

# Standing Orders

Standing Orders provide procedures and controls for the management of Parish Council business. Basic arrangements are contained in Schedule 12 of the Local Government Act 1972. Standing Orders should be seen as an aid to proper and effective governance, whilst over-regulation can be an impediment.

The Standing Orders adopted by Souldern Parish Council are based on model standing orders, but are modified as appropriate to Souldern Village and the Parish Council. These orders shall be the base of all Parish Council proceedings and so will be the source of reference should the need arise.

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# Souldern Parish Council

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# Souldern Parish Council

## Standing Orders

### 1 COUNCIL MEETINGS

#### 1.1 Chairing meetings

The Chairman of the Council, or in his or her absence the Deputy Chairman, shall chair meetings of the Council. In their absence the Council shall select a person to chair the meeting.

##### *Note*

*This reflects the requirement in Schedule 12. A meeting cannot take place unless a chairman is appointed. The clerk should supervise the selection by inviting nominations and putting them to the vote. Where a chair has to be selected, the meeting starts when the selection decision is made. The minutes should record the selection of chair (i.e. 'Cllr X was selected to chair the meeting').*

#### 1.2 Quorum

No business shall be dealt with unless there is a quorum of 3 members present. If there is no quorum, the meeting must be adjourned immediately.

##### *Note*

*This reflects the requirement in Schedule 12.*

*The inclusion of the figure 3 is the legal minimum for councils of up to 9 members.*

#### 1.3 Holding meetings

- 1.3.1 An annual meeting of the Council shall be held in every year in the month of May. In the year of ordinary elections of parish councillors the annual meeting shall be held within 14 days after the day on which councillors elected take office.
- 1.3.2 At least 3 other meetings of the Council shall be held in every year.
- 1.3.3 An extraordinary meeting of the Council may be called at any time by the Chairman.
- 1.3.4 Any 2 members may submit a written request signed by them to the Chairman to call an extraordinary meeting. In the event of the Chairman not calling an extraordinary meeting within 7 days of receiving the request, or refusing to call an extraordinary meeting, the 2 members may call an extraordinary meeting.
- 1.3.5 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 permitted by the Licensing Act 2003 unless no other suitable room is available.
- 1.3.6 Notice of the time and place of meetings must be fixed in a conspicuous place in the parish at least 5 clear days (excluding Sundays and public holidays) before the meeting. Where a meeting is called by members of the Council

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(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).

1.3.7 All members of the Council shall be given (electronically or left at their residence) at least 5 clear days written notice of all meetings of the Council from the Clerk to the Council specifying the business proposed to be transacted (the agenda).

1.3.8 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 of, or all of, a meeting shall be by a resolution, which shall give reasons for the public's exclusion.

## 1.4 Order of business for Annual Meetings

At Annual Meetings business will be dealt with in the following order:

- Election of Chairman (immediately followed by the Chairman's declaration of acceptance of office)
- Election of Deputy Chairman
- When the Annual Meeting follows Council elections, to note the receipt of declarations of acceptance of office by members
- Disclosures of interest by members (and employees) in items on the agenda
- Agreeing the minutes of the last meeting and signing them
- Receiving any apologies for absence
- Announcements from the Chairman
- To approve any changes to the Standing Orders proposed following the annual review
- To approve any changes to the delegation arrangements proposed following the annual review
- To approve any changes to other governing documents
- To appoint committees
- To make appointments and nominations
- Deciding the dates, times and place of meetings of the Council for the year
- To receive recommendations from committees
- Other business placed on the agenda

### *Note*

*It should be noted that newly elected members cannot act as Parish Councillors until they have made their declarations of acceptance of office and undertakings to observe the code of conduct. It is desirable for these to be completed before the commencement of the meeting.*

## 1.5 Order of business for ordinary meetings

1.5.1 At ordinary meetings, business will usually be dealt with in the following order:

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- Disclosures of interest by members (and employees) in items on the agenda
- Agreeing the minutes of the last meeting and signing them
- Receiving any apologies for absence
- Announcements from the Chairman
- Receiving petitions
- Public question time
- Member question time
- Any business remaining from previous meetings
- Any appointments to committees and other bodies
- To receive reports and recommendations from advisory groups
- To receive business motions from members
- Other business placed on the agenda

