

WEST ASHTON PARISH COUNCIL

STANDING ORDERS

Reviewed and updated at Parish Council meeting 20/3/13

1. Meetings

Meetings of the Council shall be held at West Ashton Village Hall at seven fifteen in the evening unless the Council otherwise decides at a previous meeting.

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 and
b) In a year which is not an election year the Annual Parish Council Meeting shall be held on the third Wednesday in May.**

3. a) The three other statutory meetings shall be held on the third Wednesday in the months of July, November and March.

b) Three additional meetings shall be held on the third Wednesday in the months of May, September, and January.

4. Chairman of the Meeting

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

5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer: -

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing interests at meetings.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bylaws made by another local authority.
- f) To certify copies of bylaws made by the Council.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council meetings.

6. Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

8. Voting

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

9. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.

10. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office, he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

11. Order of Business

(In an election year Councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

At each Annual Parish Council Meeting the first business shall be:-

a) To elect a Chairman of the Council

b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.

c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

d) To decide when any declarations of acceptance of office which have not been received as provided by law, shall be received.

e) To elect a Vice-Chairman of the Council.

f) To appoint representatives to outside bodies.

g) To appoint committees and sub-committees.

h) To consider the payment of any subscriptions falling to be paid annually.

and shall thereafter follow the order set out in the Standing Order 14.

12. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any), if not then received, to decide when they shall be received.

13. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 25 must be read in conjunction with this requirement.

14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows: -

a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later

than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

c) To deal with business expressly required by statute to be done.

- d) To dispose of business, if any, remaining from the last meeting.
- e) To receive such communications as the person presiding may wish to lay before the Council.
- f) To answer questions from Councillors.
- g) To receive and consider reports and minutes of committees.
- h) To receive and consider resolutions or recommendations in the order in which they have been notified.
- i) To authorise the sealing of documents.
- j) If necessary, to authorise the signing of orders for payment.

15. Urgent Business

A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

16. Resolutions Moved on Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least by the Tuesday before the next meeting of the Council.

17. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.

18. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

19. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

20. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

21. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

22. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice: -

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.

- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public, (see Order 68 below)
- o) To silence or eject from the meeting a member named for misconduct, (see order 33 below)
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order, (see Order 79 below)
- r) To adjourn the meeting.

23. Disorderly Conduct

a) All members must observe the Wiltshire Council Code of Conduct which was adopted by the Parish council on 18th July 2012 a copy of 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 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 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 forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to Wiltshire Council

d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

24. Voting on Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

25. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Councillor committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 42.)

26. Resolutions on Expenditure

Any resolution and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

27. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

28. Committees and Sub Committees

The 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: -

- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting
- b) May appoint persons other than members of the Council to any Committee.

29. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee.

30. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

31. Special Meeting

The Chairman of a committee or the Chairman of the 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 other business shall be transacted at that meeting.

Voting in Committees

32. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

33. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer or the clerk if different. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

34. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year

The Statement of Accounts of the Council (which is subject to internal and external audit) shall be presented to Council for formal approval before the end of the following month of September.

35. Estimates

The council shall approve written estimates for the coming financial year at its meeting in the month of January

36. Interests (ENGLAND)

If a member has a disclosable pecuniary interest as defined by the Code of Conduct adopted by the Parish Council on 18th July 2012 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

36a. Members with a disclosable pecuniary interest in a matter have the same right as a member of the public to speak to a meeting on the matter, but then must leave the room before the main discussion and vote, unless a dispensation has been granted and permission otherwise subsequently given.

38. The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

39. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

40. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

41. Unauthorised Activities

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council: -

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions

unless authorised to do so by the Council or the relevant committee or sub-committee.

42. Admission of The Public and Press to Meetings

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

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

43. The Council committee or sub-committee shall state the special reason for exclusion.

44. At all meetings of the Council, the Chairman may at their discretion and 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 the business to be transacted at that meeting.

45. The Clerk shall afford to the press reasonable facilities for the taking of 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 Council.

46. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

47. Confidential Business

- 1) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

48. Liaison with Wiltshire Councillors and Neighbourhood Policing Team

An Agenda for each meeting shall be sent, together with an invitation to attend, to the Wiltshire Councillor for the appropriate division or ward, and a representative from the local Neighbourhood Policing Team.

49. Planning Applications

- a) Clerk to send email to all Councillors, as soon as notification of any new Planning Application is received from Wiltshire Council, including details, deadlines, and URL link to Wiltshire Council Web-site where documents relating to the application can be viewed.
- b) Councillors can then, if they want, view documents on line and submit any comments to the Clerk by return of email.
- c) Clerk to also circulate hard copy of planning application, and blank 'comments sheet' (to Parish Council Chairman first, for onward circulation to Vice-Chairman and then other remaining councillors).

50. Financial Matters

The Responsible Financial Officer:

- a. prepares financial reports for the council
- b. submits the precept to Wiltshire Council
- c. banks regularly all money received by the council
- d. ensures that all money due to the council is billed and collected promptly
- e. takes overall responsibility for submission of VAT returns.
- f. Prepares and balances final accounts and reports thereon to the council.
- g. produces accounts and records for internal and external audit in accordance with the regulations
- h. submits to the council at the ordinary meeting following the audit the auditor's list of notes and queries
- i. Manages insurance risk. Processes claims as necessary. Reports annually to the council on insurance risk covered.
- j. Maintains the council's register of property and assets

51. Every contract made by the Council shall comply with these Standing Orders,
 - a. For expenditure exceeding £2000 the clerk shall invite tenders from at least three firms.
 - b. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification

- in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post.
- c. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least one Council Member.
 - d. If less than three tenders are received for contracts valued above £2000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works (e.g. seeking further tenders or proceeding with number received.)
 - e. Any invitation to tender issued under these Standing Orders shall contain the statements:
"The Council is not obliged to accept the lowest or any tender submitted."
"This Council does not accept any costs incurred in the preparation and submission of a tender."
52. Council members shall not be precluded from tendering for supplies or services to the Council provided that the requirements of Standing Orders are complied with on all occasions.

53. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be directed to Wiltshire Council.

If any member of the Council should receive a complaint about the actions of the Council either verbally or in writing, then the details of the complaint must be passed immediately to the Clerk to the Council, who after making a record of the complaint must advise the Chairman. The Chairman after receiving the details of the complaint will investigate the complaint within 14 days and should he consider it necessary, call a special meeting of the Council to discuss the complaint and to agree the necessary response to the complainant. In the event that it is clear a member of the Council has breached the code of conduct; consideration will need to be given as to whether the matter should be referred to Wiltshire Council.

54. Variation. Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

55 A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

56. 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) Any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Clerk/responsible Financial Officer shall witness their signatures.

57. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

NOTES

Updated 31st August 2007 (delete para 37 and replace with para 36a) as minuted on 16th May 2007 under Code of Conduct.

Amended at meeting 18th March 2009 (additional paragraph added to section 53).

Reviewed and updated at Parish Council meeting 20/3/13 - included amendments to take into account the changes resulting from the localism bill, i.e. to code of conduct, abolition of the Standards Board, disclosable pecuniary interests and dispensations. The arrangements for dealing with planning applications received were also amended as agreed at the previous Parish Council meeting (paragraph 49), and an additional paragraph had been added regarding the 'execution and sealing of legal deeds' (paragraph 56)