

Manningford Parish Council

Standing Orders

February 2013

1 COUNCIL MEETINGS

1.1 Chairing meetings

The Chair of the parish council (and in his absence the Deputy Chair, if there is one) shall chair meetings of the council.

In the event that the person normally expected to preside the meeting is not able to do so, those Members present should decide who amongst them shall preside. The Clerk should invite nominations and put them to the vote. Where a chair has to be selected, the meeting will start when the selection decision is made. The minutes should record the selection of the chair (i.e. 'Cllr X was selected to chair the meeting').

1.2 Quorum

No business shall be considered at a meeting of the parish council unless one-third of the total number of Councillors is present, or, where more than one-third of the Councillors are disqualified from acting, then one-third of the remainder is present. In any event, there must be no fewer than 3 Members present at a meeting.

Unless the quorum is met, the council meeting cannot commence, no business may be transacted and no decisions can be made.

A meeting which is inquorate is unlawful and those Members present are not competent to resolve that the meeting is adjourned. If the quorum is not present within 30 minutes of the start time of the meeting, the meeting shall stand adjourned and will be reconvened.

1.3 Holding meetings

1.3.1 An annual meeting of the parish council shall be held every year in the month of May. In the year of ordinary elections of parish Councillors the annual meeting of the parish council shall be held within 14 days after the day on which Councillors elected take office.

1.3.2 The annual meeting of the parish council may be at any time but if the council does not fix a time, the meeting shall take place at 6pm.

Most meetings of a parish council shall take place in the evening and business concluded within [3] hours. Meetings of parish councils and their committees shall be open to the public and notice given to the public on parish notice boards.

- 1.3.3 In addition to the annual meeting of a parish council, at least 3 meetings shall be held in every year. Committee meetings shall be held as the necessity arises and the findings reported back to the full council at their next meeting. Should a committee need to report to the full Council prior to the next ordinary meeting, an extraordinary meeting shall be called.
- 1.3.4 An extraordinary meeting of the parish council may be called at any time by the Chair (and in his absence by the Deputy Chair if there is one).
- 1.3.5 Any 2 Members of a parish council may submit a written request signed by them to the Chair of the parish council to call an extraordinary meeting. In the event of the Chair not calling an extraordinary meeting within 7 days of receiving the request, the 2 members may call an extraordinary meeting.
- 1.3.6 Meetings shall be held at a place, date and time fixed by the council. Meetings shall not be held in premises being used at the time for the supply of alcohol as permitted by the Licensing Act 2003 unless no other suitable room is available free of charge or at a reasonable cost.
- 1.3.7 Notice of the time and place of meetings shall be fixed on parish notice boards at least 3 clear days before the meeting. Where a meeting is called by Members of the council (1.3.4 above), the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting (the agenda).
- 1.3.8 All Members of the council (or the committee, if this is the case) shall be given at least 3 clear days written notice (at their residence) of all meetings of the council (or committee) from the Proper Officer specifying the business proposed to be transacted which will take the form of an agenda.

Agendas and any relevant background papers shall, wherever possible, be published and circulated to Members with as much notice as possible.

1.4 Order of Business for Annual Parish Council Meetings

- 1.4.1 The **first** business to be transacted at the Annual Meeting of a parish council shall be the election of the Chair as provided by Section 15 of the 1972 Act. The parish council is not lawfully constituted unless a Chair has been elected by Members of the council.

The Chair shall make and deliver his/her declaration of acceptance of office to the Proper Officer of the council at that meeting, on a statutory

prescribed form. Should the declaration of office not be delivered at that meeting the parish council resolves to do this at a later meeting.

