

Draft STANDING ORDERS FOR PICKMERE PARISH COUNCIL 2018

These Standing Orders were adopted by the Parish Council at a meeting of the Council held on xxxxxxxxxxxxxxxxx

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Standing Orders for Pickmere Parish Council

(xxxxxx2018)

1 Councillors

- 1.1 Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council, or of a Councillor who has been specifically designated by the Council for this purpose.
- 1.2 All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.
- 1.3 The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity.

2 Annual Meetings

- 2.1 If the Annual Meeting is in an election year it must be held within 14 days after that election. If it is not an election year then the annual meeting will take place on an appropriate day in May.
- 2.2 If the outgoing Chair is available then he/she will preside until a new Chair has been elected. The first business of the Annual Meeting will be the election of the Chair, Vice-Chair, RFO and to receive their acceptance of office. Members of committees will also be elected at this time
- 2.3 The retiring Chair will report on the activities of the Council for the preceding year.

3 Meetings

- 3.1 Meetings of the council will normally be held in the Pickmere Village Hall, commencing at 7:30pm unless otherwise agreed at a previous meeting. The meeting will end not later than 10pm If no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.
- 3.2 In addition to the Statutory Annual Parish Council Meeting in May there will be 9 other meetings throughout the year. The council will normally meet on the first Tuesday of the Month. Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post, by hand or by email. The agenda may be delivered by email

provided the Councillor has previously agreed to this. In any case the agenda must be issued at least five clear business days before the meeting.

- 3.3 Public notices will be posted on notice boards informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting.
- 3.4 Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.
- 3.5 Members of the public may speak at Council meetings at the discretion of the Chair of the meeting. Their time will be limited to 3 min per person. An opportunity for public questions or comments will be made available and when appropriate this will normally be immediately before the commencement of each meeting's business.
- 3.6 The agenda for the meeting will be agreed by the Clerk, Chair and Vice-Chair as appropriate. The agenda will always include an item to enable Councillors to declare interests.
- 3.7 The Council may only take decisions on items clearly specified on the agenda; if agreed by the chair, any urgent items which are not on the agenda may be discussed, but no decision may be made at that meeting.
- 3.8 The Chair of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chair is not present then the Vice-Chair will preside. If they are not present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chair for the meeting.
- 3.9 The quorum for the Council will be not fewer than 3 Councillors. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.
- 3.10 If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.
- 3.11 Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.
- 3.12 In cases of equal votes the Chair (or other person presiding) will have a second or casting vote.
- 3.13 A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated will be draft minutes until they are

approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.

3.14 All correspondence from and on behalf of the Council will be issued by the Clerk in the name of the Council Chair or Vice-Chair as appropriate.

3.15 The order of business, unless the Council otherwise decides, shall be as follows:

3.15.1 To read and consider the minutes; provided that if a copy has been circulated to each member not later than three days before the meeting, the minutes may be taken as read.

3.15.2 After consideration to approve the signature of the minutes by the person presiding as a correct record.

3.15.3 To hear questions or other remarks from members of the public and representative(s) of the Police.

3.15.4 To receive communications from the District Councillor.

3.15.5 To consider financial matters including to authorise the issue of payments.

3.15.6 To consider reports and minutes from Committees of the Council.

3.15.7 To consider reports from the Asset Working Groups

3.15.8 To consider reports, communications and questions from the Clerk and Parish Councillors.

3.15.9 Where required, to authorise the sealing of documents.

3.15.10 If necessary, to authorise the signing of orders for payment.

3.16 Urgent Business

3.16.1 A motion to vary the order of business may be proposed by the Chair or by any member and, if proposed by the Chair, may be put to the vote without being seconded, and shall be put to the vote without discussion.

3.17. Resolutions Moved on Notice

3.17.1 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 5 clear days before the next meeting of the Council.

3.18 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 (s)he withdraws it.

