



Heybridge Parish Council

STANDING ORDERS

REVISED AND APPROVED JUNE 2005

REVISED AND APPROVED NOVEMBER 2007

REVISED AND APPROVED AUGUST 2008

REVISED AND APPROVED SEPTEMBER 2008

REVISED AND APPROVED JULY 2011

REVISED SEPTEMBER 2012 AND APPROVED OCTOBER 2012

REVISED NOVEMBER 2012 AND APPROVED DECEMBER 2012

REVISED JANUARY 2014 AND APPROVED FEBRUARY 2014

REVISED AUGUST 2014 AND APPROVED SEPTEMBER 2014

REVISED NOVEMBER 2014 AND APPROVED DECEMBER 2014

N.B. Emboldened text highlights statutory provisions

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MEETINGS GENERALLY

1. **The Statutory Annual Meeting (a) in an election year shall be held within fourteen days following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on any day in May, either date having been determined by the Council at a previous meeting.**
2. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
3. **The dates, times and venues of the three other statutory meetings and any additional meetings throughout the year shall be determined by the Council.**
4. **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.**
5. **The minimum three clear days for notice of a meeting or a public meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
6. **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
7. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

CHAIRMAN OF MEETING

8. **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

9. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, they shall be the Clerk:-
 - (a) To receive declarations of acceptance of office.

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- (b) To receive and record notices of Disclosable Pecuniary Interests, Other Registrable Pecuniary Interests, and Registerable Non-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 and retain copies of byelaws made by other local authorities.**
- (f) To certify copies of byelaws made by the Council.
- (g) To sign summonses to attend meetings of the Council.
- (i) To keep proper records for all Council meetings.

10. The Proper Officer shall:

- (a) At least three clear days before a meeting of the council, a committee or a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda**

OR

at least three clear days before a meeting of the council, a committee or a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

- (b) Give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them.**
- (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.**

QUORUM

11. **Three Members or one-third of the total membership, whichever is the greater, shall constitute a quorum for meetings of the Parish Council, its Committees and Sub-Committees.**

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12. **If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum, no further business is to be transacted and the meeting closed.** Business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.
13. Members unable to attend any meeting of Council or of one of its Committees or formally constituted groups and of which they are a member shall pass their apologies by way of a written notice to the Clerk before that meeting, or, in the event of circumstances preventing prior notice, no later than 4 working days after the meeting is held.

VOTING

14. Members shall vote by show of hands or, if at least two Councillors so request, by signed ballot.
15. **If a Member so requires before a vote is taken the Clerk shall record the names of the Members who voted on any question so as to show how they voted.**
 - (i) **Subject to paragraphs (ii) and (iii) 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.**
 - (ii) **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.**
 - (iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

(NOTE: In an election year Councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declarations, before the Annual Meeting commences).

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16. **At each Annual Meeting the first business shall be:-**
 - (a) **To elect a Chairman (from elected Members.)**
 - (b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
 - (c) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
 - (d) **To appoint a Vice-Chairman (if desired).**
17. **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.**
18. **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
19. **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.**
20. **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.**
21. **Following the service by summons upon Councillors confirming the date time and venue of each meeting in the Municipal Year, the agenda and supporting papers of a meeting of Council or of a Committee of Council shall electronically be served to such members of the Council or of the Committee at least 3 clear days before the meeting and such service shall have affixed the electronic signature and title of the Proper Officer. A limited number of hard copies of such documents shall be available for collection at least 3 clear days before the meeting at the Council Office.**

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22. 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:-
- (a) To receive and consider the Minutes of the previous meeting.
 - (b) To approve the signature of the Minutes by the presiding Chairman as a correct record.**
 - (c) To deal with business expressly required by statute to be done.**
23. The following other items of business may be included on the agenda:-
- (a) To receive such communications as the presiding Chairman may wish to lay before the Council.
 - (b) To answer questions.
 - (c) To dispose of business, if any, remaining from the last meeting.
 - (d) To receive and consider reports and minutes of Committees and Advisory Committees.
 - (e) To receive and consider reports from Officers of the Council.
 - (f) To authorise the sealing of documents.
 - (g) To authorise the signing of orders for payment.
 - (h) To consider motions in the order in which they have been notified.
 - (i) To enable members of the public present to participate and ask questions, and/or to receive reports from Ward District Councillor(s) and emergency services representatives; provided always that the Chairman shall have total discretion as to the exercise and operation of such items (approved 19 July 2012.)
 - (j) Any other business specified in the summons.
- 23.1 Meetings of the Parish Council or any of its committees shall not normally exceed 2 hours in length except by resolution of the meeting.
24. A motion to vary the order of business on the grounds 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.

