

BRANSGORE PARISH COUNCIL

Standing Orders

Revised May 2009

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1. Meetings of the Council

1.1 Ordinary meetings of the Council shall be held in the Village Hall, Bransgore unless otherwise stated in the notice of meeting,

1.2 Meetings of the Council shall be held on the third Tuesday of each month; the Planning Committee shall meet on the first Tuesday; and the Amenities Committee shall meet on the second Tuesday, save for the months of August and December. The Finance and General Purposes Committee shall meet four times a year.

1.3 The Chairman of the Council may at any time summon an extraordinary meeting of Council providing that the summons complies with the relevant statutory requirements.

1.4 A summons to attend and an agenda for each meeting shall be sent to each member of Council to arrive at least 3 clear days before the date of the meeting. Similar public notice shall also be given of each meeting.

1.5 The Statutory Annual Meeting shall be held on the third Tuesday in May except in an election year when the meeting shall take place within fourteen days of the date on which Councillors take office.

1.6 The Annual Parish Assembly is a public meeting required by statute to be held in the period between the 1st March and 1st June each year. This Parish will endeavor to hold its Assembly on the 3rd Tuesday in April each year.

1.7 The public and press shall be admitted to meetings of the Council. Members of the public shall have the opportunity to speak before the start of the Meeting proper and during the meeting if recognised by the Chairman.

2. Chairman of the meeting

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

2.2 If the Chairman is absent, the Vice-Chairman shall preside.

2.3 If the Chairman and the Vice-Chairman are absent, the Meeting shall appoint a Chairman before it proceeds to any business.

3. Proper Officer

3.1 The Clerk is the proper officer of the Council for any purpose in respect of which a proper officer is mentioned in any statute, regulation or order.

3.2 The Clerk shall record the proceedings of Council meetings and any other meetings if so directed by the Chairman.

3.3 If the Clerk is absent, the person presiding at the Meeting may record the proceedings or may appoint another to do so.

4. Quorum

- 4.1 Except where authorised by statute, business shall not be transacted unless a quorum is present.
- 4.2 The Quorum is three or one third of the total membership whichever is the greater.
- 4.3 A motion to suspend standing orders shall not be moved unless at least six members of the Council are present.
- 4.4 If a quorum is not present when the Council meets or if the number of members present falls below the quorum, the business not transacted shall be deferred to the next meeting or on such other day as the Chairman may arrange.

5. Voting.

- 5.1 Members of the Council vote by show of hands, save as provided for by Standing Order 6.
- 5.2 If there be an equality of votes, the Chairman shall have a second or casting vote.
- 5.3 If a member so requires, the Clerk shall record for the Minutes the names of members who voted for or against any motion or abstained from voting.
- 5.4 If a member so requires, the Clerk shall record in the Minutes that member's objection to the resolution as passed.

6. Voting on Appointments

- 6.1 Whenever two or more persons are nominated for any position to be filled by Council a ballot shall be held at which all the votes shall be given in writing.
- 6.2 If the ballot does not result in an overall majority, the name of the person having fewest votes shall be removed and a fresh ballot taken; this procedure continues until an absolute majority is given in favour of one person.

7. Order of Business

- 7.1 In an election year Councillors shall execute Declarations of Acceptance of Office.
At the Annual Meeting the first business shall be :-
 - 7.2 To elect a Chairman of the Council who shall hold office until the next Annual Meeting. (Retiring Chairman presiding).
 - 7.3 To receive the Chairman's Declaration of Acceptance of Office.
 - 7.4 To elect a Vice-Chairman of the Council who shall hold office until the next Annual Meeting.
 - 7.5 To receive the Vice-Chairman's Declaration of Acceptance of Office,
 - 7.6 To appoint Standing Committees as required.
 - 7.7 To appoint Representatives to Outside Bodies.
- At this and ordinary Council Meetings the remaining business shall be as follows
- 7.8 To accept apologies and reasons for absence.