1.4.2 The Chair will conduct a review of the delegation of functions to any Councillor, committee, subcommittee, or to another local authority and Standing Orders to include:

- Election of Deputy Chair;
- When the Annual Meeting follows council elections, receipt of declarations of acceptance of office by Members or where this is not possible a decision must be made as to the date by which they should be received;
- Record Members present;
- Record apologies from Members unable to be present ;
- Declarations of acceptance of office by Members, or if this is not possible decide on the date of the meeting by which, it should be received;
- Members' disclosures of interests in respect of relevant items of business on the agenda;
- Agree the minutes of the last meeting and sign them;
- A review of arrangements to contribute to the expenses of another local authority that is exercising the functions of the parish council (s136 of the 1972 Act);
- A review of a parish council's ability to meet the criteria to qualify as a parish council eligible to exercise the power of well-being;
- Consideration of public participation at council meetings. [This includes the right for the public to make representations, answer questions and give evidence;
- A review of any existing committees (and sub committees) and confirmation that their terms of reference and applicable Standing Orders (if any) are clear and still relevant;
- Appoint any new committees and sub committees, determining the terms of reference, the number of Members and term of office and to implement Standing Orders in relation to them;
- Receive nominations or make nominations to any committee or subcommittee;
- Set the dates, times and place of meetings of the council for the year;
- Receive recommendations from committees.

It should be noted that members cannot act as Councillors until they have made and delivered their declaration of acceptance of office containing their undertaking to observe the code of conduct. In order to deal with items listed above it might be more practical to deal with these at a meeting of full council convened as soon as possible after the annual meeting of the council.

1.5 Order of Business for Ordinary Parish Council Meetings

1.5.1 At ordinary meetings of a parish council, business shall be dealt with in the following order:

- Record of Members present;
- Record of apologies from Members unable to be present;
- Declarations of interests (existence and nature) with regard to items on the agenda;
- Formal announcements from the Chair;
- Agree and sign minutes of the last meeting;
- Public participation session with respect to items on the agenda (which includes an opportunity for Members with a prejudicial interest in any item of business on the agenda to make representations, answer questions and give evidence);
- Outstanding business remaining from previous meetings;
- Any appointments of committees;
- Any appointment of members of the council to other bodies;
- Receive recommendations from committees (recommendations of committees must be included in full on the agenda for the council meeting). Normally only one recommendation shall be discussed at a time, but the Chair may allow 2 or more recommendations to be discussed together where this is conducive to the efficient conduct of business;
- Business motions from Members;
- Other business placed on the agenda (e.g. authorisation of orders and payments, to consider internal auditors and external auditors' reports).

1.6 Public Participation Sessions

Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees. The public have no right to participate in a meeting, unless expressly permitted to do so by the Council.

A Councillor with a prejudicial interest shall not be permitted to be present or to participate in any part of a meeting of a council considering or determining a matter in which he/she has a prejudicial interest. He/she shall be expected to leave the meeting room.

Public participation shall be restricted to items of business on the agenda. The Parish councils shall not make immediate decisions on comments and representations made by the public, but they shall be considered when the council formally considers that item of business, debates the matter and then makes a decision on that matter.

No discussion shall take place on any question put or comment made. Where practical, the Chair may respond to the question or indicate that a written response will be made. There may be instances when comments made by the public would be better addressed and considered at a later meeting, or at the meeting of a particular committee, as they may not have all the relevant information to make a valid decision.

1.7 Role of Chair

The Chair shall regulate the conduct of a meeting and preserve its order as required by common law.

Councillors and members of the public will be keen to have their point heard and sometimes the robust comment or dialogue can become out of hand. In order to control and complete the meeting's business, the Chair will need to check for comments which are irrelevant, repetitious and not addressed to the Chair and check the use of rude or disrespectful language and personal insults.

If a Councillor or a member of the public disregards the Chair's request to modify their conduct, the Council can resolve to have the person causing the disturbance to the meeting excluded.

1.8 Rules of Debate

Discussion or debate at meetings of a parish council is ordinarily permitted on a **motion** properly put before the meeting. A matter or item of business for consideration before a meeting must be expressed as a motion in positive terms.

- 1.8.1 A Member shall provide the seven clear day's written notice of an original motion to be moved in advance of a meeting to the Clerk in advance of the meeting.

Notice shall be given by email or in writing. The motion shall be clearly expressed and should it not be so, the Clerk shall seek clarification before it can be accepted for the meeting.

- 1.8.2 Motions shall be included in full on the agenda in the order they are received by the Clerk.

- 1.8.3 Motions shall not be discussed until they have been moved (by the Member who lodged the motion).

There is no legal requirement for a motion to be seconded but it is established practice in local authorities to second a motion to prompt

discussion. The requirement to second a motion should be reflected in Standing Orders.