1.5.2 The order of business may be changed by the meeting by motion put by the Chairman.

## *Note*

*It is suggested that the first 3 items are always taken first as matters of procedure. Announcements from the chair should be limited to civic matters rather than agenda business.*

*It is suggested that items of public interest for which the public are present are dealt with early in the agenda. This might involve the Chairman moving items forward with the approval of the meeting.*

*It is desirable to make provision for members of the public to ask questions (and make representations) to the Council. This can be by advance notice which enables a response to be made. Alternatively it can be spontaneous. The Council is not obliged to respond at the meeting. A more considered reply may be necessary and arrangements will need to be made for this. The Chairman will need to effectively control the question time to allow as many persons as possible within the allocated time scale allowed to put questions.*

*Parish Councils may wish to add other standard items which meet their needs (e.g. authorising orders and payments, financial monitoring report, to note minutes of committees).*

## **1.6 Minutes**

- 1.6.1 No discussion shall take place on a motion to agree the minutes other than upon their accuracy.
- 1.6.2 Any corrections shall be made by moving that the minutes are agreed with the corrections stated.
- 1.6.3 The minutes must record the names of members present at the meeting and the declarations of interest of any member.

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- 1.6.4 The minutes of a meeting must be circulated to all members as soon as practicable and referred to the next meeting (other than an extraordinary meeting) for agreement and signing by the Chairman.

## *Note*

*This is a useful provision to prevent discussion going over ground already dealt with. The precise wording of corrections needs to be identified when moving the minutes. The requirement to record names in the minutes accords with Schedule 12.*

## **1.7 Petitions**

- 1.7.1 Petitions may be received at ordinary meetings of the Council provided that the petition is received by the clerk no later than mid-day three working days before the day of the meeting and is signed by at least 10 electors within the parish.
- 1.7.2 Petitions may only be about a matter for which the Council has a responsibility or which affects the parish.
- 1.7.3 Petitions will not be received by the Council which are in furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government minister.
- 1.7.4 A petition will not be received by the Council where the issue it concerns has been the subject of a petition in the last six months or a decision of the Council in the last six months.
- 1.7.5 One signatory to the petition may speak on the petition for no more than 5 minutes.
- 1.7.6 No discussion shall take place on the petition. A member may move that the petition be referred to the next meeting or to a committee or to another body. Once seconded, the motion will be voted on without discussion.
- 1.7.7 No more than 5 petitions will be received at a meeting.

## *Note*

*Petitions are a way of persons pursuing a particular concern obtaining support and prompting public debate. For Parish Councils, having a process for receiving petitions demonstrates an interest in community concerns and a readiness to listen. The constraints to petitions are intended to prevent abuse of the process.*

## **1.8 Public Question time**

- 1.8.1 Any elector within the parish may put a question to the meeting about a matter for which the Council has a responsibility or which affects the parish.
- 1.8.2 An elector seeking a response to a question at the meeting must give the clerk notice of the question at least 5 clear days before the meeting.
- 1.8.3 Questions will not be received by the Council which are in furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government minister.

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- 1.8.4 A question will not be received by the Council where the issue it concerns has been the subject of a decision of the Council in the last 6 months.
- 1.8.5 An elector putting a question may speak for no more than one minute.
- 1.8.6 A maximum of 15 minutes will be allowed for public questions.
- 1.8.7 No discussion shall take place on any question put. Where practical, the Chair may respond to the question or indicate that a written response will be made. A member may move that the question be referred to the next meeting or to another body. Once seconded, the motion will be voted on without discussion.
- 1.8.8 Where notice of a question has been given, a reply may be given orally at the meeting by the Chairman or person nominated by the Chairman, or a written reply given to the elector.

