

### **STANDING ORDERS**

#### 1. Title and Area

The St Nicholas Hurst Parish Council (SNHPC) shall be called the St Nicholas Hurst Parish Council and operate in the area specified in the Statutory Order setting up the Parish Council or in any subsequent amendment.

#### 2. Definitions

Unless the sense suggests otherwise any reference to "Council" or "the Council" means the SNHPC and any reference to "the Clerk" means the Clerk of the Council. The expression "Chairman" means Chairman of the Council.

#### 3. Functions

The functions of the Council shall be:

- (a) To exercise such powers and duties as are laid upon it by statute.
- (b) To exercise such powers and duties as are laid upon it by these rules.
- (c) To exercise such powers and duties as are laid upon it by delegation from Wokingham Borough Council (WBC).
- (d) To protect, enhance and promote the environment of the area of the Parish Council.
- (e) To protect, enhance and promote the collective interests and well-being of the residents of the Parish of Hurst.
- (f) To make representations to WBC and any other Statutory Body or Public Utility on matters affecting the residents of Hurst Parish.
- (g) To stimulate and foster support for approved policies of the Council.

#### 4. Constitution

- (a) The Council shall consist of 10 Members elected by the electors of the Parish of Hurst or such other number as may be specified by the Borough Council
- (b) For the purposes of the election, the area of the Council shall be divided into three wards each electing Members as specified below:
  - (i) The Village Ward: 8 members
  - (ii) Davis Street Ward: 1 member
  - (iii) Ashridge Ward: 1 member
- (c) Every election year, all Councillors shall retire together on the fourth day after the ordinary day of election of such Councillors. The newly elected Councillors shall come into office on the day on which their predecessors retire.

#### 5. Financial and Administrative Year

The Financial and Administrative year of the Council shall commence on the first day of April and end on the thirty-first day of March in the following year.

## 6. Meetings of the Council

- (a) Meetings of the Council shall be held at the Committee Rooms, Hurst, commencing at 7.30pm unless otherwise determined.
- (b) Ordinary meetings of the Council will be held on a Monday each month throughout the year (except August) unless otherwise determined. At least eleven meetings will be held in any administrative year.
- (c) An extraordinary meeting of the Council may be called at any time by the Chairman of the Council.
- (d) If the Chairman refuses to call an extraordinary meeting of the Council, any two Members of the Council, on that refusal or on the expiration of seven days, as the case may be, may convene an extraordinary meeting of the Council.
- (e) Three clear days at least before a meeting of the Council:
  - (i) Notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the Parish and, where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting; and
  - (ii) A Summons to attend the meeting from the Clerk of the Council, specifying the business proposed to be transacted at the meeting shall be left at, or sent to, the usual place of resident of every Member of the Council.
- (f) Meetings of the Council and its Committees shall be mandatorily adjourned after two and a half hours unless Members resolve to either an earlier or later adjournment.

## 7. Chairman of 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.

## 8. Proper Officer

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 and other documents on behalf of the Council.
- (e) To receive copies of Bylaws made by the Borough Council.
- (f) To certify copies of Bylaws made by the Council.
- (g) To sign summonses to attend meetings of the Council or its Committees.
- (h) In any other case the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

## 9. Quorum

- (a) A quorum of the Council shall be one third of the Members or four Members, whichever is the greater.
- (b) If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or at such other time as the Chairman may arrange.

## 10. Voting

- (a) Members shall vote by a show of hands, or if at least two Members so request, by signed ballot except in the election of the Chairman and Vice-Chairman of the Council which shall be by secret ballot.

- (b) 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.
- (c) Subject to (d) and (e) 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.
- (d) Subject to (e) below the Chairman may not give an original vote in the election for the Office of Chairman on any occasion when he will himself immediately after such an election retire from the Council.
- (e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## 11. Order of Business

*(NB: In an election year Councillors should execute Declarations of Acceptance of Office in the presence of each other, or in the presence of the Clerk to the Council, before the Annual Meeting commences. For this purpose, Councillors should convene at least 15 minutes before the commencement of the Annual Meeting).*

