



## **OLVESTON PARISH COUNCIL - Standing Orders**

**Adopted October 2017**

### **MEETINGS**

1. The Statutory Annual Meeting in an election year shall be held on or within 14 working days following the day on which the Councillors elected take office. In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.
2. In addition to the Statutory Annual Parish Council Meeting monthly meetings shall be held, usually on the fourth Tuesday each month.
3. 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.
4. Smoking is not permitted at meetings.
5. The Proper Officer shall at least three clear days before a meeting of the council, a committee and 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, as well as giving the public notice at the same time. Councillors may bring to the attention of the Council matters of urgency which they consider the Council should discuss as soon as possible. If necessary, a subsequent meeting should be convened.
6. The minutes shall record the names of councillors present and absent.
7. Any interest which is disclosed by a councillor at a meeting shall be recorded in the minutes.
8. The District Councillor if invited, will be allowed to speak on subjects on the agenda.

### **CHAIRMAN OF MEETING**

9. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

## **QUORUM**

- 10.** Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council. Each of the Committees formed from Parish Councillors, including the 'Recreation & Leisure Committee', the 'Planning Committee', and any other committee formed by Olveston Parish Council is required to have 3 or 4 members one of which is a Chairman. Each Committee can only meet when 2 or more members are present. Should only 2 members be attending and one of those members is the Chairman, then the Chairman should refer any split decision to full Parish Council. The Clerk is not considered to be part of any Committee.

## **VOTING**

- 11.** Voting at a meeting shall be by show of hands.
- 12.** If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- 13.1** Subject to (13.2) and (13.3) below the Chairman may give an original (first) vote on any matter put to the vote, and in any case of equality (tie) of votes may give a casting vote whether or not he gave an original vote.
- 13.2** If the person presiding at the annual meeting has 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.
- 13.3** The person presiding must give a casting vote whenever there is an equality of votes in an election for the Chairman.

## **ORDER OF BUSINESS**

- 14.** At each Annual Parish Council Meeting the first business shall be:-
  - (a) To elect a Chairman of the Council.
  - (b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - (c) In the ordinary year of elections of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

- (d) To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council (which have not been received as provided by law) shall be received.
  - (e) In the ordinary year of elections review whether or not the Council wishes to exercise the power of well being and to make arrangements to meet the prescribed criteria in order to begin, or continue, using it. Once the criteria have been met then the Council is to confirm this by resolution at a meeting of the full Council. Unless this is reaffirmed a Council is unable to use the power save for completing any activity undertaken in the previous session (i.e. the previous four years).
  - (f) Committees of the Council and their membership shall be reviewed at the Annual General Meeting
- 15.** At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received. The order of business on the agenda may be varied at the discretion of the Chairman or by resolution proposed and seconded by the members of the Council
- 16.** (a) After consideration, to approve the signature of the Minutes by the person presiding as a correct record. 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.
- (b) To deal with business expressly required by statute to be done.
- (c) No decisions may be made on matters put forward which are not on the agenda. Agenda amendments require to be published 3 working days before the meeting.
- 17.** A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution, any two councillors may sign on behalf of the Council any deed required by law and have the Proper Officer witness their signatures.

## **DISORDERLY CONDUCT**

- 18.** All members must observe the Code of Conduct. If at any meeting any member of the Council in the expressed opinion of the Chairman, conducts himself/herself in a manner unbecoming, by behaving irregularly, improperly or offensively or wilfully obstructs the business of the Council,, the Chairman or any member of the Council may move that "the member named be not further heard and the motion, if seconded, shall be put any determined without discussion. In the event of a general disturbance, the Chairman may adjourn the meeting.
- 19.** Where paragraph 12(2) of the Model Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No 1159) has been adopted by the Council, and councillors have exercised their rights to make representation, answer questions and give

evidence relating to the business to be transacted then members of the public shall be allowed to make representations, answer questions and give evidence relating to the business to be transacted likewise.

## **INTERESTS**

- 20.** If a member has a personal interest as defined by the Code of Conduct then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 21.** If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
- 22.** The Clerk may be required to compile and hold a Register of Member's interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

## **INSPECTION OF DOCUMENTS**

- 23.** All minutes kept by the Council and by any Committee shall be open for inspection by any member of the Council.
- 24.** A member of the public is entitled to make a request for information held by a local council under s1 of the Freedom of Information Act 2000.
- 25.** An individual is entitled to request information held by a local council which relates to them under s7 of the Data Protection Act 1998.

## **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

- 26.** The public and press shall be admitted to all meetings of the Council and its committees and sub committees, which may, however, temporarily exclude the public and press by means of the following resolutions: -

"That in view of the special]/confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

Any parishioner may participate in the business of the Council at a time set aside for the purpose; Members of the public may not speak at any other time unless invited by the Chairman to do so.

## **ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

- 27** (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 Parish 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 that fact who, upon receipt of such notification, will nominate a person to assume the duties of proper officer set out in the remainder of this Standing Order who will continue to act as such until the complaint is resolved.

- (c) Where the notification relates to a complaint made by an employee (not being the proper officer) the proper officer will ensure that the employee in question does not deal with any aspect of the complaint.
- (d) The subject matter of notification shall be confidential and in so far as it is possible to do so by law, the Council (including the proper officer and Chairman of the Council) will take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
  - i. Draft the summons and agendas in such a way that the identity and subject matter of the complaint are not disclosed;
  - ii. Ensure that any background papers containing the information set out in the agenda are not made public;
  - iii. Ensure that the public and press are excluded from meetings as appropriate;
  - iv. Ensure that the minutes of meetings are drafted in such a way as to preserve confidentiality.
- (e) Standing order 25d above should not be taken to prohibit the Council (whether through the proper officer or the Chairman of the Council) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- (f) The Council committees shall have the power to:
  - i. seek documentary and other evidence;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs which shall be in accordance with the law and subject to ratification by a meeting of the full council.
- (g) A reference in this Standing Order to a “notification” shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a member of the Council (whether co-opted or not).

## **FINANCIAL STANDING ORDERS**

- 28** Cheques shall be signed by a minimum of two Councillors, and Invoices for Bank Payments authorised by two Councillors
- 29** Contracts costing in excess of £1,500 (with the exception of the grass cutting) for the supply of goods to the Council or for the execution of works where most, or all of the cost will be met by the Council will be allocated on the best available quote. The clerk will seek at least three quotes to a specification agreed by a prior meeting of the Council and an appointed Councillor, or the clerk, will oversee the contract.
- 30** Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. Any of these standing orders may be suspended so far as the regards any business at the meeting, provided that not less than half of the members of the full Council vote in favour of the suspension.
- 31** The ruling of the Chairman as to the construction of or application of any of these Standing Orders, or to any proceedings of the Council shall not be challenged at any meeting.

## **STANDING ORDERS TO BE GIVEN TO MEMBERS**

A copy of these standing orders shall be given to each member of the Council by the Clerk upon delivery to him/her of the member's declaration of acceptance of office.

No recommendations have been made for other items if

- a) there are already legal requirements to be observed,
- b) where common sense would dictate the proper procedure
- c) working of the Council would be obstructed unnecessarily by rules