



LOUGHTON PARISH COUNCIL

STANDING ORDERS

MEETINGS

1 (a) Meetings of the Council shall be held at alternating venues in Loughton and Great Holm at 7.00pm unless the Council otherwise decides at a previous meeting or suitable premises are not available.

(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) When calculating the 3 clear days for notice of a meeting to councilors and the public, 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 shall not count.

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

(f) The Clerk may serve summons of any meeting by email, including by hyperlink contained in an email to a document published on the Parish website and will deliver a hard copy of the summons in addition by email.

(g) The Clerk shall publish the agenda of any meeting of the Council on the Parish website and on the parish notice boards

(h) Meetings shall not exceed 2 hours 30 mins in length. In the event business is not completed an additional meeting shall be convened as soon as practicable

2. The Statutory Annual Meeting (a) in an election year shall be held on the third Monday in the same month as the ordinary day of elections to the Council providing it is at least 4 days following the ordinary day of elections and (b) in a year which is not an election year shall be held on the third Monday in May.

3. Additional meetings shall usually be held on the third Monday of the month subject to premises being available unless urgency or member availability requires it sooner or on another date

CHAIRMAN OF MEETING

4. 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

5. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, this shall be the Clerk:-

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing pecuniary interests.
- (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 a Borough Council.
- (f) To certify copies of by-laws made by the Council.
- (g) To sign summonses to attend meetings of the Council.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

QUORUM

6. 4 members shall constitute a quorum.

7. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest 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

8. Members shall vote by show of hands.

9. If a member so requires, the Clerk shall record the names or the members who voted on any question so as to show whether they voted for or against it.

10. (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 votes 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 or the Chairman and Vice-Chairman until the end of their term or 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 or votes in an election for Chairman.

ORDER OF BUSINESS

(In an election year declarations of office should be signed before the start of the Annual Meeting)

11. 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) 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.

(f) To appoint committees.

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

(h) To inspect any deeds and trust instruments in the custody of the council.

and shall thereafter follow the order set out in Standing Order 14.

12. 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.

13. 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 (See Standing Order 36 below.)

14. 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:-

(aa) To allow a period of public participation for any resident(s) of the parish to raise any issue, petition, question or concern. The allotted time for such public participation shall be 10 minutes although this may continue with the consent of the Chairman

(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 signing/execution of documents.
- (j) To authorise the signing of orders for payment.
- (k) To consider resolutions or recommendations in the order in which they have been notified.
- (l) Any other business specified in the summons.

15. 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.

RESOLUTIONS MOVED ON NOTICE

16. 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.

17. The Clerk shall keep a record of the date every notice of resolution or recommendation was received, and shall confirm the date upon request

18. 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.

19. 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.

20. 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.

21. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

22. 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 signing/execution of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or an amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the public. (see Order 63 below.)
- (o) To silence or eject from the meeting a member named for misconduct. (See Order 31 below.)
- (p) To invite a member having an interest in the subject matter under debate to remain.
(See Order 54 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 72 below.)
- (s) To adjourn the meeting.

QUESTIONS

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

24. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

25. Every question shall be put and answered without discussion.

26. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

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

28. (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 5 minutes, and no other speech shall exceed 5 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 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 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 rise to make a point of order or a personal explanation. A member rising 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 do leave the meeting.
- (vii) That the resolution be referred to a committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

29. (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.

(c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall remain silent.

(d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

CLOSURE

30. 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 "to put the question", 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.)

DISORDERLY CONDUCT

31. (a) 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 into contempt or ridicule.

(b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any 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.

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

RIGHT OF REPLY

32. 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

34. (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 3 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.

VOTING ON APPOINTMENTS

35. 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

36. 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 public shall be excluded. (See Standing Order No.63)

RESOLUTIONS ON EXPENDITURE

37. Any resolution and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of 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

EXPENDITURE

38. Orders for the payment of money shall be authorised by resolution of the Council and signed by any three of the agreed signatories of which at least two must be members of the Council.

EXECUTION OF LEGAL DEEDS

39. (a) A document shall not be executed on behalf of the Council unless it's 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 sign, on behalf of the Council, any document required by law.

