

Smeeton Westerby Parish Council

Standing Orders

Reviewed and approved 10th May 2017

1 Meetings

- a 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.
- b When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.
- c Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda only under the public participation session listed on the agenda.
- e Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 5 minutes. The total period of time for the public participation shall not exceed 20 minutes.
- f In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate and the Chair may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.

- g A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- h Any person speaking at a meeting shall address their comments to the Chair. If more than one person wishes to speak the Chair shall direct the order of speaking.
- i In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- j Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair.
- k The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- l Subject to model standing order 1 (n) below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.
- m The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.
- n Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.
- o The minutes of a meeting shall record the names of councillors present and absent.
- p If prior to a meeting, a councillor has submitted apologies for more than 3 consecutive meetings then reasons for absence would need to be approved by resolution.
- q If a councillor fails to attend six consecutive meetings without a reason approved by the Council he/ she automatically ceases to be a Councillor.
- r The code of conduct adopted by the Council shall apply to councillors in respect of the entire

meeting.

- s An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting shall be recorded in the minutes.
- t No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- u If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

2 Ordinary Council meetings

- a In an election year, the annual meeting of the Parish Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- d The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council.
- e The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until the successor is elected at the next annual meeting of the Council.
- f The Vice-Chairman of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

- g In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.
- h In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.
- i Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Receipt of nominations to existing committees.
 - iv. Review and adoption of appropriate standing orders and financial regulations.
 - v. Review of inventory of land and assets including buildings and office equipment.
 - vi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer

- a The Council's Proper Officer shall be the clerk.
- b The Council's Proper Officer shall do the following.
 - i. Sign and serve on councillors by delivery at their residences or by electronic means a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting. Each councillor to confirm receipt of agenda.
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
 - iii. Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office, in accordance with standing order

3(b)ii above.

- iv. Receive and retain copies of byelaws made by other local authorities.
- v. Receive and retain declarations of acceptance of office from councillors.
- vi. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- vii. The Proper Officer has delegated powers to deal with urgent matters between meetings in consultation with the Chair or Vice-Chair and any other Member as appropriate.

4 Motions

Motions to suspend any standing order except those which are mandatory by law do not require written notice.

5 Code of conduct

- a All councillors shall observe the code of conduct adopted by the Council.
- b If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 5(c) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- c Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

6 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than 7 days prior to the day of service of the summons to attend the scheduled meeting they shall be taken as read.

- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

7 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chair, there has been a breach of standing order 7(a) above, the Chair shall express that opinion and thereafter any councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 7(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or may adjourn the meeting.

8 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least two councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further 6 months.

9 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 favour, 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 favour of one person. Any tie may be settled by the Chair's casting vote.

10 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee or to an employee.

11 Execution and sealing of legal deeds

- a In accordance with a resolution made under standing order 10(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

12 Committees

- a The Council may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;

13 Extraordinary meetings

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

14 Advisory committees

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.

15 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

16 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than November.

17 Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any

document in the possession of the Council or a committee or, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

18 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 18(a) above may be removed from a committee by a resolution of the Council.

19 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected. Previous employees' records to be securely kept by Chair.
- c Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

20 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

21 Relations with the press/media

- a In respect to dealing with the press and/or other media, councillors and employees shall not, in their official capacity, provide oral or written statements or written articles to the press or other media without the agreement of the Chair.

22 Liaison with District and County Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County representing its electoral ward.

23 Financial matters

- a The Council shall operate within the requirements of the approved Financial Regulations.

24 Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chair or Vice-Chair who will follow the locally agreed procedure for resolution.

25 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

26 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of their declaration of acceptance of office.
- b The Chair's decision as to the application of standing orders at meetings shall be final.

- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with standing orders.

**Reviewed and Approved at the meeting of Smeeton Westerby Parish Council on 10th May 2017
minute reference:**