- 7.9 To confirm the Minutes previously circulated, these shall be signed by the Chairman as a correct record, subject to any agreed amendments.
- 7.10 To dispose of any matters arising from these not covered by the evenings Agenda.
- 7.11 To receive such communications as the presiding Chairman may wish to lay before Council.
- 7.12 To authorise payment of accounts.
- 7.13 To deal with District Council matters and *receive* the report of the District Councillor.
- 7.14 To deal with County Council matters and receive the report of the County Councillor,
- 7.15 To receive and consider reports from Council's representatives on various bodies / committees.
- 7.16 To consider any other items as specified in the Summons.

At the Annual Parish Assembly the order of business shall be as follows

- 7.17 To receive the Minutes of the previous Annual Parish Assembly.
- 7.18 To present for inspection the most recent Audited Accounts.
- 7.19 To receive a report from the Chairman of the Council and those representatives to Outside Bodies that the Chairman deems to be appropriate.
- 7.20 To consider any matters raised by the electors of the Parish of Bransgore affecting the Parish.
- 7.21 Guest speakers at the Annual Parish Assembly will normally speak at the end of the meeting.
- 7.22 A motion to vary the order of business at any meeting, on the grounds of urgency, may be put to the vote without a seconder or any discussion,

8. Motions Moved without Notice

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

- 8.1 To appoint a Chairman of the Meeting
- 8.2 To correct or approve the Minutes
- 8.3 To alter the order of business, proceed to the next business, adjourn or close the debate.
- 8.4 To appoint a committee or any members thereof.
- 8.5 To refer a matter to a committee.
- 8.6 To adopt a report.
- 8.7 To amend a motion.
- 8.8 To suspend Standing Orders, in compliance with Standing Order 4.3.
- 8.9 To invite a member of Council, having an interest in the subject matter under debate, to remain.
- 8.10 To give the consent of Council where such consent is required by these Standing Orders.

9.0 Motions Moved on Notice

9.1 Except as provided for in Standing Order 8, no motion may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than six clear days before the next meeting of the Council.

9.2 Notices of motions received shall be notified in the summons to the Meeting unless written confirmation of the withdrawal of the motion is received.

9.3 If a motion specified in the summons is not moved it shall, unless postponed by Council, be treated as withdrawn.

9.4 Every motion shall be relevant to a matter over which the Council has power or which directly affects the people of the Parish.

10. Amendments to Motions

10.1 An amendment shall be relevant to the motion and shall not have the effect of negating the motion before the Council.

10.2 Only one amendment may be moved and discussed at a time.

10.3 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and becomes the one upon which any further amendment may be moved.

10.4 An amendment shall be either:

- a) to omit words
- b) to omit words and insert and add others
- c) to insert or add words.

10.5 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

11. Right of Reply

11.1 The mover of a motion shall have a right to reply immediately before a motion is put to the vote; if an amendment is proposed the mover will have a similar right.

11.2 A member exercising a right to reply shall NOT introduce new matter.

11.3 After the right to reply has been exercised or waived, a vote shall be taken without further discussion.

12. Responsible Finance Officer (RFO)

12.1 Under Section 151 of the Local Government Act (1972) the Clerk is the RFO for Bransgore Parish Council. To comply with regulation 4 of the 1996 Regulations, the duties of the RFO are as contained in Appendix A. and agreed by Council in the first instance and shall be reviewed and updated from time to time.

13. Expenditure

13.1 Orders for the payment of money shall be signed by any two members of Council mandated to the Co-operative Bank as authorised signatories and then countersigned by the Clerk. (3 signatures)

13.2 Details of all payments to be made by cheque shall be presented to Council for approval as at 7.12. Sample invoices will be signed by the Chairman - 'Authorised for payment' as a means of discharging the requirement for 'internal audit'. Out of meeting payments are at the discretion of the Clerk and must be presented for retrospective approval at the next meeting of Council.

14. Discussions and Decisions Affecting the Clerk

14.1 If any question arises at a meeting of the Council relating to the appointment, dismissal, salary, conditions of service or as to conduct of the Clerk, a motion to exclude the public and press shall be moved by the Chairman and seconded, and put without debate.

14.2 The appointment of the Clerk to the Council shall be the responsibility of a committee comprising the Chairman and Vice-Chairman of the Council and as many ordinary members as they deem appropriate.

15. Committees and Sub Committees

15.1 In addition to the appointment of any *Standing* Committees at the Annual Meeting, the Council may at any time appoint or dissolve such Committees as are considered necessary, subject to any statutory provisions.