### *Note*

*Again this device provides an opportunity for electors to raise questions of concern. Questions may of course simply raise issues. 'When are the street lights on Mary Street going to be repaired?' The Chairman and members may need to be tolerant with electors approach to questions put as statements. There is no obligation on the Council to respond at the meeting. An indication that the matter will be noted may be sufficient.*

*It is preferable for parish councils not to make immediate decisions on matters raised (other than to refer them to a committee or the next meeting) as they may not have all the relevant information to make a valid decision.*

### **1.9 Member question time**

- 1.9.1 Any member may put a question to the meeting about a matter for which the Council has a responsibility or which affects the parish.
- 1.9.2 A member seeking a response to a question at the meeting must give the clerk notice of the question at least 5 clear days before the meeting.
- 1.9.3 In putting a question a member may speak for no more than 1 minute.
- 1.9.4 A maximum of 15 minutes will be allowed for members' questions.
- 1.9.5 No discussion will take place on any question put. Where practical, the Chairman may respond to the question or indicate that a written response will be made.
- 1.9.6 Where notice of a question has been given, a reply may be given orally at the meeting by the Chairman or person nominated by the Chairman, or a written reply given to the member.

### *Note*

*This device allows members to raise matters not otherwise on the agenda. It also allows minority issues to be aired.*

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## 1.10 Business motions

- 1.10.1 Any member may give to the clerk written notice of a motion the member wishes to move at a meeting at least 8 clear days before the meeting (and sufficient to enable the motion to be included on the agenda).
- 1.10.2 Motions must be included in full on the agenda in the order they are received.
- 1.10.3 Motions cannot be discussed until the discussion has been proposed and seconded.
- 1.10.4 Normally only one motion may be discussed at a time, but the meeting may agree on motion of the Chairman that 2 or more motions relating to the same matter be discussed together where this is conducive to the efficient conduct of business.

### *Note*

*This is a means for individual members raising formal business on an agenda. Councils should be mindful that decisions should be made having regard to relevant information. Having regard to the short notice members have of motions, members should be cautious voting on motions where insufficient information is available to them.*

## 1.11 Rules of debate

- 1.11.1 Items included on the agenda shall be considered in the order that they appear on the agenda, unless the order is changed at the Chairman's direction.
- 1.11.2 A point of order shall be decided by the Chairman and his or her decision shall be final.
- 1.11.3 The Chairman shall be satisfied that an agenda item requiring resolution is sufficiently debated before it is proposed, seconded and put to the vote.

## 1.12 Voting

- 1.12.1 Subject to any legal requirement all questions to be decided by the Council shall be decided by a majority of the members present and voting.
- 1.12.2 Members shall vote by show of hands. A member's vote will only be counted if the member is in the room of the meeting at the time the vote is taken.
- 1.12.3 Immediately after a vote is taken and before the next business is commenced, a member may request that the minutes of the meeting record the way in which the member has voted or that the member abstained from voting. The minutes shall note whether the member voted for or against the question put or whether the member abstained.
- 1.12.4 Immediately before a vote is taken any member may request that a vote is recorded. When a request is made the Chairman or person nominated by the Chairman shall call the names of all the members and after each name is called the member shall state whether he or she is voting for or against the

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question put or abstaining. The record of voting shall be recorded in the minutes.

- 1.12.5 In the case of an equality of votes the Chairman may give a casting vote whether or not he or she gave a first vote.
- 1.12.6 The Chairman must give a casting vote in the event of there being an equality of votes for the election of the Chairman of the Council.
- 1.12.7 In an election year, if the current Chairman has not been re-elected as a member of the Council, he or she shall preside at the meeting until a successor Chairman has been elected. The current Chairman shall not have a first vote in respect of the new Chairman, but must give a casting vote in the case of an equality of votes.
- 1.12.8 In an election year, if the current Chairman has been re-elected as a member of the Council, he or she shall preside at the meeting until a new Chairman has been elected. The current Chairman may exercise a first vote in respect of election of a new Chairman and must give a casting vote in the case of an equality of votes.