- 3.19 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.
- 3.20 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 Chair, 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.
- 3.21 Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.
- 3.22 Resolutions Moved Without Notice

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

- 3.22.1 To appoint a Chair of the meeting.
- 3.22.2 To correct the Minutes.
- 3.22.3 To approve the Minutes.
- 3.22.4 To alter the order of business.
- 3.22.5 To proceed to the next business.
- 3.22.6 To close or adjourn the debate.
- 3.22.7 To refer a matter to a committee.
- 3.22.8 To appoint a committee or any members thereof.
- 3.22.9 To adopt a report.
- 3.22.10 To authorise the sealing of documents.
- 3.22.11 To amend a motion.
- 3.22.12 To give leave to withdraw a resolution or amendment.
- 3.22.13 To exclude the press and public
- 3.22.14 To silence or eject from the meeting a member named for misconduct.
- 3.22.15 To give the consent of the Council where such consent is required by these Standing Orders.
- 3.21.16 To adjourn the meeting.

3.23 Members Questions:

A member may ask the Chair of the Council or the Clerk any question concerning the business of the Council, provided 5 clear days notice of the question has been given to the person to whom it is addressed.

- 3.23.1 No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 3.23.2 Every question shall be put and answered without discussion.
- 3.23.3 A person to whom a question has been put may decline to answer.

3.24 Motions requiring written notice:

3.24.1 In accordance with these Standing Orders 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 8 clear days before the next meeting.

3.24.2 The Proper Officer may, before including a motion in the agenda correct obvious grammatical or typographical errors in the wording of the motion.

3.24.3 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 (5) clear days before the meeting.

3.24.4 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair and Vice-Chair as required 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.

3.24.5 Having consulted the Chair and Vice-Chair as required, the decision of the Proper Officer as to whether to include the motion in the agenda shall be final.

3.24.6 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 or other register, which shall be open to inspection by all councillors.

3.24.7 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.

3.24.8 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.

4 Finance

4.1 Responsible Finance Office (RFO)

4.1.1 The Responsible Finance Officer is a statutory office and appointed by the Council. The RFO will take on this role of managing the Council's financial affairs in accordance with Proper Practices. The RFO will be supported in this role by the Clerk of the Council

4.2 Estimates and Precept

4.2.1 The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the end of December in preparation for the precept being agreed, and submitted to the Collection Authority in January. During the year the budget will be reviewed against actual expenditure and income. Amendments to the budget will be discussed in Council and changes minuted.

4.3 Income and Expenditure

4.3.1 The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant under spends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Under-spent revenue will be identified and earmarked to reserves by a Council resolution.

4.4 Accounting and Audit

4.4.1 The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.

4.4.2 The RFO will complete the annual financial statements of the Council including the annual return as soon as practicable after the end of the financial year and will submit and report on them to the Council. The Council will review each year and ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures in line with Proper Practice.

4.4.3 An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practice. The person appointed will be competent and independent of the operation of the Council.

4.4.4 The RFO will, if required by law or desired by the Council, submit via the Clerk the Annual Return to the External Auditor by the due date, ensuring the return is complete.

4.5 Banking Arrangements and Cheques

4.5.1 The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.

4.5.2 A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques, together with, if desired by the Council, the Clerk.

4.5.3 All items of expenditure will be authorised by the Council and the payments approved. The RFO or if appropriate the Clerk will examine invoices and verify and certify the expenditure. Cheques will be completed for all transactions and signed by

two authorised Councillors, or in the absence of such by an authorised Councillor in conjunction with the Clerk.

4.5.4 Any utility bill may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

4.6 Loans and Investments

4.6.1 All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.

4.6.2 All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These terms must be reviewed annually.

4.6.3 All investments of money under the control of the Council will be in the name of the Council and all certificates or other documents will be retained by the RFO and Clerk.

4.7 Contracts and Purchase Orders

4.7.1 An official order or letter will be issued by the Clerk for all work or service paid for by the Council. All Councillors and officers are responsible for obtaining good value for money at all times. An officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction.

