

# MEARE PARISH COUNCIL

## Standing Orders

### 1. MEETINGS

Meetings of the Parish Council shall be held at 7.30pm unless the Parish Council otherwise decides at the previous meeting. Monthly meetings shall be held on the 3<sup>rd</sup> Monday, or any other day as agreed upon. Additional meetings may be called at the discretion of the Chairman and Clerk at a time and date to be decided by them.

- a. No meeting shall last longer than 2 and a half hour. **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. Smoking is not permitted at any meeting of the Parish Council.**
- 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 at the Chairman's discretion.
- e. The period of time (which is at the Chairman's discretion) or (which is designated for public participation in accordance with standing order 1 (d) above) shall not exceed 15 minutes.
- f. Subject to standing order 1 (e) above, 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.
- g. 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.
- h. In accordance with standing order 1 (g) above, the Chairman 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.
- i. Alterations to the draft minutes shall be notified to the Clerk in writing prior to the meeting, for amendment ready for signing by the Chairman. Any alterations will be in the form of what the Cllr himself/herself has said not what another Cllr has said.
- j. Any person speaking at a meeting shall address his comments to the Chairman.
- k. 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.
- l. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent. (Public Bodies (Admission to Meetings) Act 1096 sl (7)).**

**This has been proceeded by Openness at meetings (England only)**

The openness of Local Government Bodies Regulations 2014 (S1 2014/2095) have made it easier for members of the public (including the press) attending a meeting to record the proceedings. Recording may take the form of photography, filming and audio recording. There is no right to record proceedings at meetings from which members of the public are excluded, although the council or committee may permit this.

- m. **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.**
- n. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his/her absence be done by, to or before the Vice-Chairman (if any).**
- o. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- p. **Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- q. **The Chairman 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. (See also standing orders 2 (i) and (j) below).**
- r. **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 council present and voting gave his vote for or against that question. Such a request shall be made before the vote is taken and before moving on to the next item of business on the agenda.**
- s. **The minutes of a meeting shall record the names of councillors present and absent.**
- t. **If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.**
- u. **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- v. **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. (See also standing orders 7 and 8 below).**
- w. **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.**
- x. **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) (automatically delegated to the Clerk in consultation with such members as may be available, unless specifically prohibited).**
- y. **A reason for abstaining from a vote must be given by the Councillor in question and the abstention must be of a valid and creditable nature.**

## Respect of Others

- a. Members must treat others with respect and a member must not bully, harass or coerce the Clerk or Councillors. A person may not feel that they are bullying, but it is bullying if the recipient feels that they are being bullied or harassed.

## 2. THE STATUTORY ANNUAL MEETING

- a. **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office.**
- b. **In a year which is not an election year the Annual Parish Council Meeting shall be held on such a day in May, as the Parish Council may direct.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.**
- d. **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.**
- e. Refers to Wales
- f. **The election of the Chairman and Vice Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.**
- g. **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- h. **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- i. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, 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 an equality of votes.**
- j. **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.**
- k. Following the election of the Chairman of the Council and Vice-Chairman (if any) 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, and any resolution to extend the statutory time limit for delivery.
  - 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. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
  - v. Arrangements for the review and adoption of appropriate standing orders and financial regulations.
  - vi. Make arrangements for the review of inventory of land and assets including buildings

and office equipment.

- vii. Make arrangements for the review and confirmation of arrangements for insurance cover in respect of all insured risks.
- viii. Make arrangements for the review of the Council's and/or employees' memberships of other bodies.
- ix. Make arrangements for the establishment or review of the Council's complaints procedure. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- x. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Chairman of Council, cancel any meeting of Council, a committee or a sub-committee and shall give immediate notice of such cancellation to as many members of council as is practicable.

