

# Stewkley Parish Council

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## Standing Orders and Procedural Requirements

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### 1. Council Meetings

- a. Meetings of the Council shall be held every first Monday of the month at 7.30 pm at the Village Hall or on such dates/venue as the Council direct. Meetings will close at 10.30pm with agreement from Councillors whether to continue the business of the day, to hold an additional meeting on the penultimate Monday of the month, or whether to carry forward items not covered to the next main meeting on the first Monday of the month.
- b. Smoking is not permitted at any meeting.
- c. **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**
- d. **In a non election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
- e. An extraordinary meeting of the parish council may be called at any time by the Chairman (and in his/her absence by the Vice Chairman). They are usually convened to deal with urgent or unforeseen business.
- f. Any 2 Members of a parish council may submit a written request signed by them to the Chairman of the parish council to call an extraordinary meeting. In the event of the Chairman not calling an extraordinary meeting within 7 days of receiving the request, the 2 members may call an extraordinary meeting.
- g. Notice of the time and place of meetings must be fixed on the Parish Council notice board outside the Church at least 3 clear working days before the meeting. Where a meeting is called by Members of the council, the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting (the agenda).
- h. All Members of the council shall be given at least 3 days written notice (at their residence or via email) of all meetings of the council from the Proper Officer specifying the business proposed to be transacted in the form of an agenda.
- i. All councillors will create and use a council-specific email address for all council related business and provide this email address to the Proper Officer. Passwords for accounts associated with council business should be 'strong'.
- j. Agendas and any relevant background papers should, wherever possible, be published and circulated to Members with as much notice as possible. The deadline for Members to submit items for the Agenda is 7 days in advance of a scheduled meeting.

### 2. Order of Business for Parish Council Meetings

- Record of Members, District and County Councillors present;
- Record of apologies from Members, District and County Councillors unable to be present;

- Open Forum for Parishioners (under adjournment)
- Declarations of interests (existence and nature) with regard to items on the agenda;
- Formal announcements from the Chairman;
- **Agreeing the minutes of the last meeting and signing them;**
- Any business remaining from previous meetings;
- Planning – to consider planning applications in particular applications within the Stewkley Parish.
- Authorisation of orders and payments;
- To consider correspondence and other communications received since the last meeting;
- Highways, Footpaths & Footways and Street Lighting;
- To receive recommendations and reports from committees or working parties (recommendations of committees or working parties must be included in full on the agenda for the council meeting, to enable a decision to be taken)
- Open Forum for Members and Officers (under adjournment);
- Agree date for next meeting

### 3. Order of Business for the Annual Parish Council Meeting

- **To elect a Chairman of the Council;**
- **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received;**
- **To fill any vacancies left unfilled;**
- **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received;**
- To elect a Vice Chairman of the Council;
- To appoint representatives to outside bodies;
- To appoint working parties, committees or sub committees;
- To agree any changes or amendments to the Standing Orders;
- Record of apologies from Members, District and County Councillors unable to be present;
- Open Forum for Parishioners (under adjournment)
- Declarations of interests (existence and nature) with regard to items on the agenda;
- Formal announcements from the Chairman;
- **Agreeing the minutes of the last meeting and signing them;**
- Any business remaining from previous meetings;
- Planning – to consider planning applications in particular applications within the Stewkley Parish.
- Authorisation of orders and payments;
- To consider correspondence and other communications received since the last meeting;
- Planning, Highways, Footpaths & Footways and Street Lighting;
- To receive recommendations and reports from committees or working parties (recommendations of committees or working parties must be included in full on the agenda for the council meeting);
- Open Forum for Members and Officers (under adjournment)
- Agree date for next meeting

### 4. Order of Business for the Annual Parish Meeting

- To elect a Chairman;
- Agreeing the minutes of the last meeting and signing them;
- Reports from Parish organisations and others eg. School, working parties, sports clubs, church groups;
- Agree date for the next meeting

## 5. Chairing meetings

- a. **The Chairman of the parish council (and in his/her absence the Vice Chairman) shall chair or preside over meetings of the council.**
- b. In the event that the person normally expected to preside the meeting is not able to, those Members present should decide who amongst them shall preside. The Clerk should supervise the selection by inviting nominations and putting them to the vote. Where a chair has to be selected, the meeting starts when the selection decision is made. The minutes should record the selection of the chair (i.e. 'Cllr X was selected to chair the meeting).

