

GEORGE NYMPTON & QUEEN'S NYMPTON PARISH COUNCIL

STANDING ORDERS

*As prepared by Councillors Allen and Herniman and as
adopted at the 17th March 2015 Parish Council Meeting*

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1. Rules of Debate at Meetings

- a) Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b) Each item on the agenda shall be discussed and clarified before the Councillors are asked to vote for or against the proposal by a show of hands.
- c) Decisions, called resolutions, are recorded in the minutes.

2. Disorderly Conduct at Meetings

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person to moderate or improve their conduct.
- b) If the person disregards the request of the Chairman to moderate their conduct, any councillor or the chairman may move that the person can no longer be heard or excluded from the meeting. The motion, shall be put to the vote without discussion.

3. Meetings General

- 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) **The minimum three clear days' notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- 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 shall be by a resolution which shall give reasons for the public's exclusion.**
- d) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of any business on the agenda or any Parish matter of concern to them or other members of the community.
- e) The period of time designated for public participation at a meeting shall not exceed fifteen minutes unless directed by the Chairman.
- f) A member of the public shall not speak for more than five minutes unless directed by the Chairman.
- g) A person who speaks shall direct his comments to the Chairman of the meeting.
- h) 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.
- i) **Photographing, recording, broadcasting and transmitting the proceedings by the media or the public are permitted, subject to the conditions laid out in Parish Council Media Policy.**

- j) **The press shall be provided with reasonable facilities for the taking of their report, subject to the conditions laid out in the Parish Council Media Policy.**
- k) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**
- l) **The Chairman, if present, shall preside at a meeting. If the chairman is absent from the meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- m) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- n) **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes, may exercise his casting vote, whether or not he gave an original vote.**
- o) **Unless standing orders provide otherwise, voting on a 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 his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- p) **The minutes of the meeting shall include an accurate record of the following;**
 - i. The time and place of the meeting;
 - ii. The names of the councillors present and absent;
 - iii. Interests that have been declared by councillors;
 - iv. Whether a councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. If there was a public participation session;
 - vi. The resolutions made.
- q) **A councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- r) **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 three.**
- s) **If a meeting becomes inquorate no business shall be transacted and the meeting closed. The business of the agenda for the meeting shall be adjourned to another meeting.**

4. Ordinary Council Meetings

- a) **In an election year, the annual meeting of the 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) **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.**
- d) **In addition to the Annual Meeting of the Council, at least three ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e) **The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.**
- f) **The Chairman and Vice-Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successors are elected at the next Annual Meeting of the Council.**
- g) **In an election year, if the current Chairman of the Council has not been re-elected, 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 equality of votes.**
- h) **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.**
- i) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the Annual Meeting of the Council, the business of the Annual Meeting of the Council shall include:
 - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date;
 - ii. Confirmation of the accuracy of the last meeting of the council;
 - iii. Review and adoption of appropriate standing orders and financial regulations;
 - iv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - v. Review of the council's complaints procedure;
 - vi. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - vii. Review of the Council's policy for dealing with the press/ media;
 - viii. Determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of full Council.

5. Extraordinary meetings

- a) **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b) **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.

6. Previous resolutions

A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least three Councillors, to be given to the Proper Officer.

7. Voting on appointments

Where more than two persons have been nominated for a position to be filled by the council and none of these 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. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

8. Code of conduct and dispensations

- a) All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b) Unless he has been granted dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c) Unless he has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest, if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d) Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council.
- f) A dispensation request shall confirm;
 - i. The description and the nature of the disclosable pecuniary interest or other interest, to which the request for the dispensation relates,
 - ii. Whether the dispensation is required to participate at a meeting in a discussion only, or a discussion and a vote,
 - iii. The date of the meeting,
 - iv. An explanation as to why the dispensation is sought.
- g) Dispensations requests shall be considered at the start of the meeting of the Council for which the dispensation is required.
- h) A dispensation may be granted if, having regard to all relevant circumstances, the following applies;**

- i. Without the dispensation, the number of persons prohibited from participating would be so great a proportion of the meeting transacting the business as to impede the transaction of the business, or;
- ii. Granting the dispensation is in the interests of persons living in the Council's area, or;
- iii. It is otherwise appropriate to grant a dispensation.

9. Code of conduct complaints

- a) Upon notification by the District Council or that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall report this to the council.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer will notify the Chairman of the Council of this fact, and the Chairman shall nominate another person to assume the duties of the Proper Officer in relation to the complaint, until it has been determined and the Council has agreed what action, if any, to take.
- c) **Upon notification by the District that a councillor 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.**

10. Proper Officer

- a) The Proper Officer shall be either the clerk or other staff members nominated by the Council to undertake the work of the Proper officer when the Proper Officer is absent.
- b) The Proper Officer shall;
 - i. At least three clear days before a meeting of the Council serve on councillors a summons, by email, confirming the time, place and agenda. The Councillors are required to confirm receipt of the email. (See standing order 3(b) above for the meaning of clear days for a meeting of a full council)
 - ii. Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by them is signed by them);
 - iii. Include on the agenda all motions in the order received, unless a councillor has given written notice at least three days before the meeting confirming his withdrawal of it;
 - iv. Convene a meeting of full council for the election of a new Chairman, occasioned by a casual vacancy in his office;
 - v. Facilitate inspection of the minute book by government electors;
 - vi. Receive and retain copies of bylaws made by other local authorities, where appropriate.
 - vii. Retain acceptance of office forms from councillors;
 - viii. Retain a copy of every councillor's register of interest;
 - ix. Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 198, in accordance with and subject to the Council's policies and procedures relating to the same;
 - x. Receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary;

- xi. Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiii. Refer a planning application received by the Council to the Chairman, or in his absence, the Vice Chairman within two working days of receipt, to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next meeting of the Council;
- xiv. Manage access to information about the Council;

11. Responsible Finance Officer

The Council shall appoint an appropriate person to undertake the work of the Responsible Finance Officer when the Responsible Finance Officer is absent.

12. Accounts and accounting statements

- a) All payments by the Council shall be authorised, approved and paid in accordance with the law and the Council's financial regulations.
- b) The Responsible Financial Officer shall supply to an appointed councillor as soon as is practicable after 30 June, 30 September and 31 December in each year a statement to summarise;
 - i. The Council's aggregate receipts and payments for the year to date;
 - ii. The balances held at the end of the quarter being reported;

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- c) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide;
 - i. Each councillor with a statement summarising the council's receipts and payments for the year to date for information, and
 - ii. To the full Council, the accounting statements for the year.
- d) The year end accounting statements shall be prepared for the year to 31 March. A completed draft annual return shall be presented to the Chairman before the end of the following month of May.

The annual return of the Council, which is subject to internal and external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

13. Requests for information

- a) Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

14. Relations with the press/ media

Requests from the media for an oral or written comment or statement from the Council, its councillor or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/ or media.

15. Communicating with District and County Councillors

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

16. Restrictions on Councillor Activities

Unless authorised by a resolution, no councillor shall issue orders, instructions or directions.

17. Standing Orders Generally

- a) All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- c) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- d) Items containing text in bold print are mandatory; all other items are at the discretion of the Parish Council.