

HAWKVELL PARISH COUNCIL

Standing Orders: 12th May 2008

1. Title and Area

The Council shall be called the Hawkwell 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 Hawkwell Parish Council 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 agreed delegation from the Essex County Council or Rochford District Council.
- (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 Hawkwell.
- (f) To make representations to Rochford District Council, Essex County Council, and any other Statutory Body or Public Utility on matters affecting the residents of Hawkwell Parish.
- (g) To stimulate and foster support for approved policies of the Council.

4. Constitution

- (a) The Council shall consist of:
 - (i) 17 Members elected by the electors of the Parish of Hawkwell or such other number as may be specified by the District Council which shall not be less than five.
 - (ii) Such co-opted Members as the Council may determine.
- (b) For the purposes of the election referred to in (a(i)) above the area of the Council shall be divided into three wards each electing Members as specified below:

North Ward	5 Members
South Ward	6 Members

(c) **Casual vacancies:**

- (i) In the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy will be advertised by public notice in all Parish Notice Boards and by advert in the local press.
- (ii) A by-election will be held if, within fourteen days, a poll is claimed by ten electors of the parish ward.
- (iii) 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. The procedure for co-option is as follows:-
 - The Clerk will place a notice in all Parish Notice Boards inviting applications for co-option;
 - Applications must be in writing and include brief background information of the candidate;
 - Any applications must be received eight working days prior to the date of the next Full Council Meeting;
 - The applicants will be invited to attend the next Parish Council meeting;
 - All letters of application will be forwarded with the Papers for the Meeting to Councillors;
 - Members will interview the applicants. If more than one applicant is being considered they will be interviewed one at a time, the other applicants will leave the meeting;
 - If there is more than one applicant for a single vacancy, a secret ballot will be held of members. Following this the voting papers will be stored in the office for a period of one year; and
 - Unsuccessful applicants will be asked if they wish their details to be held for future vacancies, when they will be contacted again, but the above procedure will still be followed.

(d) The person co-opted will complete the Declaration of Acceptance of Office and Declaration of Interests etc and serve for the remainder of the term of the Councillor replaced.

(e) All Councillors shall retire together in every ordinary year of election of such Councillors, on the fourth day after the ordinary day of election of such Councillors and 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 be in the period commencing on the first day of April and ending on the thirty-first day of March in the following year.

6. Meetings of the Council

- a) Meetings of the Council will normally be held in the Freight House, Rochford, commencing at 7.30pm unless otherwise agreed at a previous meeting.
- b) Meetings will end by not later than 10:30 pm.
- c) Smoking is not permitted at any meeting of the Council.
- d) The Statutory Annual Meeting of the Council will be held:**
 - i) In an election year – on the Monday following the day on which the Councillors were elected or within 14 days of that election.**

- ii) **In a year which is not an election year on such Monday in May as the Council may direct.**
- e) **In addition to Statutory Annual parish Council Meeting, the Council will meet on the first Monday of each month except August and December, when except in exceptional circumstances, no meetings will be held.**
- f) An extraordinary meeting of the Council may be called at any time by the Chairman of the Council.
- g) If the Chairman refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by two Members of the Council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two Members of the Council, on that refusal or on the expiration of these seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.
- h) At least three clear days, excluding weekends and public holidays in England and Wales, 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, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at, or sent by post to, the usual place of resident of every Member of the Council.

7. Election of a Chairman

- a) The chairman of Council shall be elected annually by those present at the Statutory Annual Meeting of the Parish Council.
- b) The Vice Chairman of the Council shall be elected as in a) above.
- c) The Chairmen of any committees or sub committees of the Council will be elected at the first meeting of that committee or sub committee following the Statutory Annual Meeting.
- d) **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, that shall be the Clerk:

- (a) To receive Declarations of Acceptance of Office.
- (b) To receive and record notices disclosing interests at meetings.
- (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 District 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 six Members.**

- (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 (not counting those debarred by reason of a declared interest), 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.
- (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 whether or not he gave an original vote.**
- (d) **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.**
- (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

- (a) **At each Annual Parish Council Meeting the first business shall be:**
 - (ii) **To 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) To elect a Vice Chairman of the Council.
 - (vii) To appoint Members to the Standing Committees of the Council.
 - (viii) To appoint representatives to other organisations.
 - (x) To consider the payment of any annual subscriptions.
 - (xi) To inspect any Deeds and Trust Instruments in the custody of the Council.
- (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) and any undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received, to decide when they shall be received.**