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RESOLUTIONS MOVED WITHOUT NOTICE

25. Resolutions dealing with the following matters may be moved without notice:-
- (a) To appoint a Chairman of the meeting.
 - (b) To correct the Minutes.
 - (c) To approve the Minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to a Committee.
 - (h) To appoint a Committee or any Members thereof.
 - (i) To adopt a report.
 - (j) To authorise the sealing of documents.
 - (k) To amend a motion.
 - (l) To give leave to withdraw a motion or an amendment.
 - (m) To exclude the press and public.
 - (n) To silence or eject from the meeting a Member named for misconduct.
 - (o) To give the consent of the Council where such consent is required by these Standing Orders.
 - (p) To suspend Standing Orders.
 - (q) To adjourn the meeting.

RULES OF DEBATE

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

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- (d) 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.

An amendment which has the effect merely of negating the motion before the Council shall not be in order.

- (e) 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.
- (f) A further amendment shall not be moved until the Council has disposed of every amendment previous moved.
- (g) The mover of a resolution or of an amendment shall have a right of reply.
- (h) 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 the closure.
- (i) A Member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A Member rising for these purposes shall be heard forthwith.
- (j) 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.
- (k) 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.

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- (ix) To adjourn the meeting.
28. (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) Whenever the Chairman rises during a debate all other Members shall be seated and silent.

CLOSURE

29. 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 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 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.

DISORDERLY CONDUCT

30. (a) **All Members must behave in a manner required by any Code of Conduct which has been adopted by the Council.**
- (b) **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.**
- (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.
- (d) If, in the opinion of the Chairman, a Member has so misconducted himself, 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.

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

RIGHT OF REPLY

31. The mover of a resolution shall have a right of 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

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

RESCISSION OF PREVIOUS RESOLUTION

33. (a) A decision (whether affirmative or negative) of the Council shall not be rescinded within six months save by a special resolution, the written notice whereof bears the names of at least three 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, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

34. 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

35. 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 by the Council until the Council has decided whether or not the public shall be excluded. (See Standing Order No. 56).

EXPENDITURE

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

SEALING OF DOCUMENTS

37. (a) **A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.**
- (b) **Any two Members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal and in pursuance of any resolution of the Council authorising its sealing and the Proper Officer shall witness such sealing.**

ACCOUNTS AND FINANCIAL STATEMENT

38. (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 payment in respect of an account which has not been laid before the Council, such payment shall be certified as to its correctness and urgency by the proper officer in consultation with the Chairman of the Council or Chairman of the appropriate Committee.
- (c) All payments authorised under sub-paragraph (b) of this Standing Order or made without authority of the Council under any statute shall be separately included in the next schedule of payments laid before the Council.

COMMITTEES

39. The Council may at the Annual Meeting appoint Standing Committees and may at any other time appoint such other Committees as are necessary to carry out the work of the Council 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, and
- (b) may subject to the provisions of Order 33 above at any time dissolve or alter membership of a committee.

The Council shall adopt and may from time to time review Terms of Reference for such Committees.

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40. **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
41. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
42. Every committee shall at its first meeting, before proceeding to any other business, elect a Chairman and may appoint a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
43. Except where ordered by the Council, the quorum of a Committee shall be one-half of its members (excluding ex-officio and non-voting members) but in no case shall be less than three.
44. The Standing Orders on rules of debate and the Standing Order on interests of Members in contracts and other matters shall apply to committee meetings.

ADVISORY AND WORKING GROUPS

45. **The Council may from time to time appoint such other advisory and working groups as are considered necessary, appoint their members and fix any terms of reference. The provisions of Standing Order 39 are applied accordingly.**

VOTING IN COMMITTEES

46. Members of Committees shall vote by show of hands or, if at least two members so request, by signed ballot.
47. **Chairmen of Committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

48. 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 may not vote.
- 48.1 At any committee meeting it may be decided by simple majority to invite experts or specialists according to the committee discretion to make contributions relevant to any items on the agenda.

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INTERESTS

49. **If a member present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Council has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and is aware of that interest:**
- i. They must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting;**
 - ii. They must withdraw from the room or chamber where the meeting considering the business is being held unless they have received a dispensation from the Authority's proper officer;**
 - iii. They must not seek improperly to influence a decision about that business.**
50. **A dispensation may be granted if having regard to all relevant circumstances the following applies:**
- i. Dispensation requests shall be in writing and submitted to the Proper Officer of the Council as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required;**
 - ii. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final;**
 - iii. 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**
 - iv. Granting the dispensation is in the interests of persons living in the Council's area or**
 - v. It is otherwise appropriate to grant a dispensation.**
51. **If a Member has an Other Pecuniary Interest in any business of the Council which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement in the public interest and is present at a meeting of the Council at which such business is to be considered or is being considered they must:**
- a) disclose the existence and nature of the interest**
 - b) withdraw from the room or chamber where the meeting considering the business is being held unless they have obtained dispensation from the Council's proper officer.**
52. **If a candidate for any appointment under the Council is to their knowledge related to any Member of or the holder of any office under the Council, he and the person to whom they are related shall disclose the relationship in writing to the Clerk. A candidate failing to do so shall**