15.2 All Standing Orders shall apply equally to meetings of Committees or sub-Committees.

15.3 Committees of the Council shall have such delegated authority as laid down in the terms of reference of the Committee.

15.4 Any Committee may appoint a sub-Committee if considered necessary, but it cannot delegate its powers to a sub-Committee.

15.5 A sub-Committee shall report to its committee.

15.6 The Quorum of a Committee or sub-Committee shall be half of its members.

15.7 A Council member's right to speak at a meeting of a Committee of which he/she is not a member is as laid down in Standing Order 1.7.

15.8 The terms of reference of Standing Committees shall be as agreed by the Council from time to time. The current terms of reference are contained in Appendix B.

15.9 Committees shall be empowered to co-opt any Council member or other person as the situation demands. An 'other person' can only be co-opted in a non voting, consultative capacity and should be so informed in the invitation to join the Committee.

16. Interest of Members or Officer

16.1 If any member or officer of the Council has any pecuniary interest, as defined by the National Code of Local Government Conduct, he/she shall declare it and withdraw from the meeting unless:

- a) The disability has been removed by dispensation of the District Council.
- b) The Council/Committee invite the member/officer to remain as a member of the Public.
- c) The matter(s) under consideration is/are part of the report of a Committee and not in itself the subject of debate.

16.2 The Clerk shall record declarations of interest in the Minutes and in a book to be kept for that purpose.

16.3 Any member who has a personal interest defined by the National Code of Local Government Conduct in any matter shall forthwith disclose that interest but may remain, speak and vote, unless the interest is clear and substantial, in which case the member shall withdraw from the room.

16.4 Involvement in the affairs of another public body or voluntary organisation etc. by a member who has been appointed as a representative of the Council shall not, in the absence of any other relevant considerations, be construed as a relevant and substantial interest. In that situation the member should disclose the interest, but may remain and participate fully in the meeting.

17. Rules of Debate

17.1 No discussion shall take place upon the Minutes except upon their accuracy.

17.2 Alterations to the Minutes shall be made by resolution and must be notified to the Clerk at least three clear days before the Meeting.

17.3 A member shall speak only on the matter under discussion.

17.4 The Chairman shall indicate the order in which members may speak.

18. Questions

18.1 A member may ask the Chairman any question on any matter in relation to which the Council has powers or duties, provided that the question is submitted to the Clerk at least three clear working days prior to the meeting.

18.2 An answer may take the form of;

- a) A direct oral answer
- b) An undertaking to provide a written answer, to be circulated to all members of the Council within ten working days of the Meeting.

18.3 If, in the opinion of the Chairman, a question is considered to be not germane, is frivolous or other ways not suitable, the question shall be disallowed.

19. Attendance at Council Meetings

19.1 Any member who fails to attend meetings of the Council or of a Committee of which he/she is a member, for six consecutive months shall be deemed to have resigned from the Council unless leave of absence has been granted by the Council

before the expiration of that six month period.

19.2 A record of members' attendance shall be kept by the Clerk.

19.3 Whenever possible, members shall submit apologies to the Clerk prior to the date of the Meeting of Council. Similarly to the Chairman of any Committee meeting from which they may be absent. Members submitting late apologies i.e. on the day of the Meeting and unable to speak to the Clerk, shall advise the Chairman of that Meeting.

19.4 Members acting as representatives to outside bodies, if unable to attend the meeting of that body and find a colleague to deputise, shall notify the clerk who will submit an apology to the appropriate person. At the next meeting of the Parish Council, under the relevant Agenda item, they should report that the meeting has taken place and seek to obtain and report on major items from the Minutes.

20. Liaison with District and County Councillors

20.1 A notice of each Meeting of the Council and copies of all Minutes to be considered at that meeting, shall be sent as an invitation to attend to the District Councillor and the County Councillor if they are not members of the Parish Council.

21. Delegated Authority

21.1 Authority to act on behalf of the Council may be delegated in one of the following ways:

- a) to a Committee of the Council.
- b) to the Proper Officer of the Council
- c) to the Parish Tree Warden.

