**

**v) Review of delegation arrangements to committees, sub-committees, staff and other local authorities;**

**vi) Review of the terms of reference for committees;**

**vii) Appointment of members to existing committees;**

**viii) Appointment of any new committees in accordance with standing order ;**

**ix) Review and adoption of appropriate standing orders and financial regulations;**

- x) Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi) Review of representation on or work with external bodies and arrangements for reporting back;
- xii) In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
- xiii) Review of inventory of land and assets including buildings and office equipment;
- xiv) Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv) Review of the council's and/or staff subscriptions to other bodies;
- xvi) Review of the council's complaints procedure;
- xvii) Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii) Review of the council's policy for dealing with the press/media; and
- xix) Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## 5. Proper Officer

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.**
- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
- iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;

- viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the council] OR [committee];
- xv. manage access to information about the council via the publication scheme; and
- xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

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

**4 members of the total membership shall constitute a quorum at meetings of the Council.**

- 7. a). **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
  - b). No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**
  - c). If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
- 8. For a quorum relating to a committee or sub-committee, please refer to Standing Order 48.

## 9. Voting

Unless standing orders provide otherwise, voting on a question shall be by a show of hands, or if at least two members so request, by signed ballot. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

10. 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.

11. a) Subject to (b) and (c) 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 exercise his casting vote whether or not he gave an original vote.

b) 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.

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

## 12. 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 a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

**At each Annual Parish Council Meeting the first business shall be:-**

a) The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.

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

c) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

d) To appoint representatives to outside bodies.

e) To appoint committees and sub-committees.

- f) To consider the payment of any subscriptions falling to be paid annually.
  - g) To inspect any deeds and trust investments in the custody of the Council as required; and shall thereafter follow the order set out in the Standing Order 15
13. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**  
**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) as are required by law to be made or, if not then received, to decide when they shall be received.**
14. 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 38 must be read in conjunction with this requirement.
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
- a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - c) To deal with business expressly required by statute to be done.**
  - d) To dispose of business, if any, remaining from the last meeting.
  - e) To receive such communications as the person presiding may wish to lay before the Council.
  - f) To answer questions from Councillors.
  - g) To receive and consider reports and minutes of committees.
  - h) To receive and consider reports from officers of the Council.
  - i) To authorise the sealing of documents
  - j) To authorise the signing of orders for payment...



- k) To receive and consider resolutions or recommendations in the order in which they have been notified
- l) Any other business specified in the summons

16. 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, but if proposed by any member, it should be seconded
- b) Shall be put to the vote without discussion.

17. 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 the notice to the Clerk at least 7 clear days before the next meeting of the Council.

- 18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 19. 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 giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 20. 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.
- 21. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

23. 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 motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- | n) To exclude the press and public. (see Order 6 below)
- | o) To silence or eject from the meeting a member named for misconduct. (see Order 3 below)
- p) To invite a member having an interest in the subject matter under debate to remain (see Order 57 below)
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- | r) To suspend any Standing Order. (see Order 78)
- s) To adjourn the meeting.

24. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 3 clear days notice of the question has been given to the person to whom it is addressed.

25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
26. Every question shall be put and answered without discussion.
27. A person to whom a question has been put may decline to answer, or undertake to provide an answer in writing within 7 days.

28. 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.

29. 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 4 minutes and no other speech shall exceed 3 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.
- 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.
- 30. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 31. 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 seated and silent.

### 32. 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 motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive 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.

(Note: 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.)

### 33. Disorderly Conduct

- a) **All members must observe the current Code of Conduct.**
- 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.
- e) **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council’s code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

### 34. 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.

35. Alteration of Resolution

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

36. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 4 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 any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

37. 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.

38. 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. 67.)

39. Resolutions on Expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

**40. Expenditure**

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

**41. 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.

**42. 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 subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.

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

**45. Special Meeting**

**The Chairman of the Council may convene 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 seven days of having been requested in writing to do so by two councilors, any two councilors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councilors.**

**46. Sub-Committees**

**a. Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

**b. The members of a committee may include non-councilors unless it is a committee, which regulates and controls the finances of the council.**

47. 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.

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

49. 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.

50. Advisory Committees

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

b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee

c) An advisory committee may make recommendations and give notice thereof to the Council

**d) Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councilors.**

51. Voting in Committees

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.

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

53. 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.



54. Accounts and Financial Statement

- a) Except as provided in paragraph (b) of this Standing Order or by statute, 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 certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be included in the next schedule of payments before the Council.