## 6. The Proper Officer (Parish Clerk or nominated officer) will: -

- a. Receive declarations of acceptance of office.
- b. Receive and record notices disclosing interests at meetings.
- c. Sign notices or other documents on behalf of the Council.
- d. Receive copies of bylaws made by another local authority.
- e. Certify copies of bylaws made by the Council.
- f. Sign and issue the summons to attend meetings of the Council – Members, District and County Councillors as well as the Public.
- g. Keep proper records for all Council meetings.

## 7. Quorum

- a. **No business shall be considered at a meeting of the parish council unless one-third of the total number of Councillors is present, or, where more than one-third of the Councillors are disqualified from acting, then one-third of the remainder is present. In any event, there must be no fewer than 3 Members present at a meeting.**
- b. Unless the quorum is met, the council meeting cannot commence, no business may be transacted and no decisions can be made.
- c. A meeting which is inquorate is unlawful and those Members present are not competent to resolve that the meeting is adjourned. The meeting shall stand adjourned if the quorum is not present within 30 minutes of the start time of the meeting.
- d. The meeting should be reconvened at another time.
- e. Devolved Powers: By resolution of the council, normal standing orders may be suspended, and functions of the Council may be performed by devolving decisions to a committee of three, comprising the Responsible Financial Officer, the Chair and the Vice Chair. In the event of incapacity of one of these members, another councillor will act as a replacement.

## 8. Voting

- a. All questions to be decided by the council shall be decided by a majority of the members present and voting

- b. Members shall vote by a show of hands. A Member's vote will only be counted if the Member is in the room of the meeting at the time the vote is taken.
- c. Immediately before a vote is taken any Member may request that a vote is recorded. When a request is made the Chairman, or other Member presiding, shall call the names of all the Members and after each name is called the Member shall state whether they are voting for or against the question put or abstaining. The record of voting shall be recorded in the minutes.
- d. **In the case of an equality of votes the Chairman, or other Member presiding the meeting, has to give a casting vote in addition to their first vote.**
- e. The outgoing Chairman must give a casting vote in the event of there being an equality of votes for the election of the Chairman of the council at the annual meeting of the parish council.

## 9. Rules of Debate

- i. Discussion or debate at meetings of a parish council is permitted on a **motion** properly put before the meeting. A matter or item of business for consideration before a meeting must be expressed as a motion in positive terms. Examples include motions to adopt a certain course of action, to do some act, or to document a particular approach or attitude. The motion must relate to a matter in which a parish council has the statutory power to act or which relates to parish business.
- ii. When such motion is passed, with or without amendment, by a majority of Members present and voting the motion becomes a **resolution**.
- iii. A motion can be original or procedural. An original motion is one which proposes a substantive issue for consideration and council action. A procedural motion relates to procedure and form. Any Member at any time may move, between speakers, any of the following procedural motions:
  - to proceed to the next business;
  - to move to the vote.
- iv. An amendment is a motion to amend the substantive original motion being considered by the meeting.
- v. Original motions may be passed by resolution with or without amendment or may be thrown out.
- vi. Alternatively during consideration and debate in respect of any motion, there may be a procedural motion or a point of order.
- vii. A point of order is an objection submitted to the Chairman which claims some irregularity in the constitution or conduct of the meeting. Primarily it relates to the conduct or procedure in the meeting and should not be concerned with the principles, views or correctness of statements made in the course of debate or consideration of the original motion. Common examples of irregularities are:
  - use of irrelevant or improper language;
  - non compliance with standing orders;
  - the motion debated is not within the scope of the motion on the agenda.
- viii. If a Member raises a point of order it should be raised as soon as the reason for it became apparent. The Member who was speaking before the point of order was

raised must stop speaking and allow the Chairman to make a decision. The Chairman's decision is final.