The Chair shall invite a vote on any motion and seek secondment before it is passed.

- 1.8.4 Only one motion to be discussed at a time.
- 1.8.5 Standing Orders are key to ordering debate and ensuring that this can be completed within the time allocated for the meeting. Standing Orders should provide members (and the public) with an opportunity to speak, consider information and exchange views but should not permit rude language, open ended protracted monologues/speeches or debate in respect of irrelevant considerations. Even clear Standing Orders regarding the formalities, style, order and length of comment by Members (and public) can be ignored. Whilst the Chair should not stifle relevant debate, he will be required to rule on a point of order e.g. when a comment or speech is irrelevant to the motion in debate.

It is sensible for Standing Orders to limit the number and length of speeches or comments by Members and not to permit Members other than the mover of the motion or the mover of an amendment to a motion to speak more than once on any one motion. This is important for Members and the public.

Members and the public shall be expected to conduct themselves in a proper and courteous manner. The Chair shall rule on points or order. Normally no more than 10 minutes shall be allotted to each motion.

- 1.8.6 Any an amendment to a motion must relate directly to the subject matter of the motion and must not have the effect of nullifying the recommendation or motion.
- 1.8.7 An amendment to the original motion cannot be discussed until it has been moved and seconded.
- 1.8.8 An amendment can be withdrawn at any time by the Member moving it.
- 1.8.9 Amendments to the original motion shall be discussed together unless it is agreed to discuss them separately on the motion of any Member.
- 1.8.10 Amendments will be put to the vote in the reverse order in which they were moved.
- 1.8.11 An amendment which is carried shall become the substantive motion or recommendation and other amendments will not be put to the vote.

- 1.8.12 The order of speaking shall be:
- mover of the motion;
 - mover of first amendment;
 - mover of second amendment (and so on);
 - any other member wishing to speak;
 - right of reply of movers of amendments in reverse order;
 - right of reply of mover of recommendation or motion.
- 1.8.13 A Member may speak only once in a debate except where the Member has a right of reply or where the Chair in her/his discretion permits it in the interests of debate.
- 1.8.14 During a debate, but between speakers, any Member may move a procedural motion:
- That the question be put to the vote immediately;
 - That the meeting move to the right of reply of the mover of the recommendation or motion and then to the vote;
 - To proceed to the next business.
- If seconded, the procedural motion shall be put to the vote immediately without discussion.

1.9 Voting

- 1.9.1 All questions to be decided by the council shall be decided by a majority of the members present and voting.
- 1.9.2 Members shall vote by a show of hands of those members in the room at the time the vote is taken.
- 1.9.3 In the case of an equality of votes the Chair shall give a casting vote in addition to their first vote.
- 1.9.4 The outgoing Chair must give a casting vote in the event of there being an equality of votes for the election of the Chair of the council at the annual meeting of the parish council.

Once a resolution has been passed, a decision by the council has been made; this ends the debate on the matter. Although it is widely accepted, and a matter of common sense, that a resolution cannot be rescinded at a meeting in which it was passed, a Standing Order could confirm this position.

A resolution passed at one meeting of a Council may be rescinded at a subsequent meeting if there are no practical obstacles or legal consequences (for example which affect or prejudice a third party who has relied on the former resolution).

In order to control the rescission of resolutions and to restrict attempts to resurrect previous unsuccessful motions, Standing Orders should prohibit motions to rescind resolutions passed in the preceding 6 months. A proposal to rescind a resolution must be treated as an original motion.

1.10 Minutes

- 1.10.1 The minutes shall record the names of Members present at the meeting and the existence and nature of any interest declared by Members.
- 1.10.2 The minutes shall accurately reflect the resolutions made and voting record if this is requested by a Member at that meeting.
- 1.10.3 The draft minutes of a meeting shall be attached to the agenda for the next meeting for approval and signing by the Chair.
- 1.10.4 There shall be no discussion in respect of the draft minutes except that which relates to the motion to agree the accuracy of the draft minutes.
- 1.10.5 Any corrections shall be made by moving that the minutes are agreed with the corrections stated.