- (a) At each Annual Meeting the first business shall be:
  - (i) To receive a report on the membership of the Council and Declarations of Acceptance of Office (election year only).
  - (ii) Elect a Chairman of the Council.
  - (iii) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - (iv) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - (v) To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law, shall be received.
  - (vi) Elect a Vice Chairman of the Council.
  - (vii) Appoint Members to the Standing Committees of the Council.
  - (viii) Appoint the Chairman and Vice Chairman of the Standing Committees and any other committee, if so decided.
  - (ix) Appoint representatives to other organisations.
  - (x) To consider the payment of any annual subscriptions.
- (b) 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.
- (c) In April every year, the Council shall review the pay and conditions of service of existing employees. (Consideration should be given as to whether this must be done in a Part 2 meeting).
- (d) A motion to vary the order of business on the grounds of urgency.
  - (i) 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
  - (ii) Shall be put to the vote without discussion.

## 12. Election of Chairman and Vice Chairman

- (a) The Chairman and Vice Chairman of the Council shall be elected annually from among the Councillors.
- (b) In the case of an equality of votes in the election of a Chairman the person presiding at the meeting shall give a casting vote in addition to any vote he may have.

- (c) The Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Chairman.
- (e) The Council may pay the Chairman for the purpose of enabling him to meet the expenses of his Office such allowance as the Council thinks reasonable.
- (f) The Vice Chairman shall, unless he resigns or becomes disqualified, continue in office until immediately after the election of a Chairman at the next Annual Meeting of the Council.
- (g) During their term of office, the Chairman and Vice Chairman shall continue to be Members of the Council notwithstanding the provisions of Standing Order 4(c).
- (h) Subject to any provisions of these Standing Orders anything authorised or required to be done by, to or before the Chairman may be done by, to or before the Vice Chairman.

### 13. Notice of Resolutions

- (a) A motion may be submitted by any Member.
- (b) Except as provided by these Standing Orders no resolution may be moved unless the proposer has given notice in writing of its terms and has delivered the notice to the Clerk at least five clear days before the next meeting of the Council or the appropriate Committee.
- (c) The Clerk shall insert in the summons for every meeting all the notices of motion or recommendation properly received unless the proposer has stated in writing that it is intended to move at some later meeting or that the motion is withdrawn.
- (d) If a resolution or recommendation specified in the summons is not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (e) Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

### 14. Resolutions of an Urgent or Emergency Nature

Any Member may propose a resolution on a subject requiring urgent attention subject to:

- (a) Notice setting out the resolution is given to the Chairman at the commencement of the meeting.
- (b) The Council approve a resolution agreeing to the motion being added to the order paper for the meeting.

### 15. Resolutions Without Notice

Resolutions dealing with the following matters may be moved without notice at any time:

- (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 next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a Committee.
- (h) To appoint a Committee or any Member thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To seek leave to withdraw a motion or amendment.
- (m) To suspend Standing Orders.
- (n) To exclude press and public.
- (o) To silence or eject from the meeting a Member named for misconduct.
- (p) To invite a Member having an interest in the subject matter under debate to remain.

(q) To approve adding emergency resolutions to the agenda.  
Providing the motion is seconded the question shall be put without debate.

16. Questions

- (a) Any Member may ask the Chairman any questions concerning the business of the Council.
- (b) A Member with or without notice may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of these proceedings is finished.
- (c) Every question shall be put and answered without discussion.
- (d) A person to whom a question has been put may decline to answer.

17. Rules of Debate

- (a) No discussion shall take place upon the Minutes except upon their accuracy.
- (b) Correction to the Minutes shall be made by resolution and must be initialled by the Chairman.
- (c) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (d) Members shall address the Chairman.

18. Closure

At the end of any speech a Member may without comment, move "that the question be now put" or "that the Council do now adjourn". If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise) he shall forthwith put the motion. 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 the 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.

19. Alteration of Resolution

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

20. Right of Reply

The mover of a resolution shall have the 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.

21. Rescission of Previous Resolution

- (a) A decision of the Council shall not be reversed within six months save by a special resolution, the written notice of which bears the names of at least four Members of the Council.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- (c) This order shall not apply to rescinding resolutions moving in pursuance of the report or recommendation of a Committee.

22. Conduct of Members

- (a) Members shall address all remarks through the Chairman.
- (c) No Member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (f) All Members must observe the Code of Conduct which was adopted by the Council on 11<sup>th</sup> June 2018, a copy of which is annexed to these Standing Orders.