4.7.2 Orders for values £500 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required. Contracts exceeding £50,000 require additional safeguards and will follow Proper Practice.

4.7.3 All estimates will be approved by the Council; while the Council is not obliged to accept the lowest quotation the reasons for accepting the quotation will be recorded.

4.8 Assets:

4.8.1 The RFO will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed at least annually, in conjunction with a health and safety inspection of assets if appropriate.

4.9 VAT

4.9.1. The RFO will promptly, via the Clerk, complete any VAT Return that is required. Any repayment claim due in accordance with the VAT legislation currently in force will be made at least annually coinciding with the financial year.

5 Insurance and Risk Assessment

- 5.1 Following the annual risk assessment the Council will review the level of insurance cover and ensure it is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.
- 5.2 A risk assessment will be undertaken annually of all the activities of the Council and a report approved by the Council. This assessment will also cover the appropriateness of the internal audit arrangements. The Risk Assessment will be reviewed annually.
- 5.3 If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

6 Freedom of Information and Data Protection Legislation

6.1 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

6.2 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

6.3 The Council shall, if required by legislation, appoint a Data Protection Officer.

6.4 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

6.5 The Council shall have a written policy in place for responding to and managing a personal data breach.

6.6 The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

6.7 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

6.8 The Council shall maintain a written record of its processing activities.**7 Clerk to the Council**

7.1 The Council may appoint a number of employees to assist it in the performance of its duties.

7.1.1 The Council will appoint a Clerk to the Council which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.

7.2 The Clerk will act as the Proper Officer of the Council, and amongst other duties (s)he will:

- 7.2.1 Receive the Declarations of Acceptance of Office
- 7.2.2 Notices disclosing interests;
- 7.2.3 Prepare and issue documents on behalf of the Council
- 7.2.4 Prepare in conjunction with Chair or Vice Chair as required, meeting agendas
- 7.2.5 Issue agendas, summonses attendance of councillors and provide notices of meetings to the public
- 7.2.6 Receive, record and distribute plans and documents to the planning committee on behalf of the Council
- 7.2.7 Receive, evaluate and distribute correspondence as required to Councillors
- 7.2.8 Work in conjunction with RFO in the collation of invoices and mandates
- 7.2.9 Advise the bank of changes to mandates.

7.3. The Clerk will support the elected Responsible Financial Officer

7.4. As an employee of the Council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Chair or designated Councillor acting with the authority of the Council.

8 Committees

8.1 The Council will appoint a Planning Committee made up of 4 councillors and at any other time may appoint such other committees as are necessary.

8.1.1 The Council will set the terms of reference for any such committee, and such committees will report to the Council.

8.1.2 The committees' quorum shall be half the members of that committee.

8.1.3 Committees will normally report to the full Council for resolution and decision making, apart from Planning Committee, which is empowered to submit representations to the local planning authority (or in appropriate cases the relevant Secretary of State) or to take other action in respect of planning matters directly.

8.1.4 In special circumstances a committee may resolve/ decide an issue providing it records via its minutes the reasons for the special circumstances.

8.2 Appointments will terminate no later than the next annual meeting

8.3 A vote of the full council may at any time dissolve or alter the membership of a committee

8.4 The Council Chair and Vice-Chair, shall be voting members of every committee

8.5 Every committee shall at its first meeting elect a Chair who shall hold office until the next annual meeting and in conjunction with the Clerk arrange a programme of meetings.

8.6 Any standing orders on rules of debate and any standing orders on interests of members shall apply to committees.

8.7 Committees will normally not be held in public.???????

9 Emergency Business

9.1 Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chair and one other Councillor. Actions will be reported promptly to the Council.

10 Alteration or Reversal of previous decisions

10.1 Decisions of the Council will not be revised within 6 months, except where a special item is proposed to be placed on the agenda by two Councillors, and such proposal is considered and approved by the Council.