- (c) 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 Orders 38 and 68 must be considered in undertaking this review.
- (d) After the first business has been completed the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
 - (i) To read and consider the Minutes of the last meeting; 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.
 - (ii) **After consideration to approve the signing of the Minutes, by the presiding Chairman, as a correct record.**
 - (iii) To consider the Actions Updates schedules.
 - (iv) To deal with business expressly required by Statute to be done.
 - (v) To receive such communications as the person presiding may wish to lay before the council.
 - (vi) To answer questions from Councillors.
 - (vii) To consider any reports from the Clerk.
 - (viii) To consider reports and minutes of committees.
 - (ix) To consider motions, notice of which has been given in the summons in the order they have been notified.
 - (x) Any other business specified in the summons.
 - (xi) To authorise the sealing of documents.
 - (xii) If necessary, to authorise the signing of orders for payment.

12. Urgent Business

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.

13. Resolutions Moved on Notice

- (a) Except as provided by these Standing Orders no resolution may be moved unless the business to which it relates has been put has been put on the Agenda by the Clerk or the proposer 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 or the appropriate Committee.
- (b) 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 record which shall be open to inspection by every member of the council.
- (c) The Clerk shall insert in the summons for every meeting all the notices of motion or recommendation properly received in the order received unless the member giving notice 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, by the member who gave notice or any other member it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

- (e) 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 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 dealt with at the meeting at which it was moved.
- (f) Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

14. Resolutions 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 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 press and public (see order 37(a) below).
- (o) To silence or eject from the meeting a Member named for misconduct.(see order 19 (c) below)
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend and Standing Order (see 43 (a) below)
- (r) To adjourn the meeting.

15. Questions

- (a) Any Member may ask the Chairman of the Council or Clerk any questions concerning the business of the Council provided 7 clear days notice of the question has been given to the person to whom it is addressed.
- (b) No questions not connected with the business under discussion shall be asked except during that part of the meeting set aside for questions.
- (c) Every question shall be put and answered without discussion.
- (d) A person to whom a question has been put may decline to answer.

16. Rules of Debate

- (a) No discussion shall take place upon the Minutes except upon their accuracy. Correction to the Minutes shall be made by resolution and must be initialled by the Chairman.
- (b) A motion or an amendment to a motion 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.

- (c) A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (d) A Member shall direct his speech to the question under discussion, or to a personal explanation, or to a question of order.
- (e) No speech by a mover of a motion shall exceed 2 minutes and no other speech shall exceed 2 minutes except by consent of the Council.
- (f) An amendment shall be to:
 - i. to leave out words
 - ii. to leave out words and insert others
 - iii. to insert or add words.
- (g) An amendment shall not have the effect of negating the motion before the Council.
- (h) If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendments may be moved.
- (i) A further amendment shall not be moved until the Council has disposed of every motion previously moved.
- (j) The mover of a motion or of an amendment shall have a right of reply not exceeding 2 minutes.
- (k) A member, other than the mover of a motion, shall not, without leave of the Council, speak more than once on any motion 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 closure
- (l) A member may speak on a point of order or on 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.
- (m) 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.
- (n) When a motion is under debate no other motion shall be moved except the following:
 - i) to amend the motion;
 - ii) to proceed to next business;
 - iii) to adjourn the debate;
 - iv) that the question now be 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 press and public, and
 - ix) to adjourn the meeting.
- (o) A member shall remain seated when speaking unless requested to stand by the Chairman.
- (p) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (q) Members shall address the Chairman. If two members wish to speak, the Chairman shall decide who to call upon.
- (r) Whenever the Chairman speaks during a debate all other members shall remain silent.

17. Closure

At the end of any speech a Member may without comment, move "that the question be now put" or "that the debate be now adjourned" or "that the Council do now adjourn". If such a 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 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.

18. Disorderly Conduct

- (a) **All Members must observe the Code of Conduct, was adopted by the Council on 12th May 2008, a copy of which is annexed to these Standing Orders.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales).**
- (d) If either of the motions mentioned in paragraph b or c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

19. 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.

20. Alteration of Resolution

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

21. 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.