22. Confidential Business

22.1 No member of Council shall disclose to any person NOT a member of Council, any Council business declared to be 'confidential' by the Council or a Committee.

23. Declarations to the Press and Public

23.1 No member shall make any declaration to the press or public on any issue that is the subject of current debate by the Council.

23.2 The Chairman of the Council or Chairman of the relevant Committee or the Clerk may make such declarations as are within the boundaries of agreed Council policy.

24. Disorderly Conduct

24.1 If a member of the public interrupts the proceedings at any Meeting, the Chairman shall issue a warning. If he/she continues to interrupt the Chairman shall order his/her removal from the meeting.

24.2 In the unlikely event of a general disturbance rendering the dispatch of business impossible, the Chairman may, without question being put, adjourn the Meeting for such a period or to such a place as is considered expedient.

24.3 No member shall persistently disregard the ruling of the Chairman by wilfully obstructing business or behaving in such a manner as to bring Council into disrepute.

25. Code of Practice for Dealing with Complaints

25.1 Any complaints relating to procedures or administration of the Council shall be dealt with in accordance with a code of practice which may be reviewed from time to time. The Current code of practice is contained in Appendix C.

26. Interpretation of Standing Orders

26.1 The ruling of the Chairman as to the construction or application of any of these standing orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

27 Admission of The Public and Press to Meetings

27.1 The public and press shall be admitted to all meetings of the Council and its sub-committees which may, however, temporarily exclude them 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 public and press be temporarily excluded and they are instructed to withdraw”

*(The Council shall state the reason for exclusion)

Responsible Finance Officer (RFO)

Appendix A

Under Section 151 of the Local Government Act (1972) Council have agreed that the Clerk be the RFO for Bransgore Parish Council. To comply with regulation 4 of the 1996 Regulations, the following are the suggested duties of the RFO. They have been agreed by Council in the first instance and will be reviewed and updated from time to time.

Duties of Responsible Finance Officer (RFO)

1. Prepare financial reports for Council at meetings to include Balances, Payment of Accounts, any receipts or other relevant current matters.
2. Submit Precept to District Council and supply any breakdown requested.
3. Enter regularly all money received and expended by the Council.
4. Manage cash flow and control of investments and bank transfers.

5. Control of cheques.
6. Ensure prompt payment of tax and national insurance contributions.
7. Responsibility for submission of VAT returns.
8. Prepare and balance final accounts and records for Internal Audit in the first instance in accordance with the 1996 regulations and monitor compliance with the Council's own Financial Regulations.
Prepare and submit Council's Annual Return to the Audit Commission when requested and by the given date.
9. Maintain Council's register of property and assets.

Terms of Reference for Standing Committees

Appendix B

Planning: This Committee shall:

- a) Advise the Council in all action required to be taken with local planning, highway and associated authorities and utility boards on matters relating to local and district highways, road safety utility services and similar matters affecting the Parish.
- b) Have a standing responsibility to examine all planning applications and appeals affecting the Parish and shall WITHOUT reference to the Council make known its comments thereon to the local planning authority within the statutory time limits imposed.
- c) At the discretion of the Committee, refer any such applications to the Parish Council as is considered necessary.
- d) Appoint a member and/or members or other suitable person to represent the inhabitants of parts or the whole of the Parish at any public or other inquiry by a Ministry or other public body under any act relating to development control or any other aspect of the Council's responsibilities.
- e) Be empowered to liaise with any body, organisation or department of any local authority or utility board on any matter within the Committee's area of responsibility.
- f) Liaise and consult where necessary with the Parish Tree Warden to monitor the application and effectiveness of Tree Preservation Orders in the Parish and make appropriate recommendations in this connection to the responsible authority.

Terms of Reference for Standing Committees

Appendix B

Amenities: This Committee shall:

- a) Be responsible for recreation grounds, public open spaces, amenity land and connected uses eg car parking.
- b) Advise, administer and arrange the activities of functions connected with powers relating to entertainments, sports and play equipment.
- c) Review charges for the use of Council facilities
- d) Be responsible for the repair and maintenance of bus shelters, public seats, litter bins and any other equipment used for the provision or maintenance of amenity equipment.
- e) Incur expenditure on behalf of Council within the budgetary constraints prescribed annually.
- f) Manage Council's buildings connected with entertainment or recreational facilities.