- ix. A Member should provide the proper written notice of an original motion he/she wishes to move at least 7 days in advance of a meeting. As the Proper Officer is required to give at least 3 days notice of any meeting, Members must ensure they notify the Proper Officer well in advance of this deadline.
- x. Motions are included in full on the agenda in the order they are received by the Clerk.
- xi. Motions cannot be discussed until they have been moved (by the Member who lodged the motion).
- xii. There is no legal requirement for a motion to be seconded but it is established practice in local authorities to second a motion to prompt discussion.
- xiii. Only one motion may be discussed at a time. Dealing with more than one subject/ issue at a time should be avoided where possible.
- xiv. In a situation where a motion deals with more than one subject issue, the Chairman should request the mover to separate the component parts and move them one by one.
- xv. An amendment to the original motion cannot be discussed until it has been moved and seconded.
- xvi. An amendment can be withdrawn at any time by the Member moving it.
- xvii. Amendments to the original motion will be discussed together unless the meeting agrees to discuss them separately on the motion of any Member.
- xviii. Amendments will be put to the vote in the reverse order in which they were moved.
- xix. An amendment which is carried shall become the substantive motion or recommendation and other amendments will not be put to the vote.
- xx. The order of speaking shall be:
  - mover of the motion;
  - mover of first amendment;
  - mover of second amendment (and so on);
  - any other member wishing to speak;
  - right of reply of movers of amendments in reverse order;
  - right of reply of mover of recommendation or motion.
- xxi. A Member may speak only once in a debate except where the Member has a right of reply or where the Chairman in her/his discretion permits it in the interests of debate.
- xxii. During a debate, but between speakers, any Member may move a procedural motion:
  - That the question be put to the vote immediately;
  - That the meeting move to the right of reply of the mover of the recommendation or motion and then to the vote;
  - To proceed to the next business.
  - If seconded, the procedural motion shall be put to the vote immediately without discussion.

## 10. Minutes

- a. The minutes must record the names of Members present at the meeting and the existence and nature of any interests declared by Members.
- b. The minutes are not a verbatim record of debate at a meeting but must accurately reflect the resolutions (the decisions or actions agreed) made and record voting if at that meeting. Adjournments will not be minuted.
- c. The draft minutes of a meeting must be attached to the agenda for the next meeting for approval and signing by the Chairman (or persons presiding at the meeting).
- d. There should be no discussion in respect of the draft minutes except that which relates to the motion to agree the accuracy of the draft minutes.
- e. Any corrections shall be made by moving that the minutes are agreed with the corrections stated.

## 11. Member Conduct

- a. **All Members and Officers will abide by the Councillor/ Officer Relations protocol (adopted by the Council on 07 May 2019) and the Stewkley PC Code of Conduct (adopted by the Council on 07 May 2019).**
- b. When speaking a Member must address the Chairman.
- c. Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chairman in the proper management of the conduct of the meeting.
- d. If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the Member be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.
- e. If the Member continues to behave improperly after a motion that the Member be not further heard, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If the motion is seconded, it must be put to the vote immediately without discussion.
- f. If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chairman may adjourn the meeting for as long as they consider necessary.
- g. **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 AVDC's Standards Committee.**

## 12. Financial Arrangements

- a. All Orders for the payment by cheque of money shall be authorised by resolution of the Council and signed by two members.
- b. All orders for the payment by on-line banking shall be authorised by resolution of the Council and initiated by the Clerk.
- c. Single commitment payments below £100 may be made by the Clerk, or by the Clerk and Chairman (vice-chair in the absence of the chair) without prior approval of the full Council. Such actions will be reported to the full Council at the next Council meeting.



## **13. Access to Information**

### **Access to meetings:**

- a. The public and press are entitled to attend any meeting of the council or any committee unless excluded by formal resolution in relation to any matter of business.

- b. Notice of all meetings and the agenda will be placed on the Parish Council notice board, and are usually agreed with the Chairman (or Vice Chairman in his/her absence) and signed by the Parish Clerk.

Minutes are agreed at each meeting for the previous month's meeting. Minutes are signed by the Chairman and will be posted to [www.stewkley.org.uk](http://www.stewkley.org.uk)

- c. Notice of meetings and agendas will be posted at least 3 clear working days before each meeting.
- d. The public may put questions and/or make comments to meetings of the parish council under the Open Forum for Parishioners section of the agenda.
- e. The taking of photographs and video and sound recording by any person at any meeting may only be done with the permission of the council.

### **Access to documents:**

- a) A reasonable number of copies of the agenda shall be available from the Clerk for the public attending meetings.
- b) Minutes of meetings shall be available free to the public on application to the Clerk (bulk and multiple applications may be subject to a copying charge).