22. Rescission of Previous Resolution

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least six Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution has been disposed of under the provisions of paragraph 21 (a) above, no similar resolution may be moved within a further six months.

23. 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.

24. 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. 38 (a)).

25. 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).

26. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by the Clerk and two members in accordance with the Financial Regulations approved under Standing Order 41

27. 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) The Council's Common seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two members who shall sign the document as witnesses.]

- c) A register of documents sealed shall be maintained with the details of the document and with the names of those witnessing the sealing.

28. 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) Full Council may appoint persons other than members of the Council to act as advisers to any Committee, other than the Finance Committee; but such advisers shall not have a vote;
- c) Full Council may appoint persons other than members of the Council to any Committee; and
- d) May subject to the provisions of Standing Order 21 above at any time dissolve or alter the membership of committee.
- e) The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
- f) Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and 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.
- g) 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.
- h) Every committee may appoint sub-committees for purposes to be specified by the committee.
- i) 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.
- j) 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.
- k) 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.

29. Advisory Committees

- a) The Council may create advisory committees, 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) An advisory committee may consist wholly of persons who are not members of the Council.

30. Voting in Committees

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

31. 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.

32. 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 Responsible Financial 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 separately included in the next schedule of payments before the Council.
- d) 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.

33. Estimates / Precepts

- a) The council shall develop operational plans and budgets for the delivery of the plans and approve written estimates based on these plans for the coming financial year at its meeting before the end of the month of November.
- b) Any committee desiring to incur expenditure shall develop operational plans and budgets for the delivery of the plans and submit to the Council a written estimate of the expenditure recommended for the coming year no later than October.

34. Interests

- a) **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 14 May 2007 then (s)he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- b) **If a member who has declared a personal interest then considers the interest to be prejudicial, (s)he must withdraw from the room or chamber during consideration of the item to which the interest relates** subject to him/her being allowed to exercise the right conferred in Statutory Instrument 2007 No 1159 (The Local Authorities (Model Code of Conduct) Order dated 2007) paragraph 12 (2) to make representations, answer question, or give evidence relating to the business as in the Code of Conduct adopted on the 14th May 2007.
- c) **The Clerk is 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.**
- d) 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 34(a), (b) and (c) shall apply as appropriate.
- e) The Clerk shall make known the purpose of Standing Order 33 to every candidate.

35. 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 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.
- c) Standing Order No. 34 a) & b) shall apply to tenders as if the person making the tender were a candidate for an appointment.

36. Inspection of Documents

- a) 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.
- b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

37. 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.

38. 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 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”

- b) The Council, Committee or Sub Committee shall state the special reason for exclusion.
- c) At all meetings of the Council the Chairman will, 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.
- d) The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- e) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that (s)he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

39. 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.

40. Liaison with County and District Councillors

- a) A summons and Agenda for each meeting of Full Council shall be sent, together with an invitation to attend, to the County, and District Councillors for the appropriate division or ward.
- b) 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.

41. Planning Applications

- a) The Clerk shall, as soon as it is received, enter in a record 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;
- b) The Clerk shall refer every planning application received to the Planning Committee to in order to consider and respond within the timetable set by Rochford District Council

42. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- a) Such Regulations shall include detailed arrangements for the following:
 - i) the accounting records and systems of internal control;
 - ii) the assessment and management of risks faced by the Council;
 - iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually
 - iv) the financial reporting requirements of members and local electors and
 - v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £10,000.
- b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in (d) below.
- c) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5,000 but not exceeding £10,000 shall be considered by the RFO, the Chairman and Vice Chairman as to the need to proceed on the basis of a formal tender as summarised in (d) below or to limit the action to obtaining three written quotes.
- d) Any formal tender process shall comprise the following steps:
 - i) a public notice of intention to place a contract to be placed in a local newspaper;
 - ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
 - iv) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
 - v) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

- e) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 33(d), 34 (a) (b) and (c) regarding improper activity.
- f) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

43. Code of Conduct on Complaints

The Council shall deal with complaints of mal administration 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) or Commission (Wales) for consideration.

44. Variation, Revocation and Suspension of Standing Orders

- a) Any or every part of the Standing Orders except those printed in **bold type (excluding titles)** may be suspended by resolution in relation to any specific item of business.
- b) 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 and thereafter referred to the AGM for consideration of adoption

45. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

(May 2007)