### 3. Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i. **[Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.]**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - iii. Subject to standing orders, include in the agenda all motions in the order received unless a councillor has given written notice at least ( 7) days before the meeting confirming his withdrawal of it.
  - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) (i) above.**
  - v. Make available for inspection the minutes of meetings.
  - vi. **Receive and retain copies of byelaws made by other local authorities.**
  - vii. **Receive and retain declarations of acceptance of office from councillors.**
  - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection. (MDC keep these)
  - ix. Keep proper records required before and after meetings;
  - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - xiii. Arrange for legal deeds [to be sealed using the Council's common seal] OR [to be signed by 2 councillors] (Meare Parish Council does not have a common seal)
  - xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. Refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any) of the planning Committee] within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [planning committee]. (Meare Parish Council does not have a separate planning committee).
- xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect. (Meare Parish Council does not have a common seal)
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xix. Declare any casual vacancy arising in the office of councillor following resignation, ceasing to be qualified, disqualification or loss of office due to failure to attend; and then to carry out the necessary steps to proceed towards the filling of the vacancy as appropriate.

#### 4. Motions requiring written notice

- a No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least ten clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing orders correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 3 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To dispose of business, if any, remaining from the last meeting.
  - v. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vi. To proceed to the next business on the agenda.

- vii. To close or adjourn debate.
- viii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- ix. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- x. To receive nominations to a committee or sub-committee.
- xi. To dissolve a committee or sub-committee.
- xii. To note the minutes of a meeting of a committee or sub-committee.
- xiii. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xv. To authorise legal deeds [signed by two councillors] and witnessed.
- xvi. To allow the Clerk to make payments of up to £500 for emergency maintenance and repairs.
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it?
- xviii. To extend the time limit for speeches.
- xix. To exclude the press and public for all or part of a meeting.
- xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxi. To suspend any standing order except those which are mandatory by law.**
- xxii. To adjourn the meeting.
- xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxiv. To answer questions from councillors.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 5. Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- c A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- d A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- f A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- g Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- i The number of amendments to an original or substantive motion, which may be moved by a

councillor, is limited to one.

- j If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- k If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- l The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding (3) minutes.
- m Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- n A councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- o During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- p A point of order shall be decided by the Chairman and his decision shall be final.
- q With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- r When a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- t The Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **6. Code of conduct - All councillors shall observe the code of conduct adopted by the Council.**

The Ten General Nolan Principles for the code of conduct are:

**Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** - Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal Judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for Others** - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

**Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

The Council has the duty to:

Promote and maintain high standards of conduct by members

Adopt a Code of Conduct (Adopted in Meare Parish Council Minute item 85 on 18<sup>th</sup> July 2012)

Publicize adoption of, or change in MPC's code which can be altered at any time with the agreement of the Council.

Must set content of Register of Interests and rules for Disclose

Applicable to member when acting, claiming to act or giving the impression of acting as a Councillor (not applicable to the Clerk or other employees)

**Disclose Pecuniary Interest (financial)**

**Employment, office, trade, profession or vocation carried on for profit or gain**  
**Sponsorship – financial benefit provided in respect of expenses as Member (Trade Union**  
etc)

**Contract with Council or through a body where there is a beneficial interest**  
**Beneficial interest in land in the parish, i.e. own residence. Beneficial = money**  
**Licence to occupy land in the Parish**  
**Beneficial interest in corporate body with a tenancy where the Council is landlord**  
**Beneficial interest in securities of a body where**  
a. **the body has a place of business or land in the parish, and**  
b. **value of securities exceeds £25,000 or 1% of share capital**

**Other Interest**

**Duty on Member**  
**Registration**  
**Disclosure**  
**Disclosable Pecuniary Interest must also be registered for a spouse or civil partner,**  
**person living with as husband and wife, person living with as civil partner.**

**If aware of the interest, Subject of Legal Opinions on Data Protection & Individual's Rights of Privacy (Human Rights Act)**

The Register

Contents set by Parish Code must be kept and maintained by Monitoring Officer at District Council (open for inspection)

Published on DC website and Parish website (if it has one) you do not have to say who has the interest ~ whether you or spouse. Spouse name will not be put on the website.

