

# STANDING ORDERS TOCKENHAM PARISH COUNCIL

## **BACKGROUND**

All councils are constituted in the same way; councillors are elected by the local government electorate and each council has a Chair, who must be one of the elected councillors.

Councils vary in size and capacity; many are small, representing a few hundred people, others represent communities of over 30,000 people with budgets of over £1m and expenditure and staffing levels per head of population similar to a small district council.

A council is a corporate body with perpetual succession and a name. Local councillors are often referred to as "Members" – for example in the Code of Conduct. The number of councillors is fixed by the unitary council. A parish council's lawful acts, assets and liabilities are its own and not those of its councillors or any other council.

A council must act within the law. It can only spend, raise or use money if it has a statutory power to do so, otherwise it acts ultra vires (beyond its powers). Parish councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, i.e. a council may do something, rather than it must do something.

A parish council has the unfettered right to raise money by precept (a mandatory demand) on the unitary council. The precept required by a parish council is then collected by the principal council as part of the council tax levied on tax payers in that parish.

Parish councils act as sounding boards for local opinion, though the range of services and amenities provided varies enormously. They often work with local voluntary organisations and other tiers of local government and have an important role in providing and improving very local services and amenities. There are certain obligations which by law a parish council must fulfil. For example:

- It must hold an annual meeting;
- It must hold at least three other meetings a year;
- It must appoint such officers as it believes necessary for the proper discharge of its functions. This must include an officer responsible for the proper administration of financial affairs;
- It must make Standing Orders for the supply of goods and services to the council.

The arrangements for meetings and proceedings of local councils are set out in Part II of Schedule 12 to the Local Government Act 1972, as supplemented by any standing orders adopted by a council.

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Parish councils should not see themselves as operating in isolation. They will achieve far more by being prepared to work constructively with other public bodies and organisations around them.

## **CLERK TO THE COUNCIL**

### Overall Responsibilities

The Clerk to the Council will be the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law of a local authority's Proper Officer. The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out. The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. The person appointed will be accountable to the Council for the effective management of all its resources and will report to them as and when required. The Clerk will be the Responsible Financial Officer and responsible for all financial records of the Council and the careful administration of its finances.

### **Specific Responsibilities**

1. To ensure that statutory and other provisions governing or affecting the running of the Council are observed.
2. To monitor and balance the Council's accounts and prepare records for audit purposes and VAT. Or to monitor the work of a designated other officer .
3. To ensure that the Council's obligations for Risk Assessment are properly met.
4. To prepare, in consultation with appropriate members, agendas for meetings of the Council
5. To attend all meetings of the Council and prepare minutes for approval.
6. To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council.  
To issue correspondence as a result of instructions of, or the known policy of the Council.
7. To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met. To issue invoices on behalf of the Council for goods and services and to ensure payment is received.
8. To study reports and other data on activities of the Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Council.
9. To act as the representative of the Council as required.

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## **Agenda**

Agenda for meetings of the parish council and its committees should be circulated and made available to the public a minimum of **3 clear days** before the day of the meeting. A clear day excludes weekends and bank holidays.

## **Disclosures of Interests**

The Agenda should include the item "To receive disclosures of personal and prejudicial interests from Councillors on matters to be considered at the meeting." The disclosure must include the nature of the interest. If councillors become aware, during the course of a meeting, of an interest that has not been disclosed under this item councillors must immediately disclose it. They may remain in the meeting and take part fully in discussion and voting unless the interest is prejudicial. A personal interest is prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest and it relates to a financial or regulatory matter."

The council has arrangements in place allowing a member of the public to speak to a meeting about an item and has adopted paragraph 12(2) of the 2007 Model Code of Conduct, a Councillor with a prejudicial interest in a matter may therefore make representations, answer questions or give evidence to the meeting, but must then leave the room immediately and not take part in the council's discussion, or vote, or observe the vote.

## **Parish Council Correspondence**

(i) The point of contact for the parish council is the Clerk, and it is to the Clerk that all correspondence for the parish council should be addressed.

(ii) The Clerk should deal with all correspondence following a meeting.

(iii) No individual Councillor or Officer should be the sole custodian of any correspondence or information in the name of the parish council, a committee, sub-committee or working party. In particular, Councillors and Officers do not have a right to obtain confidential Information/documentation unless they can demonstrate a 'need to know'.

(iv) All official correspondence should be sent by the Clerk in the name of the council using council letter headed paper.

(v) Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person (e.g. copy to XX).

## **COUNCIL MEETINGS**

### **1.1 Charing meetings**

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The Chair of the parish council (and in his absence the Deputy Chair, if there is one) shall chair or preside over meetings of the council. In the event that the person normally expected to preside over 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').