55. The Clerk 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.

56. Estimates / Precepts

- a) The council shall approve written estimates for the coming financial year at its meeting in the month of January.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 30<sup>th</sup> November.

57. Interests

**If a member has a personal interest as defined by the current Code of Conduct then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

58. a. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- b. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

c. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

**d. Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e. A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is final.

f. A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

g. Subject to standing orders (d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].

**h. A dispensation may be granted in accordance with standing order (e) above if having regard to all relevant circumstances the following applies:**

- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
- ii. **granting the dispensation is in the interests of persons living in the council's area or**
- iii. **it is otherwise appropriate to grant a dispensation.**

**59. 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.**

60. 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 Orders 57, 58 and 59 shall apply as appropriate.

61. The Clerk shall make known the purpose of Standing Order 60 to every candidate.

62. Canvassing of and Recommendations By Members

- a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.
- 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.

63. Standing Order Nos. 60- & 62- shall apply to tenders as if the person making the tender were a candidate for an appointment.

64. Inspection of Documents

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

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

66. 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.

67. Admission of The Public and Press to Meetings

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

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

68. The Council shall state the special reason for exclusion.
69. 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.
70. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council’s prior written consent.**

**The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

71. 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.

72. 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.

73. 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.

74. 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.

75. Planning Applications

- a) 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:-

- i) the date on which it was received
  - ii) the name of the applicant
  - iii) the place to which it relates
  - iv) a summary of the nature of the application.
- b) The Clerk shall refer every planning application received to a minimum of 2 Councillors for investigation and report back to the Council and also to the Chairman / Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.

## 76 Standing Orders on Contracts

- (a) Where it is intended to enter into a contract exceeding £2,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least 3 weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.

Where the value of the intended contract exceeds £10,000, similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by the City of York Council, or if no such list is maintained, then in such newspapers circulating in the district as the Council shall direct.

- (b) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- (c) Tenders are to be sent in a sealed marked envelope
- (d) Tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council. and reported to the appropriate meeting of Council or Committee
- (e) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender
- (f) If no tenders are received, or if 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
- (g) A notice issued under this standing order shall contain a statement of the effect of standing orders Nos 60, 62 and 63.
- (h) Unless otherwise agreed by the Council, where the Council from time to time requires work to be carried out at an estimated value not exceeding £2,000, the Clerk will attempt to obtain at least 3 quotations for the work. The

quotations shall be opened by the Clerk and at least one member of Council and shall be reported by the person(s) who opened them to the Council who will agree which quotation to accept. The Council is not bound to accept the lowest quotation.

- (i) In an emergency, the Chairman and Clerk are authorised to proceed with works up to £500 upon production of satisfactory paperwork/invoice/verbal quotation
- (j) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order (k) below.**
- (k) Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - (l) a specification for the goods, materials, services or the execution of works shall be drawn up;
  - (m) an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - (n) the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - (o) tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - (p) tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - (q) tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
  - (r) Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
  - (s) Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

#### 77. Code of Conduct on Complaints

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

78. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

79. 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.

80. Standing Orders to be Given to Members

A copy of these Standing Orders and the current Code of Conduct 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.

81. Financial Standing Orders

82. The Clerk is the responsible financial officer (RFO) of the Council and shall maintain the Council's accounts in a proper fashion.

83. The annual statement of accounts shall be prepared and signed by the RFO as soon as possible after 31<sup>st</sup> March. The statement of accounts shall then be considered by the Council at its next available meeting and, once approved, be signed by the Chairman.

84. All payments shall be authorised by the Council at a properly convened meeting. All cheques must be signed by two members of the Council authorised to do so. When signing cheques, members shall verify that the cheque stub bears the same details as the cheque and shall initial the cheque stub in addition to signing the cheque itself.

85. A budget estimate for the following financial year shall be approved by the Council at its meeting held in January.

86. The RFO shall prepare regular financial reports to the Council, not less than 4 times each year, setting out the Council's expenditure to date during that financial year, its financial commitments and comparing these to the budget estimate.

87. An internal audit shall be carried out by an Independent Outside Body, appointed for that purpose. Internal audit inspections shall be carried out not less than once per year. The outcome of internal audit inspections shall be reported to the Council at the next available meeting and recorded in Council minutes.

88. Bad debts shall only be written off with the authority of the Council.

- 88 The RFO shall maintain a record of all insurance cover held by the Council and shall review such cover annually and make necessary recommendations to alter the extent and level of cover to the Council.
- 89 The Council shall have fidelity guarantee insurance for all appropriate employees.
- 90 A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 91 Subject to Standing Order 91 above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.