## *Note*

*These requirements mainly reflect the requirements of schedule 12. The requirement for members to be in the room for a vote to be counted, and the casting vote for election of chair are optional but sensible.*

## **1.13 Procedural motions**

Any member at any time may move, between speakers, any of the following motions to:

- proceed to the next business
- move to the vote
- refer a matter to another body
- adjourn the meeting

If the motion is seconded, it must be put to the vote immediately without discussion.

## **1.14 Conduct**

- 1.14.1 All members shall comply with the adopted Code of Conduct.
- 1.14.2 An interest declared by a member must be recorded in the minutes.
- 1.14.2 A member when speaking must address the Chairman.
- 1.14.2 Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chairman in the proper management of the meeting.
- 1.14.3 If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the member be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.

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- 1.14.4 If the member continues to behave improperly after a motion that the member be not further heard, the Chairman 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.
- 1.14.5 If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chairman may adjourn the meeting for as long as he or she considers necessary.

## **2 DELEGATIONS TO THE PARISH CLERK**

- 2.1. The Clerk shall carry out the functions and responsibilities as defined in his or her job description.
- 2.2. The Clerk shall arrange and call meetings of the Council, in consultation with the Chairman of the Council and in accordance with relevant standing orders.
- 2.3. The Clerk shall convene a meeting of the full Council for the election of a new Chairman, necessitated by a casual vacancy in this office, in accordance with relevant standing orders.
- 2.4. The Clerk shall, as appropriate, implement or progress any Council decision.
- 2.5. The Clerk may take urgent decisions on behalf of the Council in consultation with the Chairman or Vice-chairman.
- 2.6. The Clerk shall receive and retain declarations of office from Parish Councillors, and inform the relevant District Council Officer.

## **3 ACCESS TO INFORMATION ARRANGEMENTS**

### **3.1 Access to meetings**

- 3.1.1 The public and press are entitled to attend any meeting of the Council unless excluded by formal resolution in relation to any matter of business.
- 3.1.2 Notice of all meetings and agenda for meetings will be placed on the village noticeboard at least 5 clear days before the meeting. Agenda for meetings will also be put on the Parish Council website (when functioning).
- 3.1.3 The public may put questions or make comments to meetings of the Parish Council in accordance with the relevant Standing Orders
- 3.1.4 Petitions may be presented to meetings of the parish Council in accordance with the relevant Standing Orders.

### **3.2 Access to documents**

- 3.2.1 A reasonable number of copies of the agenda shall be available from the Clerk for the public attending meetings.
- 3.2.2 Minutes of meetings shall be available free to the public on application to the Clerk. (Multiple applications may be subject to a copying charge.)
- 3.2.3 Agreed minutes shall be available from the Clerk and on the Parish Council's website (when functioning).

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- 3.2.6 Applications under the Freedom of Information Act should be addressed to the Clerk.
- 3.2.7 Applications for personal information under the Data Protection Act 1998 should be addressed to the Clerk.

## **3.3 Minutes**

- 3.3.1 If a copy of the draft minutes of a preceding meeting have been circulated to members at least 5 working days before the meeting it will be assumed that members have read them.
- 3.3.2 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 in accordance with the relevant standing order.
- 3.3.3 Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 3.3.4 If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he or she shall sign the minutes and include a paragraph in the following terms or to the same effect:  
“The Chairman of this meeting does not believe that the minutes of the meeting of the Parish Council held on [date] in respect of ( ) were a correct record but this view was not upheld by the majority of the Parish Council and the minutes are confirmed as an accurate record of the proceedings.”
- 3.3.5 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.

## **4 RESCISSION OF PREVIOUS RESOLUTIONS**

A resolution of the Council shall not be reversed within 6 months, except by a special motion, the written notice of which bears the signatures of at least 3 members.

## **5 EXPENDITURE**

- 5.1 Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- 5.2 Council's financial regulations shall be reviewed once a year.
- 5.3 Council's financial regulation 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 nominated member or officer.