## **1.2 Quorum**

A minimum of 3 councillors are required to make up a quorum. Unless the quorum is met, the council meeting cannot commence, no business may be transacted and no decisions can be made.

## **1.3 Holding meetings**

1.3.1 An annual meeting of the parish council shall be held every year in the month of May. In the year of ordinary elections of parish Councillors the annual meeting of the parish council shall be held within 14 days after the day on which Councillors elected take office.

1.3.2 In addition to the annual meeting of a parish council, at least 3 meetings shall be held in every year.

1.3.3 An extraordinary meeting of the parish council may be called at any time by the Chair (and in his absence by the Deputy Chair if there is one). An extraordinary meeting is one which is called specifically. They are usually convened to deal with urgent or unforeseen business.

1.3.4 Any 2 Members of a parish council may submit a written request signed by them to the Chair of the parish council to call an extraordinary meeting. In the event of the Chair not calling an extraordinary meeting within 7 days of receiving the request, the 2 members may call an extraordinary meeting.

1.3.5 Meetings shall be held at a place, date and time fixed by the council. Meetings shall not be held in premises being used at the time for the supply of alcohol as permitted by the Licensing Act 2003 unless no other suitable room is available free of charge or at a reasonable cost. Meetings can be held remotely by agreement.

1.3.6 Notice of the time and place of meetings must be fixed in a conspicuous place in the parish at least 3 clear days before the meeting. Where a meeting is called by Members of the council (1.3.4 above), the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting

## **1.4 Order of Business for Annual Parish Council Meetings**

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1.4.1 Section 15 of the 1972 Act provides that the first business to be transacted at the Annual Meeting of a parish council is the election of the Chair. This is because a parish council is not lawfully constituted unless a Chair has been elected by Members of the council. The person elected as Chair is required to make and deliver his declaration of acceptance of office to the Proper Officer of the council at that meeting (this is on a statutory prescribed form).

1.4.2 Apart from the above, legislation does not prescribe any other business to be completed at the annual meeting.

***It should be noted that members cannot act as Councillors until they have made and delivered their declaration of acceptance of office containing their undertaking to observe the code of conduct.***

## 1.5 Order of Business for Ordinary Parish Council Meetings

1.5.1 At ordinary meetings of the parish council, business will usually be dealt with in the following order:

- Record of Members present;
- Record of apologies from Members unable to be present;
- Declarations of interests (existence and nature) with regard to items on the agenda;
- Formal announcements from the Chair;
- Agreeing the minutes of the last meeting and signing them;
- Public participation session with respect to items on the agenda
- Any business remaining from previous meetings;
- Other business placed on the agenda

## 1.6 Public Participation Sessions

Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees. The public may be excluded from part or all of a meeting by the following resolution: "In accordance with Section 1 (2) of the public bodies (Admission of Meetings) Act 1960, the Press and Public be excluded from the meeting during the consideration of the following business owing to the confidential nature of that business".

They have no right to participate in a meeting, unless permitted to do so by the Council. This council has adopted paragraph 12(2) of the Model Code of Conduct and will hold public participation sessions at council meetings where members of the public will have up to 3 minutes to raise any issue or make comments. During the meeting at the discretion of the chairman the public will be able to ask questions or comment on issues being discussed.

## 1.7 Voting

In addition to 1.7 of the standing orders, the Parish Council agree that questions to be decided by the parish council can be decided by a vote conducted by email,

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but this to be only used in exceptional circumstances. Any question to be decided will be sent out by the clerk, or in the clerk's absence the chair, any comments or discussion should be circulated to all councillors, before a vote is taken, the vote also circulated to councillors. Any decision thus made would need to be recorded at the next PC meeting, and minuted accordingly. If two or more councillors object to any decision made, they may call an extra PC meeting to discuss the matter, in which case 1.7.4 would not apply.

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

1.7.2 Unless otherwise provided by Standing Orders, 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.

1.7.3 Immediately before a vote is taken any Member may request that a vote is recorded. When a request is made the Chair, 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.

1.7.4 Motions cannot be put forward to rescind motions that have been passed in the previous 6 months.

### **1.8 Minutes**

1.8.1 The minutes must record the names of Members present at the meeting and the existence and nature of any interest declared by Members.

1.8.2 The minutes are not a verbatim record of debate at a meeting but must accurately reflect the resolutions made and record voting if this is requested by a Member at that meeting.

1.8.3 The draft minutes of a meeting must be attached to the agenda for the next meeting for approval and signing by the Chair (or persons presiding the meeting).

### **1.9 Conduct .**

1.9.2 Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chair in the proper management of the conduct of the meeting. If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chair may adjourn the meeting for as long as they consider necessary.

Apart from Standing Orders reflecting statutory requirements, the parish council may suspend any of them by resolution in respect of a particular item of business.

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