11 Standing Orders

11.1 These and any other standing orders will normally be reviewed annually by the Clerk, Chair, and Vice-Chair. Any proposed amendments will be reported to Council for decision.

11.2 During the course of meetings of the Council, the Chair's decision as to the interpretation of the Standing Orders will be final.

11.3 The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.

11.4 A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the members declaration of acceptance of office and written undertaking to observe the code of conduct adopted by the council.

12 Admission of the public and press to meetings

12.1 The public and press shall be admitted to all meetings of the council, which may however, temporarily exclude the public by means of the following resolution :-

'That in the view of the special or 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'

- 12.2 At all meetings of the council the Chair will, at a convenient time, usually before the start of business allow members of the public to address the meeting.
- 12.3 The council will not give a response to the public questions at this meeting.
- 12.4 The clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings 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 whole council Recording is now permissible.*
- 12.5 If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that (s)he be removed from the meeting and may adjourn the meeting for such a period as necessary to restore order.

13 Confidential business at Meetings (see 12.1 above)

14 Planning Applications

- 14.1 The Clerk shall as soon as it is received, enter in a record kept for the purpose the following particulars of every planning application notified to the Council.
- 14.1.1 The date on which it was received
 - 14.1.2 The name of the applicant
 - 14.1.3 The place to which it relates
 - 14.1.4 The application registered number as indicated by CE
- 14.2 The Clerk shall refer every planning application received to the following in order that the council may consider and respond within the timetable set by Cheshire East Council.
- 14.2.1 Chair and Vice-Chair as appropriate
 - 14.2.2 Chair and members of the Planning Committee

15 Member Interests

- 15.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Council then (s)he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 15.2 If a member who has declared a personal interest then considers the interest to be prejudicial, (s)he must withdraw from the room or chamber during consideration of the item to which the interest relates .

- 15.3 The Clerk is required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- 15.4 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure.
- 15.5 The Clerk shall make known the purpose of Standing Order 15.4 to every candidate.

16. Inspection of Documents

- 16.1 A councillor may, for the purpose of his official duties, but not otherwise, inspect any document in the possession of the council and request a copy for the same purpose.

17 Rules of debate and questions

See Appendix A

18 Confidential Council Business

- 18.1 No member of the Council or any of its committees shall disclose to any person not a member of the council any business declared to be confidential by the Council or Committees
- 18.2 Any councillor or employee of the council in breach of the provision in 18.1 of this standing order shall be removed from membership of any committee.

19 Code of Conduct on Complaints

- 19.1 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 properly directed to the Standards Board (England) for consideration.
- 19.2 All complaints should be directed to the Clerk or Chair in the first instance.

20 Community Well-being

- 20.1 The council will work through the LAP (Local Area Partnership) of Cheshire East Council in providing access to Community Wellbeing.

Appendix A Rules of Debate

- (a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.
- (b) A member shall remain seated when speaking unless requested to stand by the Chair.
- (c) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (d) Any person speaking at a meeting shall address the Chair. If two or more members wish to speak, the Chair shall decide who to call upon.
- (e) Whenever the Chair speaks during a debate all other members shall be silent.
- (f) 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 Council do now adjourn.. If such motion is seconded, the Chair shall put the motion but, in the case of a motion that the question be now put, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion that the question be now put, is carried, he shall call upon the mover to exercise or waive 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 Council shall not prejudice the mover's right of reply at the resumption.
- (g) All members must observe the Code of Conduct which was adopted by the council.
- (h) No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- (i) If, in the opinion of the Chair, a member has broken the provisions of this Order, the Chair 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 the Standards Board.**
- (j) The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the 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 a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
- (k) A member may, with the consent of his seconder, move amendments to his own resolution.
- (l) 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.

- (m) 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 Council or committee (as the case may be) has decided whether or not the press and public shall be excluded
- (n) Any resolution which, if carried, would, in the opinion of the Chair, 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.