## **6 EXECUTION AND SEALING OF LEGAL DEEDS**

- 6.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

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

## 7 ADVISORY GROUPS

- 7.1 The Council may appoint advisory groups comprised of a number of members and non-members.
- 7.2 Advisory groups may consist wholly of persons who are not members.

## 8 ACCOUNTS AND FINANCIAL STATEMENT

- 8.1 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.
- 8.2 The Responsible Financial Officer shall supply to each member prior to each Council ordinary meeting a statement summarising the Council's receipts and payments for the preceding period and the current balances held.
- 8.3 The Responsible Financial Officer will provide a comparison with the budget for the financial year at intervals agreed by the Council on reviewing the risk assessment.
- 8.4 A Financial Statement prepared on the appropriate accounting basis for a year to 31 March shall be presented to each member before the ordinary meeting of the Council in the following May. The Statement of Accounts of the Council (which is subject to external audit), including the Annual Governance Statement, shall be presented to Council for formal approval at the ordinary meeting in May.

## 9 ESTIMATES AND PRECEPTS

The Council shall approve written estimates for the coming financial year at its ordinary meeting in January. The Precept will also be set at this meeting.

## 10 FINANCIAL MATTERS

The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- the accounting records and systems of internal control;
- the assessment and management of financial risks faced by the Council;
- the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- the inspection by members and local electors of the Council's accounts;
- procurement policies for supply of various goods and services

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## **11 LIAISON WITH DISTRICT AND COUNTY COUNCILLORS**

- 11.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District Council and County Council representing its electoral ward.
- 11.2 Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the appropriate councillor representing Souldern Parish.

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

- 12.1 On receipt of a notification that there has been an alleged breach of the code of conduct the Clerk shall refer it to the Chairman, who will comply with procedures stipulated by Cherwell District Council.
- 12.2 Where the notification relates to a complaint made by the Clerk, the Clerk shall notify the Chairman of the Parish Council, who, upon receipt of such notification, shall nominate a person to assume the duties of the Clerk set out in the remainder of this standing order. This person shall continue to act in respect of that matter as such until the complaint is resolved.
- 12.3 The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
- 12.3.1 Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - 12.3.2 Ensure that any information related to the complaint is not made public.
  - 12.3.3 Ensure that the public and press are excluded from meetings as appropriate.
  - 12.3.4 Ensure that the minutes of meetings preserve confidentiality.
  - 12.3.5 Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- 12.4 This Standing Order should not be taken to prohibit the Council (whether through the Clerk or the Chairman of the Parish 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.
- 12.5 The Parish Council shall have the power to:
- seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - seek and share information relevant to the complaint;
  - grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- 12.6 References 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 Parish Councillor.

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## **13 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- 13.1 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.
- 13.2 A motion permanently to 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 members at a meeting of the Council vote in favour of the same.

## **14 OTHER PROVISIONS**

### **14.1 Smoking**

Smoking is prohibited during any Council and committee meeting.

### **14.2 Individual members**

A member cannot individually exercise any functions of the Council on behalf of the Council. A member must not issue any order relating to work being done for the Council or claim any right to enter any property on behalf of the Council.

### **14.3 Confidential business**

Members shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

### **14.4 Parish Councillors' obligations**

Parish Councillors shall fulfil the obligations of their office by:

- Attending meetings unless unavailable (Parish Councillors failing to attend meetings for 6 months will automatically cease to be a member of the Council)
- Advise the Clerk of unavailability for periods of more than 5 working days (eg holidays)
- Responding as required to all correspondence from the Clerk or members within 5 working days, or sooner if the usual procedure requires it (eg planning applications).

## **15 STANDING ORDERS TO BE GIVEN TO PARISH COUNCILLORS**

- 15.1 The Clerk shall provide a copy of the Council's standing orders to all members upon delivery of his or her declaration of acceptance of office.
- 15.2 The Chairman's decision as to the application of standing orders at meetings shall be final.
- 15.3 A member's failure to observe standing orders more than 3 times in one meeting may result in him or her being excluded from the meeting in accordance with standing orders.

END