COMMITTEES AND SUB-COMMITTEES

40. 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 non voting members other than members of the Council to any Committee
- (c) may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee.

41. The Chairman and Vice-Chairman ex officio shall be members of every committee.

42. 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.

43. 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.

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

45. 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.

46. 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.

47. 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.

VOTING IN COMMITTEES

48. Members of committees and sub-committees entitled to vote shall vote by show of hands

49. Chairmen of committees and subcommittees shall in the case of an equality of votes have a second or casting vote.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

50. 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

51. (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 payments 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 separately included in the next schedule of payments laid before the Council.

(d) The accounts will be published on the website and the newsletter; copies can also be supplied by the Parish Clerk on request.

52. The Clerk shall supply to each member at an ordinary meeting within 3 months after the end of the Financial Year a statement of receipts and payments.

ESTIMATES

53. (a) The Council shall approve written estimates for the coming financial year at its meeting in the month of February at the latest.

(b) Any committee desiring to incur expenditure shall, not later than 1st January give to the Clerk a written estimate of the expenditure recommended for the coming year.

INTERESTS

54. Members of the Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public

55. A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:

(a) a disclosable pecuniary interest as described at paragraph n. of the Members Code of Conduct and section 30(3) of the Localism Act 2011;

(b) other pecuniary interest as described at paragraph n. of the Members Code of Conduct;; or

(c) personal interest as described at paragraph n. of the Members Code of Conduct;

held by a member and, when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, the Member must disclose to the meeting the existence and nature of that interest.

56. Where an interest is disclosed arising from

(a) a disclosable pecuniary interest; or

(b) other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice the member's judgement of the public interest

the Member

(i) may not participate in any discussion of the matter at the meeting

(ii) may not vote on the matter at the meeting

(iii) must retire the public gallery or other area set aside from the meeting.

57. (a) Where a Member holds a conflict of interest described at (3) above, before retiring he or she may first exercise the ability to address the meeting as a member of the public in accordance with these Standing Orders

(b) Where a member is present at a meeting where that member is to be called upon to make a decision in the public interest, and that member considers they have fettered their discretion in some other way, that member may exercise any separate speaking rights as a ward member or member of the public but should not take part in the discussion or vote as a member of the meeting

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

58. (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 sub-paragraph 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.

59. Standing Orders Nos. 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

60. 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.

61. All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council and published on the Parish website.

UNAUTHORISED ACTIVITIES

62. No member of the Council or of any committee or subcommittee 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 (a) authorised to do so by the Council (b) or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

63. The public shall be admitted to all meetings of the Council and its committees and subcommittees, which may, however, temporarily exclude the public by means of the following resolution:

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

(Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

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

65. Subject to standing order 63 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included on the agenda. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the Council Chamber.

CONFIDENTIAL BUSINESS

66. (a) No member of the Council or of any committee or subcommittee 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.

LIAISON WITH BOROUGH COUNCILLORS

67. A notice of meeting shall be sent together with an invitation to attend to the Borough Councillor for the Unitary ward.

68. The Clerk shall decide whether a copy of each letter ordered to be sent to the Borough Council shall also be transmitted to the Borough Councillor for the division for the ward as the case may require.

PLANNING APPLICATIONS

69. The Clerk shall publish on the parish website on a weekly basis a list of all the planning applications within the parish and shall immediately thereafter notify members by email containing a hyperlink to that list.

STANDING ORDER ON CONTRACTS

70. (a) Where it is intended to enter into a contract exceeding £10,000 but not exceeding £100,000 in value for the supply of goods or materials or for the execution of works, the clerk shall give at least three 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 £100,000, similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.

(b) Notice of a contract exceeding £100,000 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 shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.

(d) Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender.

(e) 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.

(f) A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos. 60, 61 and 62.

CODE OF CONDUCT

71. (a) All Councillors shall observe Loughton Parish Council's Code of Conduct.

(b) All Councillors shall undertake training in the Code of Conduct, usually within the first 6-12 months of the delivery of their declaration of acceptance of office

(c) Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may make representations, answer questions and give evidence (as per any member of the public) but must, thereafter leave the room or chamber

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

72. 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.

73. 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

74. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery of the member's declaration of acceptance of office.

Adopted by a meeting of Council held on Monday 18th February 2013