If you have registered a Disclosable Pecuniary Interest on the Register of Member's Interest form then you do not have to disclose it at every meeting as it is available to view at Mendip District Council. However members with DPI must not vote or participate in the item. If a disclosable DPI has not been registered it must be disclosed at the meeting as it is a criminal offence not to and must be registered with the Monitoring Officer within 28 days.

It is a criminal offence to participate or vote on a matter where member has a DPI, subject to any dispensation or to provide false or misleading information in respect of a DPI.

Sanction ~ a fine up to £5,000, Disqualification for up to 5 years, Prosecution is at the instigation of the Director of Public Prosecutions only, complaints have to go through the police. There is a time limit of 3 years.

#### Sensitive Interest

You do not have to register or disclose an interest if it could lead to:

Violence or intimidation ~ This might apply to belonging to a Hunt or being involved with animal testing or being the manager of a woman's refuge.

#### Other Interest

A body of which the member is in a position of general control or management – Where member is appointed by Council, where body exercises functions of a public nature, charitable purpose or influencing public opinion. The PC can decide what goes in management or control i.e. village hall committee, playing fields committee, National Trust. If in doubt register it.

Employment or business carried on by a member

Person who employs the member

Person who has paid towards Election Expenses of the member

Person or body with place of business or land in the parish (£25,000 or 1% threshold) - this has to be registered but not in financial terms.

Contract with Council (Partner, Director etc)

Gifts or hospitality over £50

Beneficial interest in land in the parish

Tenanted land where Council is Landlord

Licence to occupy land.

This is likely to be duplicating a Disclosable Pecuniary Interest

#### Registered Person Interest

Personal and Prejudicial Interest

Registered Personal Interest stage 1 as before

Body – control and management

Relevant person

Close association

Member of your family (wide definition)

#### Dispensations – 1 New

Power is given to the Parish Council to determine whether a Dispensation may be granted. Section 101 LGA delegates power to the Clerk to make the decision. The Clerk can refer it back to the Council.

The option to delegate to the Clerk

Dispensation can be partial – speak but not vote

## Dispensation 2 New

Only available where, in the opinion of the Council

The business of the Council is likely to be impeded (lack of a quorum because wife or self is involved in the village hall committee or playing fields committee)

If the Clerk, or if the Clerk wishes the Council to decide, and if it is appropriate the Council can have a dispensation

## Dispensation 3

Dispensation can be granted for a 3 months or 6 months period but not beyond 4 years.

It must be in writing, to avoid misunderstanding. i.e. the following where given dispensation which also has to be listed on the Agenda. The Clerk must be given enough notice to put this on the Agenda.

At Council it must have 3 clear days' notice

By the Clerk – less notice may be but not necessarily sufficient.

This must be minuted.

## Pre-determination

Members are expected to go to a meeting with an open mind, it is a common law offence to go to a meeting with a closed mind. Party politics are not allowed.

## Minutes

Record any Disclosures; be clear what is being disclosed. This must be written down on paper and given to the Clerk for the minutes.

ie. The member has spoken to the applicant, lives near the applicant.

Members leaving and returning to the room will be minuted.

## SMOG Code 1

Personal and prejudicial interest still in the code but can opt out if public have the right to speak as well. This is at the Chairman's discretion.

## SMOG Code 2

DPI - leave the room

Personal and prejudicial leave the room but:

A member may speak to make representations, answer questions or give evidence; with the permission of the Chairman if the public have the same opportunity to speak. This can be part of the meeting and can be minuted but does not have to be.

## Subject to full or partial Dispensation

A form should be filled out and given to the Clerk before the meeting to be minuted at the meeting. If this has not been done but a subject on the Agenda presents itself and needs a Dispensation the Clerk can stop the meeting, ask the Councillor to fill in the form, and then restart the meeting.

## 7. Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days' notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Cllrs will give clear notice of any question they wished answer on receipt of the Agenda. They will not ask for information at a meeting that the Clerk has not had clear notification of

prior to the meeting.

#### Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than 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 in accordance with standing orders.
- c Minutes, including any amendment to correct their accuracy, received prior to the meeting, shall be confirmed and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

#### 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 three 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 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

#### 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 Chairman's casting vote.

#### Expenditure

### 8. ACCOUNTS AND FINANCIAL STATEMENT

- a. Except as provided in sub paragraph (b), of this Standing Order or by statute, all accounts for payment and claims upon the Parish Council shall be laid before the Parish Council prior to payment.
- b. Where it is necessary to make a payment before it has been authorised by the Parish Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer or the Clerk if different. Orders for the payment of money shall be authorised by resolution of the Parish Council and signed by two members, unless below £500 when the Clerk in conjunction with the Chairman or Vice Chairman who may authorise payments of urgent matters between meetings.
- c. All payments ratified under sub paragraph (b), of this Standing Order shall be separately included in the next schedule of payments before the Parish Council.
- d. The Responsible Financial Officer shall supply to each member as soon as practicable after 31<sup>st</sup> March in each year a statement of the receipts and payments of the Parish Council for the completed financial year. A financial statement prepared on the appropriate financial basis (receipts and payments or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Parish Council (which is subject to external audit) shall be presented to the Parish Council for formal approval before the end of the following month of September.
- e. Estimates and precepts
  - i. The Parish Council shall approve written estimates for the coming financial year at its meeting before the end of the month of December.
  - ii. **Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming**

year no later than the end of November.

INTERESTS

- 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, sub-committee or to an employee.**

**9. Execution and sealing of legal deeds**

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution b.
- b 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 Proper Officer shall witness their signatures.**

**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 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.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 10 days of having been requested by to do so by 3 councillors, those 3 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 3 councillors.

**Advisory committees**

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

**Estimates/precepts**

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of December
- 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.

**Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for

appointment.

- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### 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 a sub-committee, 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.

#### Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. Inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. Issue orders, instructions or directions.

#### 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 may be removed from a committee or a sub-committee by a resolution of the Council.

#### Power of well-being

- a **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution understanding order (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order (b) above.**

#### 10 Matters affecting council employees

- a Any matter personal to a Council employee shall not be considered until the staffing committee has decided whether or not the press and public shall be excluded pursuant to standing orders. It shall also consider whether other councillors shall be excluded to ensure proper process in any Appeal.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of [the staffing committee] or, in his absence, the Vice-Chairman of [the staffing committee] of any absence occasioned by illness or urgency and that person shall report such absence to [the staffing committee] at its next meeting.
- c The Chairman of [the staffing committee] or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the staffing committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the staffing committee or in his absence, the Vice-Chairman of the staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the staffing committee.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by Clerk relates to the Chairman or Vice-Chairman of the staffing committee, this shall be communicated to another member of the staffing committee, which shall be reported back and progressed by resolution of the

staffing committee.

- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g 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.
- h 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.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders (g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders (g) and (h) above shall be provided only to the Clerk and/or the Chairman of the Council or of the staffing committee.

#### 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.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The said Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests.

#### Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

#### Liaison with District and County or Unitary Councillors

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

#### 11. Financial matters

- a 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:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. Procurement policies (subject to standing order (b) below) including the setting of values for different procedures where the contract has an estimated value of less than [£60,000].
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in standing order (c) below.**

- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

#### 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 notify the chairman of the Council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council shall take all steps considered necessary, to maintain confidentiality.
- d. References 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 councillor.

#### 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.

#### 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 his declaration of acceptance of office.
- b The Chairman'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 him being excluded from the meeting in accordance with standing orders.

## 12. CHAIRMAN OF THE MEETINGS

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

## 13. CLOSURE

At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned", or "that the Parish Council do now adjourn". If such a motion is seconded the Chairman shall put the motion, but in the case of the motion, "to put the question", only if she/he is of the opinion that the question before the Parish Council has been sufficiently debated. If the motion "that the question be now put" is carried, she/he shall call upon the mover to exercise or waive her/his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Parish Council shall not prejudice the mover's right of reply at the resumption.