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be disqualified for such an appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or the appropriate Committee any such disclosure. Canvassing of Members of the Council for any appointment shall disqualify the candidate for such appointment. This Standing Order shall apply to tenders for contracts as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

53. 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.
54. **(a) All minutes kept by the Council and by any Committee shall be open for inspection of any Member of the Council.**
- (b) The minutes of the Council shall be open to inspection by any local government elector of the parish without charge.

ISSUE OF ORDERS

55. No Member of the Council shall issue any orders on behalf of the Council or shall issue any orders in respect of anything being done for the Council unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

MEETING ARRANGEMENTS

56. **The public shall be admitted to all meetings of the Council and its Committee(s), which may, however, temporarily exclude the public according to the Public Bodies (Admissions to Meetings) Act 1960 s1(2) by means of an appropriate resolution, e.g.; "That in view of the confidential nature of the business about to be transacted, it is in the opinion of this Council advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw".**
57. **The Clerk shall afford to the press reasonable facilities for making a report of any proceedings at which they are entitled to be present.**
58. **A person may not orally report or comment about a meeting as it takes place if they are present at the meeting of a parish council but otherwise may:**
- a) film, photograph or make an audio recording of a meeting;**
 - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**

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c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

59. **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.**
60. 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 the part of the Chamber open to the public be cleared.

CONFIDENTIAL BUSINESS

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

PLANNING APPLICATIONS

62. Every planning application or other related matter referred to the Council for observation shall be referred to the next meeting of the Council, or to a Committee with appropriate delegated powers; with the consent of the Chairman, a special meeting of the Council may be called for the purpose of dealing with the matter referred providing always that the timescale for consultation given by the Planning Authority can be met.
63. If there is urgency for the submission of observations to meet the prescribed timescale, the Clerk is authorised by the Council under delegated powers to make such comments to the Planning Authority as may be appropriate. The Clerk may consult with Members if possible, however the decision remains the responsibility of the Clerk to the Council.
64. Full details of each planning application or other related matter shall be recorded in the Minutes of the meeting at which discussion thereon takes place or when the Clerk reports such actions to the Council.

APPOINTMENTS AND REPRESENTATION ON OUTSIDE BODIES

65. The Parish Council may, from time to time, appoint Members to take lead roles or to represent it as part of the work of outside bodies or other organisations. All such appointments shall be reviewed and ratified at each statutory annual meeting of the Parish Council.

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66. Where such appointments are made, and unless the Parish Council decides otherwise, those Members shall provide written update reports to the Parish Council at intervals of no more than three months following the appointments or throughout the municipal year.
67. Where Members are appointed to attend a training course, seminar, or other outside event or meeting, they shall provide a written report on their attendance to the next available meeting of the Parish Council.

CO-OPTION OF COUNCIL MEMBERS

68. Where following an ordinary election the membership of the Council is not complete, the Council may co-opt persons to fill the vacant seats. Where a casual vacancy occurs in the Council's membership due to resignation or other reason, and an election is not to be held, the Parish Council shall fill the vacancy by co-option. In either case, the procedure for co-option outlined in Standing Order 69 shall apply.
69. Following an initial expression of interest, candidates for co-option shall have attended at least three consecutive meetings and to have demonstrated a sustained interest in general Parish Council matters prior to their formal application and shall apply by way of a letter setting out their interests and anticipated ability to contribute to Parish Council work. Applications shall include a relevant *curriculum vitae* and confirmation of the candidate's qualification(s) for holding office as a Councillor (Local Government Act 1972, s79 as amended.) Council may opt to interview candidates for co-option in certain cases.
70. Voting on candidates for co-option, subject to their formal proposition, shall be by secret ballot of those Councillors present at the particular meeting of the Parish Council. The provisions of Standing Order 46 shall apply, and the co-option of a candidate shall require the consent of not less than two-thirds of the membership of the Parish Council.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

71. 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, provided that such resolution shall only be deemed to have been carried if it receives the consent of not less than 2/3 of the Members of the Council present and voting at the meeting at which the motion was considered.
72. A motion 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. Such a motion shall not be approved save with the consent of not less than 2/3 of the Members present and voting at the next ordinary meeting of the Council when such motion is considered.

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STANDING ORDERS TO BE GIVEN TO MEMBERS

73. 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.