1.11 Conduct

- 1.11.1 When speaking a Member must address the Chair.
- 1.11.2 Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chair in the proper management of the conduct of the meeting.
- 1.11.3 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructing business, the Chair may move that the Member be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.
- 1.11.4 If the Member continues to behave improperly after a motion that the Member be not further heard, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If the motion is seconded, it must be put to the vote immediately without discussion.
- 1.11.5 If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chair may adjourn the meeting for as long as they consider necessary.
The parish council reserves the right to suspend any of these Standing Orders save those which reflect.

2 COMMITTEE MEETINGS

Terms set out on the conduct of council meetings govern those of committee meetings.

The following specifically apply:

Planning Committee

- The Committee shall comprise 3 Members.
- The quorum of the Committee shall be 2 Members.
- The Committee shall undertake the following roles and functions:
 - To make recommendations to the council;
 - In relation to the approval or otherwise of any development plan or strategy proposals under planning legislation affecting the parish;
 - In respect of representations to the Local Planning Authority in support of any departure application;
 - In relation to any arrangements between the parish council and the Local Planning Authority about the involvement of the parish council in the discharge of planning functions;
 - To make representations to the Local Planning Authority on any application referred to the parish council and on any other planning matter that affects the parish.
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Delegation to Employees

The Parish Clerk

- The Clerk shall be the proper officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972;
- The Clerk shall monitor and be responsible for all incoming and outgoing council correspondence;
- The Clerk shall, in the first instance, handle and acknowledge all complaints regarding the council (except where the complaint relates to the clerk);
- The Clerk shall arrange and call meetings of the council, its committees and sub-committees in consultation with the relevant Chair;
- The Clerk shall carry out and implement any council, committee or sub-committee decision;
- The Clerk shall, in the first instance, handle all requests for information under Freedom of Information Act 2000.

The Allotments Officer

The Allotments Officer shall deal with day to day matters in relation to the allotments function, including the allocation of allotments, in accordance with policies and decisions of the Allotments Committee.

3 Arrangements for proper administration of financial affairs

Parish councils are subject to various Accounts and Audit Regulations made pursuant to the Audit Commission Act 1998.

The parish council shall have a budget and annual expenditure, and have financial controls and checks in place. A Finance Officer shall be nominated and have responsibility for ensuring that the financial control arrangements include:

- The formulation of spending plans, budget and precept, for presentation to the members for approval;
- Monitoring expenditure;
- Transferring money between budget heads;
- Authorising expenditure and payment, and making payment;
- Internal and external audit of accounts;
- Approving borrowing and capital expenditure;
- Banking;
- Payroll and pensions;
- Receipt of Income;
- Credit facilities;
- Reviewing fees and charges;
- VAT;
- Register or inventory of assets (with review and update);
- Insurance;
- Use of IT facilities and records for accounting;
- Reviewing and reporting on the integrity of these arrangements.

4 Access to public information

4.1 The council shall ensure that the public know what information must be accessible to them and how it can be obtained;

To ensure that necessary information is provided to the website;

The council shall provide details of the person to be contacted by the requester of information if they wish to view the information in person and must take account of the possibility that certain information only lends itself to be viewed in person. In such circumstances an appointment to view the information must also be arranged within a reasonable timescale;

The council shall provide information in the language in which it is held or in such other language that is legally required. To translate any information where the council is legally required to do so;

The council shall adhere to requirements under disability and discrimination legislation and any other legislation to provide information in other forms and formats.

- 4.2 The council shall provide information in respect of:
Organisation, locations and contacts;
Financial information relating to income and expenditure, tendering, procurement and contracts;
Council priorities (e.g. parish plan, annual report);
Policy and procedure for delivery of services and in respect of the conduct of council business;
Written protocols for delivering functions and responsibilities;
Such information that may be held in registers as required by law and other lists and registers relating to the functions of the authority;
Services offered.
- 4.3 The council will provide this information in the public domain on the council website.
- 4.4 Requests for information shall be directed to the Parish Clerk in the first instance.
- 4.5 As the council is a data controller as defined by the Data Protection Act 1998, and any requests for data will be dealt with through the Parish Clerk who will work with the member responsible for that matter.

5 Members' Code of Conduct

5.1 Members agreed and adopted a code of conduct based on Wiltshire Council's standard policy in January 2013. This Code of Conduct has been lodged with the Council and supersedes any previous code.