#### 14. DISORDERLY CONDUCT

- a. **All members must observe the Code of Conduct which was adopted by the Parish Council on 18<sup>th</sup> July 2012 a copy which is annexed to these Standing Orders.**
- b. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Parish Council into disrepute.
- c. If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Parish Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion if seconded, shall be put forth with and without discussion.
- d. If the motion mentioned in paragraph © above is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

#### RIGHT TO REPLY

The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of an amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

#### ALTERATIONS OF RESOLUTIONS

A member may, with consent of her/his seconder, move amendments to her/his resolution.

#### REVERSING OF PREVIOUS RESOLUTIONS

- a. **A decision, whether affirmative or negative, of the Parish Council shall not be reversed within six months except either by special resolution, the written notice whereof bears the names of at least three members of the Parish Council, or by a resolution moved in pursuance of the report or recommendation of the committee.**
- b. When a special resolution or any other resolution moved under the provisions of the above paragraph of this Order has been disposed of, no similar resolution may be moved within a further six months.

#### 15. COMMITTEES AND SUB COMMITTEES

- a. The Parish Council may at its Annual Parish Council Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf.
  - i. Shall not appoint any member of a committee so as to hold office later than the next Annual Parish Council Meeting.
  - ii. May appoint persons other than members of the Parish Council to any committee.
  - iii. May at any time subject to Rescission of Previous Resolution, dissolve or alter the membership of a committee.
  - iv. The Chairman and Vice Chairman ex officio shall be voting member of every committee.
  - v. Every committee shall at its first meeting, before proceeding to other business, elect a Chairman and may elect a Vice Chairman, who shall hold office until the next Annual Parish Council Meeting and shall settle its programme of meetings for the year.
- b. Special Meeting ~ The Chairman of a committee or the Chairman of the Parish Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not

- less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no there business shall be transacted at the meeting.
- c. Sub Committees ~ every committee may appoint sub-committees for purposes to be specified by the committee.
    - i. The Chairman and Vice Chairman of the committee shall be members of every sub committee appointed by it unless they signify that they do not wish to serve.
    - ii. Except where ordered by the Parish Council in the case of the committee, or by the Parish Council or by the appropriate committee in the case of a sub-committee, the quorum of the committee or sub-committee shall be half of its members.
  - d. The Standing Orders on Rules of Debate (except) those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub committee meetings.
  - e. Advisory Committees ~
    - i. The Parish Council may create advisory committees, whose name and number of members and the bodies to be invited to nominate members shall be specified.
    - ii. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
    - iii. An advisory committee may make recommendations and give notice thereof to the Parish Council.
    - iv. An advisory committee may consist wholly of persons who are not members of the Parish Council.
  - f. Voting in committees ~
    - i. Members of committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
    - ii. **Chairman of committees and sub committees shall in the case of an equality of votes have a second or casting vote.**
- a. **If a member has a personal interest as defined by the Code of Conduct adopted by the Parish Council on 18<sup>th</sup> July 2012 then she/he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
  - b. **If a member who has declared a personal interest then considers the interest to be prejudicial, she/he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
  - c. **The Clerk may be required to compile and hold a Register of Members Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
  - d. If a candidate for any appointment under the Parish Council is to her/his knowledge related to any member of or the holder of any office under the Parish Council, she/he and the person to whom she/he is related shall disclose the relationship in writing to the Clerk. A candidate who so fails to do shall be disqualified for such appointment, and if appointed, may be dismissed without notice. The Clerk shall report to the Parish Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
  - e. The Clerk shall make known the purpose of this Standing Order to every candidate.
  - f. Canvassing of the recommendations by members ~ canvassing of members of the Parish Council or of any committee, directly or indirectly for any appointment under the Parish Council shall:

- i. Disqualify the candidate for such an appointment. The Clerk shall make know the purpose of this sub paragraph of this Standing Order to every candidate.
- ii. A member of the Parish Council or of any committee shall not solicit for any person any appointment under the Parish Council or recommend any person for such appointment or for promotion; but nevertheless, any such member may give written testimonial of a candidate's ability, experience or character for submission to the Parish Council with an application for appointment.
- g. Standing Order (d) and (f) under *interests* shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### INSPECTION OF DOCUMENTS