Agreed minutes shall be available at [www.stewkley.org.uk](http://www.stewkley.org.uk)

- c) A reasonable number of reports submitted to meetings of the council and committees shall be available from the Clerk for the public attending meetings.
- d) Reports may subsequently be obtained by the public on application to the Clerk (a copying charge may be applied).
- e) Applications under the Freedom of Information Act should be addressed to the Clerk (applicable charges are posted on the Parish Council website).
- f) Applications for personal information under the Data Protection Act 2018 should be addressed to the Clerk.

### 13. Financial Arrangements

- a. In cases of extreme risk to the delivery of council services, the Clerk may authorize expenditure up to £500 without prior approval of the Council. Such actions will be reported to the Chairman as soon as possible afterwards and to the full Council at the next Council meeting.
- b. All payments below £1000 will be put to the Council and agreed for payment in advance of transactions except in exceptional cases (see 14c below)
- c. All payments above £1000 - at least three different suppliers should be found to quote or produce an estimate.
  - These estimates or quotes should be in writing and delivered to the Parish Clerk. A review and discussion about who should be awarded the work or asked to supply the goods should be placed as an agenda item at the next council meeting.
  - The Council will review and discuss then agree (by vote) who should be awarded the contract. The Council is not obliged to accept simply the lowest costing. Such discussion may be conducted without the Public or Press. The decision will be made public once agreed by the Council.
- d. The Clerk is authorized to make on-line banking transfers of up to £10,000 between the council accounts.
- e. If the Council intends to enter into a contract for the supply of goods or service which is in excess of £10,000 the following additional process applies:-
  - The Council will agree a specification for the goods or services.
  - At least three different suppliers will be asked to quote or produce an estimate.
  - The specification will also be made public (on village noticeboards, the council website). If time permits, publication can be made in the Stewkley Grapevine and the village columns of the LBO and the Bucks Herald.
  - Estimates or quotes should be in writing and delivered to the Parish Clerk. A review and discussion about who should be awarded the work or asked to supply the goods should be placed as an agenda item at the next council meeting.
  - The Council will review and discuss then agree (by vote) who should be awarded the contract. The Council is not obliged to accept simply the lowest costing. Such discussion may be conducted without the Public or Press. The decision will be made public once agreed by the Council.
  - Due consideration will be given, at all times during the tender process, to the Bribery Act of 2010

### 14. Accounts and Financial Statement

- a. All accounts for payment and claims upon the Council shall be laid before the Council.
- b. 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 Proper Officer. Such payment shall be authorised by the committee or working party, if any, having charge of the business to which it relates, and/or by the Proper Officer

- for payment with the approval of two Members.
- c. The Proper Officer is able to authorise any works which if not dealt with immediately pose a Health & Safety risk.
  - d. 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. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before they are submitted to the external Auditor at the end of July.

## 15. Estimates / Precepts

- a. The council shall receive written estimates for the coming financial year at its meeting before the end of the month of November.
- b. Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than October.

## 16. Interests

- a. **If a member has a personal interest as defined by the Code of Conduct (adopted by the Council on 07 May 2019) then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.** He/she will then withdraw from the room.
- b. **If a member who has declared a personal interest then considers the interest to be prejudicial, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- c. **The Clerk will 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.** Members must be sure to advise the Clerk of any changes as and when they occur.
- d. 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/working party any such disclosure.

## 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 suspended by resolution in relation to any specific item of business.
- b. 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.

## 18. Complaints

- a. Anyone wishing to make a complaint about a Member, Officer or Council services should refer to the Council's Complaints Procedure (adopted on 07 May 2019).
- b. The Complaints Procedure is posted on the Parish Council website ([www.stewkley.org.uk](http://www.stewkley.org.uk)) and available upon request from the Clerk

## 19. 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/her the member's declaration of office and written undertaking to observe the Code of Conduct and the Protocol for Members & officers adopted by the Council.

## Glossary of Terms

Annual Parish Council Meeting – a local Council must meet annually. In an election year this must take place on the day when the Councillors take office or within 14 days thereafter. In any other year it may be held on any day in May.

Proper Officer – is a term used in legislation to mean the officer assigned to a particular task. For Stewkley Parish Council, this is the Clerk.

Responsible Financial Officer – this is the person appointed to manage the Councils financial affairs and it is the Clerk.<sup>4</sup>