23. Disqualification of a Parish Councillor

- (a) If a Member fails throughout a period of six consecutive months from the date of his last appearance to attend any meeting of the Council, he will cease to be a Member of the Council, unless the failure is due to some reason approved by the Council before the expiry of the six months period.
- (b) The Clerk to the Council shall report the non-attendance of any Councillor at the fifth month after the Members last attendance with any known reason for absence.
- (c) Attendance at a meeting of a Committee or Sub-Committee of the Council or at a joint Committee of the Council and another local authority is deemed to be attendance at a meeting of the Council.

24. Casual Vacancies

- (a) In the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy will be advertised by public notice.
- (b) A by-election will be held if, within fourteen days, a poll is claimed by ten electors.
- (c) If a poll is not claimed the vacancy may be filled by co-option within sixty days of the date of the public notice and the Council will be convened to fill the vacancy.
- (d) The person co-opted will complete the Declaration of Acceptance of Office and serve for the remainder of the term of the Councillor replaced.

25. Liaison with Borough Councillors

- (a) A Notice of Meeting together with an invitation to attend shall be sent to the Borough Councillor representing the area of the Parish Council.
- (b) Borough Councillors attending meetings of the Council or its Committees may participate in debates, at the discretion of the Chairman, but shall not vote.
- (c) Unless the Council determines otherwise, a copy of each letter ordered to be sent to the Borough Council shall be transmitted to the Borough Councillor.

26. Finance

- (a) The funds of the Council shall be kept in the name of the Council at a Bank approved by the Council.
- (b) No financial liabilities shall be incurred, or payments made except under a special or general authorisation of the Council.
- (c) Payments made by cheque or any other order shall be signed by any two of the appointed Members of the Council,
- (d) The accounts of the Council shall be made up by the Clerk to the Council at the end of each financial year and submitted to the Council as soon as is practicable and thereafter irrespective of whether or not the accounts have been audited.
- (e) 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 Clerk to the Council. Unless it has been otherwise authorised by the Council, payment shall be authorised by the Chairman or Vice Chairman of the Council.

- (g) All payments made under paragraph (e) of this Standing Order or made without the authority of the Council shall be separately included in the next schedule of payments laid before the Council.
- (h) The Responsible Financial Officer shall supply to each Member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.
- (i) The Clerk may be required to compile and hold a Register of Members' Interests, or a copy thereof, as required by statute.

27. Estimates

At the meeting of the Council in December consideration shall be given to the detailed proposals of expenditure and income submitted by the Clerk to the Council, and recommendations made to the January meeting of the Council as to the amount of precept to be levied for the ensuing financial year.

28. 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 has decided whether or not the public shall be excluded.

31. Interests – Members

- (a) If a Member has a personal interest as defined by the Code of Conduct adopted by the Council on 11<sup>th</sup> June 2018 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required. 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 unless:
  - (i) The disability imposed upon him by those sections has been removed by the Borough Council; or
  - (ii) The Council invite him to remain; or
  - (iii) The contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate.
- (b) The Clerk shall record in a book to be kept for this purpose, particulars of any notice given by any Member or any Officer of the Council of a pecuniary interest in a contract and the book shall be open during reasonable hours of the day for inspection by any Member.

32. Interests – Candidates for Council Employment

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 to do so 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.

33. Canvassing of and Recommendations by Members

- (a) A Member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or promotion; but nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (b) Standing Orders 31 and 32 shall apply to tenders as if the person making the tender were a candidate for an appointment.

34. Standing Orders on Contracts

- (a) When it is intended to enter into a contract exceeding £5,000 but not exceeding £25,000 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.
- (b) Where the value of the intended contract exceeds £25,000 similar notice shall be given in addition to firms included in the appropriate standing list of contractors maintained by the Borough Council, or if no such list is maintained then in such newspapers circulating in the district or appropriate periodicals as the Council shall direct.
- (c) Notice of a contract exceeding £25,000 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 the tenders should reach that person in the ordinary course of post. The specific requirements of the "The Public Contracts Regulations 2015", requires that all contracts over £25,000 must be published on Contracts Finder (in addition to, or instead of any other portal or publications route currently used). Once a contract has been awarded as part of a procurement process, publishing authorities must also publish details of who has won the contract, the contract value, and for procurement below the EU thresholds, indicate whether the winning supplier is a small business or voluntary organisation.
- (d) If no tenders are received or if all tenders are identical the Council make take such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (f) The Clerk to the Council together with the Chairman or Vice-Chairman shall open all tenders after the closing date for submission and record the name and price of each tender and sign each entry.  
(Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level).

