

Standing Orders

Introduction:

The following are the Standing Orders for Shotteswell Parish Council and are based upon The Model Standing Orders for Smaller Parish Councils. Where specific items are not covered reference should be made to the Governance Toolkit for Parish & Town Councils and these standing orders should be amended as necessary and adopted to reflect the guidance/change required.

Meetings:

Meetings shall be held at 7.30pm unless otherwise directed by the council.

Smoking is not permitted at any meeting of the council.

The Statutory Annual Meeting in an election year will be held in May wherever possible. The three other Statutory Meetings will be held throughout the year on the direction of the council.

Proper Officer, where a statute, regulation or order confer functions or duties on the Proper Officer of the Council he shall be the Clerk.

Councillors:

Following election or co-option to the Council, each Councillor will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council. The Clerk will assist where necessary in ensuring the councillor has made his/her proper expenses declaration to SDC.

All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave inappropriately in meetings or obstruct the Council's business.

The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest before the item is discussed.

Annual Meetings

If the Annual Meeting is in an election year it must be held within 14 days after that election wherever possible. If it is not an election year then the annual meeting will take place before the monthly meeting in May.

The retiring Chairman will report on the activities of the Council for the preceding year.

If the outgoing Chairman is available then he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office.

Meetings will be held in appropriate, accessible accommodation. Normally the meetings will not be held in premises used for the supply of alcohol.

To read and consider the Minutes, provided that if a copy has been circulated to each member prior to the meeting, the minutes may be taken as read.

Meetings will normally be held on a suitably appointed day agreed by the council. Members will be advised of the meetings by the issue of a summons and agenda delivered by post or by hand. The agenda must be issued at least five clear business days before the meeting.

Public notices will be posted on the Parish Council notice board (and website) informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least five clear working days before the meeting. When calculating the five clear days, the day of the meeting, a Sunday, Christmas, Boxing Day, Easter day or a bank holiday or a day appointed for public thanksgiving or mourning shall not count.

Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.

Any person speaking at a meeting shall address his comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

The agenda for the meeting will be agreed by the Clerk, Chairman and/ or Vice Chairman as appropriate. The agenda will always include an item to enable Councillors to declare interests.

The Council may only take decisions on items clearly specified on the agenda; if agreed by the chairman, any urgent items that are not on the agenda may be discussed, but no decision may be made, at that meeting.

The Chairman of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chairman is not present then the Vice Chairman will preside. If they are not present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.

The quorum for the Council will be no fewer than 3. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.

If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.

Voting at the meeting shall be by a show of hands. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor

may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.

In cases of equal votes the Chairman (or other person presiding) will have a second or casting vote. A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes will record the time and place of the meeting, those Councillors present or absent any interests declared by the Councillors and any decisions made by the Council.

Draft minutes will be published to the web site and noticeboard within one month of the meeting, amended unapproved draft minutes will be made available to the public. The minutes will then be approved at the following meeting and signed by the person presiding at that meeting.

The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

Motions Requiring Written Notice

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the District and County Council representing its electoral ward.
- b) No motion may be moved at a meeting unless it is included in the agenda and has been received by the Clerk prior to the agenda notice period.
- c) The Clerk may correct obvious grammatical or typographical errors in the wording of the motion. If the Clerk considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Clerk.
- d) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

Resolutions Moved Without Notice.

- a) To appoint a person to preside at a meeting.
- b) To approve the absences of Councillors.
- c) To approve the accuracy of the minutes of the previous meeting.
- d) To correct an inaccuracy in the minutes of the previous meeting.
- e) To dispose of business, if any, remaining from the last meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- g) To proceed to the next business on the agenda.
- h) To close or adjourn debate.
- i) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- j) To exclude the press and public for all or part of a meeting.
- k) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- l) To give the consent of the Council if such consent is required by standing orders.
- m) To suspend any standing order except those which are mandatory by law.
- n) To adjourn the meeting.

Freedom of Information.

The Council is subject to the Freedom of Information Act. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents, under the terms of the Act.

Clerk to the Council

a) The Council will appoint a Clerk to the Council who will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.

b) The Clerk will act as the Proper Officer of the Council, and he/she will:

- (1) Receive the Declarations of Acceptance of Office and notices disclosing interests.
- (2) Sign documents on behalf of the Council and issue agendas and notices of meetings
- (3) Receive and distribute plans and documents on behalf of the Council
- (4) Advise the bank of changes to mandates with the bank.
- (5) Make available on the website the minutes of meetings.

The Clerk can act as Responsible Financial Officer if appointed to that role.

(If the Clerk is an employee of the Council the Clerk, then the Clerk would be covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Chairman or designated Councillor acting with the authority of the Council.)

Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.

Refer a planning application received by the Council to the Councillors and to facilitate an extraordinary meeting if the nature of a planning application warrants it.

Committees and Task and Finish Groups

The Council from time to time may set up committees to undertake work on behalf of the Council. The Council will set their Terms of reference, and they will report periodically to the Council.

Emergency Business

Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chairman and one other Councillor. Actions will be reported promptly to the Council.

Planning

On receipt of planning applications, the Clerk should send the planning reference number to all Councillors or plans if they are available

Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council.

Voting on Appointments a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favor, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favor of one person. Any tie may be settled by the Chairman's casting vote.

Expenditure

Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations. In cases of risk to the delivery of council services, the Clerk may authorise on behalf of the council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to the limit of £500. The Clerk shall report such action to the Chairman as soon as possible and to the council as soon as practicable thereafter.

The Council may pay the Chairman such expenses of his office as they think reasonable.

Accounts and Financial Statement

All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations.

The Responsible Financial Officer shall summarise the Council's payments for approval paid since the previous meeting.

A copy of the end of year accounts will be provided to the Councillors, prior to the meeting.

The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.

A legal deed shall not be executed on behalf of the council unless the same has been authorised by resolution. In accordance with a resolution any two members of the Council may sign on behalf of the Council any deed required by law.

Disorderly Conduct

No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule. If, in the opinion of the Chairman, a member has broken the provisions of paragraph 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 either of the motions mentioned in is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

Interests

If any member has a personal or prejudicial interest within the ambit of the National Code of Local Government Conduct he shall declare it and thereupon may be invited to withdraw from the meeting in accordance with the provisions contained in Shotteswell Council's Code of Conduct currently in effect for the Council.

Standing Order on Contracts

Where it is intended to enter into a contract exceeding £20,000 in value for the supply of goods or material or 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. Alternatively, the Council may invite not less than three tenders from an approved list of contractors held by the District Council or an approved list held by a project manager who has been appointed by the parish Council as a result of a public advertisement". Notice of a

contract exceeding £20,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.

Tenders shall be opened by the clerk or other person to whom tenders are required to be addressed on the date specified pursuant to this Order and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee, to that committee or sub-committee. Neither the Council nor any committee, or sub-committee is bound to accept the lowest tender. If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

Length of Meetings

When two and a half hours have passed business shall stop. The Council shall then agree either to extend the meeting by a set time or fix a date when the remaining agenda will be considered, and close the meeting.

Confidential Business

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.