- a. A member may for the purpose of her/his duty as such (but not otherwise), inspect any document in possession of the Parish Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b. **All minutes kept by the Parish Council and by any committee shall be open for the inspection of any member of the Parish Council.**

#### SOMERSET ASSOCIATION OF LOCAL COUNCILS (SALC)

All approaches to the Somerset Association of Local Councils (SALC) must be put to them by the Clerk or Chairman and not by other councillors. Once advice has been obtained from SALC on any legal, constitutional or procedural matter, then that advice should be followed. This shall apply at all times except when councillors are at courses, seminars or meetings run by SALC.

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

- a. **The public and press shall be admitted to all meetings of the Parish Council and its committees** and sub committees **which may, however, temporarily exclude** the public and press by means of the following resolutions. "That in the view of the special/confidential nature of the business about to be transacted, it is advisable and in the public interest that the public and/or press be temporarily excluded and they are instructed to withdraw" (Note: if a person's advice or assistance is needed they may be invited {by name} to remain after the exclusion resolution is passed).
- b. The Parish Council, committee or sub-committee shall state the special reason for exclusion.
- c. At all meetings of the Parish Council, the Chairman may at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to non-confidential business to be transacted at the meeting. Public speaking time shall be limited to three minutes per speaker and to thirty minutes in total.
- d. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Parish Council.
- e. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting for such period as is necessary to restore order.

#### 16. PLANNING APPLICATIONS

- a. The Clerk shall, as soon as it is received, enter in a book kept for the purpose, the following particulars of every planning application notified to the Parish Council.

- i. The name of the applicant.
- ii. The place to which it relates.
- iii. The Clerk shall refer every planning application to the Chairman or in the Chairman's absence to the Vice Chairman as soon as possible.

17. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a. Any or every part of the Standing Orders, except those printed in **bold type**, may be altered.

18. STANDING ORDERS TO BE GIVEN TO MEMBERS

- a. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Parish Council.
- b. Letters, which a Councillor asks at a Council meeting to be written will be drafted by the Clerk and emailed to the Councillor requesting the letter, and copied to the Chairman. The draft letter must then be emailed back to the Clerk with any amendments and the agreement of the Councillor to send. Copy to the Chairman. Requests to the Clerk to write letters send out invoices, information requests etc. must be an item on the Parish Council Agenda and agreed at a meeting.
- c. The Chairman will receive an annual honorarium without the need to consult the Council. Chairman has agreed to use this money towards the Annual Parish Assembly costs.
- d. A Councillor abstaining from a vote must give a reason for the abstention and the reason recorded in the minutes. A reason for abstaining from a vote must be given by the Councillor in question and the abstention must be of a valid and creditable nature.
- e. The clerk and other officers are employees of the council. No one councillor may require the clerk, or other officers to carry out any duty or function within the scope of their employment that does not have the sanction of the full council acting under a majority decision. It is usual practice that the Chair gives the necessary direction to the clerk, but has no right to give any directions other than those approved by the full council. The clerk to the council is the Proper Officer of the council and as such is under a statutory duty to carry out all the functions and in particular to serve or issue all the notifications required by law of Meare Parish Council's Proper Officer.
- f. Letters which a councillor asks at a council meeting to be written, if approved by the council, will be drafted by the clerk and emailed to the councillor requesting the letter and copied to the Chairman. The draft letter must then be emailed back to the clerk with any amendments and the agreement of the councillor to send. Copy to the Chairman. Requests to the clerk to write letters send out invoice etc. must be an item on the Parish Council Agenda and agreed at a meeting unless it is deemed by the clerk to be an emergency in which case the Chairman has the authority to deal with the emergency between meetings.
- c. All requests, when agreed by the council, should be accompanied with the name of a complainant, specific locations, addresses or map references as requested by the Enforcement Officer and other Agencies

**ADOPTED BY Meare Parish Council**

Revised October 2021

Chairman Mrs Chris Bennetts

Clerk

Mrs Sheila Brown