35. Inspection of Documents

- (a) A Member may for the purpose of his duty as such (but not otherwise) inspect any document in the possession of the Council, and if copies are available shall on request, be supplied for the like purpose with a copy.
- (b) All Minutes kept by the Council shall be open for the inspection of any Members of the Council.
- (c) The Minutes of the Council shall be open to inspection by any Local Government elector of the Parish without charge.

36. Admission of the Public and Press to Meetings

- (a) The public and press shall be admitted to all meetings of the Council and its Committees, which may, however, temporarily exclude the public or press or both by means of the following resolution, viz:  
*"That in view of the nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw."*
- (b) The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- (c) There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- (d) Representations from the public at Council meetings should be received by the Clerk in writing a minimum of five working days prior to the date of the Council meeting. Representations from the public at Committee meetings will only be accepted if the representations are relevant to specific agenda items or at the discretion of the Chairman of the Committee meeting.
- (e) Representations by or on behalf of the public shall be restricted to a maximum time of three minutes per person up to a maximum total time of ten minutes. Where more than three people wish to make representations the time allocated to each person shall be determined and declared by the Chairman. Where the representations relate to an item on the agenda the Chairman may defer the hearing or adjust the order of the Agenda as he may decide.
- (f) 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 or that part of the Chamber open to the public be cleared.

37. Confidential Business

- (a) No Member of the Council shall disclose to any person not a Member of the Council any business declared to be confidential by the Council or Committee as the case may be.

38. Committees

- (a) The Council shall at the Annual Meeting appoint the following two Standing Committees with appropriate membership: (i) Allotments, Playing Fields and Pond, (ii) Footpaths and Rights of Way and may at any time appoint such other Committees as may be considered necessary for specific purposes and duration but subject to any statutory provision. No Member of the Committee may be appointed so as to hold office later than the next Annual Meeting
- (b) The Chairman and Vice-Chairman of the Council shall be Members of every Committee.
- (c) The functions of each Standing Committee shall be to consider, advise and recommend policy and administer matters referred to it by the Council.

39. Parish Meetings

- (a) The Annual Parish Meeting will be held in May in any year.
- (b) Proceedings shall not begin before 7.30pm.
- (c) The Chairman of the Parish Council shall preside, or in his absence the Vice-Chairman.
- (d) In the absence of the Chairman and the Vice-Chairman of the Council the meeting shall appoint a Chairman before proceeding to any other business.
- (e) The Clerk to the Council shall record the proceedings and in her absence the person presiding may record the proceedings or may appoint another to do so.

- (f) Following compliance with paragraphs (c) – (e) as appropriate, the Minutes of the previous meeting shall be considered and, if correct, signed by the person presiding at the meeting.
- (g) Subsequent business of the Annual Meeting may include the following:
  - (i) To receive the Annual Report of the Parish Council.
  - (ii) To receive the Audited Statement of the Parish Council's Accounts for the year ended the previous 31 March.
  - (iii) To receive the observations of the Borough Councillor covering the Parish.
- (h) The only business to be discussed at Special Parish Meetings shall be the resolutions of which notice has been given in the Notice of Meeting.

40. 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.

41. Standing Orders

- (a) Any part of the Standing Orders except those required by statute may be suspended by resolution in relation to any specific item of business.
- (b) A motion to permanently vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- (c) These Standing Orders shall not be altered or rescinded except with the consent of at least two thirds of the Members present and voting at a meeting of the Council.

42. Standing Orders to be given to Members

A printed copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him of the Member's Declaration of Acceptance of Office.

43. Approval of Standing Orders

The foregoing Constitution, Rules and Standing Orders were approved by the Council on 11<sup>th</sup> June 2018

Agreed by SNHPC  
Chairman:   
Date: 11/6/18