

STANDING ORDERS FOR BASSENTHWAITE PARISH COUNCIL

STATUTORY REQUIREMENTS ARE IN BOLD TYPE.

- 1 a) **Meetings of the Parish Council** shall be held in Bassenthwaite Parish Room at 7.30pm unless the Council otherwise decides at a previous meeting.
- b) When calculating the 3 clear days for notice of a meeting to councillors 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.
- 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) 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.
- e) Subject to standing order 1(d) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. Members of the public may also raise any question or issue relevant to the parish and its Council. Consideration of the issue raised may be deferred to an agenda item at the next meeting. The period of time designated for public participation is at the Chairman's discretion.
- f) **Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted within the terms of the Openness of Local Government Bodies Regulations 2014.**
- g) In accordance with standing order 1(f) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- h) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman, or presiding Councillor.
- i) 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.
- j) 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.
- k) The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- l) Unless standing orders provide otherwise, voting on any question shall be by a show of hands. 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 must be made before moving on to the next business.
- m) 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.
- n) The minutes of a meeting shall record the names of councillors present and absent.
- o) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- p) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.
- q) 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. For Bassenthwaite Parish Council three members shall constitute a quorum. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

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

s) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.

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

u) Chairmen of Committees and Sub-Committees shall in the case of an equality of votes have a second or casting vote.

2. Council Meetings

a) In an election year, the annual meeting of the council 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 meeting of a council 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 7.30pm.

d) In addition to the annual meeting of the council, at least nine other ordinary meetings shall be held in each year on the first Thursday of the month.

e) The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman.

f) 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.

g) The Vice-Chairman of the Council, 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.

h) 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.

i) 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.

j) 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.

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

l) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.

- 1. 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;**

2. After consideration, to approve the signature of the Minutes by the person presiding as a correct record.
3. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
4. Review of the Council's and/or employees' memberships of other bodies.
5. To deal with business expressly required by statute to be done.

3. Extraordinary meetings

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

4. Proper Officer

The Council's Proper Officer (the Clerk) shall do the following:

- a) **At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
- b) **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- c) **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing orders 4 (a) and 4 (b) above.**
- d) Make available for inspection the minutes of meetings.
- e) **Receive and retain copies of byelaws made by other local authorities;**
- f) Receive and retain declarations of acceptance of office from councillors.
- g) Retain a copy of every councillor's register of interests and any changes to it, upload a copy to the council's website and keep copies of the same available for inspection.

5. Code of conduct

- a) All councillors shall observe the code of conduct adopted by the council.
- b) Unless he has been granted a dispensation, a councillor 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) **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.**
- d) A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- e) 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.
- f) Councillors with "other registrable interests" relevant to an item of business on the agenda shall disclose such interests at the start of the meeting. Councillors may only speak on the

matter if and when the public has a right to speak.

- g) **A dispensation may be granted in accordance with standing order 5(d) above if having regard to all relevant circumstances the following applies:**
- a) **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**
 - b) **granting the dispensation is in the interests of persons living in the council's area or**
 - c) **it is otherwise appropriate to grant a dispensation.**
- h) **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.**

6. Questions

- a) A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions (public participation).

7. **A legal deed** shall not be executed on behalf of the Council unless the same has been authorised by a resolution. **In accordance with such a resolution any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

8. General Power of Competence

- a) Before exercising the general power of competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council. Bassenthwaite Parish Council is not, to date, an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under standing order 8 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility.

9. **All Minutes of Council and Committee meetings** shall be open for inspection by any member of the Council.

10. Planning Applications.

- a) When the LPA's deadline is prior to the next scheduled meeting of the Council, the Clerk is authorised to determine the Council's observations on uncontentious planning applications following consultation with the Chairman and other appropriate members.
- b) 'Uncontentious applications' and 'other appropriate members' shall be determined by the Clerk in consultation with the Chairman. The decision of the Clerk shall be reported to the next meeting of the Council.
- c) In the event of a contentious application the Clerk is authorised to summon an additional meeting of the Council to consider the application.

11. Financial Regulations

- a) The Council shall review and adopt appropriate standing orders and financial regulations once a year between January and March.

- b) The Council shall review its inventory of land and assets including buildings and office equipment once a year between January and March.
 - c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
 - d) Orders for the payment of money shall be authorised by resolution of the Council and signed by two members
 - e) Under delegation of council powers, the Clerk can spend up to £200 without prior approval at a meeting, if necessary.
12. **Estimates/precepts**: The Council shall approve written estimates for the coming financial year at a meeting before the end of January.

13. **Contracts and Tenders**

- a) Where it is intended to enter into a contract exceeding £1,000 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 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 contract exceeds £10,000, similar notice shall be given in addition in such newspapers circulating in the district, as the Council shall direct.
- b) 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.**
- c) Tenders shall be opened by the Clerk and one member of the Council and reported by the person who opened them to the Council.
- d) A minimum of three tenders shall be obtained for contracts exceeding £200, if possible to do so.
- e) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

NOTE:

The Council has the power, without prior written notice, to suspend by resolution any standing order except those which are mandatory by law (those in bold type above), in relation to any specific item of business.

IT IS RECOMMENDED THAT:

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.