Finance, Policy and Human Resources Committee

FINANCE

- a) Reviewing and updating the Financial Regulations and ensuring they are observed by the Council.
- b) Overseeing the financial administration of the Council, which will include, but not necessarily limited to the following:-
 - i) Maintaining the Financial Planning system including the determination of budgets
 - ii) Monitoring performance against budgets and taking any necessary action
 - iii) Receiving and Reviewing Audit reports and arranging for implementation of any recommendations
 - iv) Developing and maintaining and monitoring the policy on the management of reserves
 - v) Undertaking spot checks on the books of Accounts and reconciling the books of Accounts to the Bank Account; and
 - vi) Providing advice and guidance to the Chairs of other Committees and to the full Council on all aspects of Financial Management.
- vi) Appointing Working Parties to undertake any specific work as necessary

HUMAN RESOURCE (alternatively PERSONNEL)

- a) To recruit, retain and develop staff to undertake the work of the Council.
 - b) To determine the pay and conditions of employment of the staff and to review and update these as necessary to comply with the law and good practice.
 - c) To determine the staffing levels necessary to efficiently discharge the work required by the Council and to review the work loads periodically.
 - d) To ensure the Health and Safety of Staff employed by providing appropriate working spaces, tools and equipment and to train staff as necessary to safeguard their health and safety at work.
 - e) To undertake reviews of working practices and procedures of the Council as a whole when so requested and to make recommendations to Full Council.
- The COMMITTEE will make recommendations to the Full Council on **all matters not within existing policy**. The Committee will make recommendations to Full Council on the following matters:
- 1. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Council.**
 - 2. To prepare annual budget for recommendation to Council in time for its November meeting.**
 - 3. To prepare a rolling program of actions and projects, including a Capital Works Programme, in consultation with other Standing Committees, and taking account of the Community Plan Action Plan.**
 - 4. Amendments to Standing Orders and Financial Regulations.**
 - 5. a) Staffing levels**
 - b) The grading of staff and level of remuneration using as a guide the National Joint Council salary scale and conditions of service.**

6. **Proposed transfers between approved budget heads.**
7. **Recommendations on use of financial reserves.**
8. **Recommendations on capital expenditure not already provided for in Council's estimates of expenditure for the current financial year.**
9. **Proposals regarding review of existing policy matters.**
10. **Proposals regarding expenditure from the Contingency Fund/General Reserves.**
11. **Proposals regarding the prosecution or defense of any legal proceedings.**
12. **Proposals for the use of powers to acquire by Agreement, to appropriate, to dispose of land in accordance with the provisions of current legislation.**
13. **The making of grants to local organisations in accordance with current legislation.**

The Council delegates to the Committee **within existing policy** the following exercise of its powers;

14. To keep all procedures under active review.
15. To determine all Section 137 (as amended) Local Government Act, 1972 expenditure.
16. To exercise the Parish Council's powers to direct as to the custody of parish property and documents in accordance with the provisions of the Local Government Act, 1972, s.226.
17. Such other matters of a general nature not clearly falling within the Terms of Reference of the other Committees.

Complaints Procedure

Appendix C

Any complaint about a procedure or administration notified to the Clerk or a Councillor should be dealt with as under:

- a) If it is not possible to satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the Clerk.
- b) If he/she so prefers, the complaint may be put to the Chairman.
- c) On receipt of a written complaint the Clerk or Chairman shall (except where the complaint is personal to either) try to settle the complaint directly.
- d) If a complaint is received about the behaviour of the Clerk or a Councillor no action shall be taken without first notifying that person. They shall be given an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.
- e) Where the Chairman or Clerk receives a written complaint about their own actions, he/she shall immediately refer it to Council.

The Chairman or Clerk shall report to the next Meeting of Council any written complaint disposed of by direct contact with the complainant.

The Chairman or Clerk shall bring to the next Meeting of Council any complaint which cannot be settled. The Clerk shall notify the complainant of the Meeting at which the matter will be considered.

Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of press and public. Any decision on a complaint shall be given at the Council Meeting in public.

Council's decision and the nature of any action to be taken shall be communicated in writing to the complainant.

