

## **BEWERLEY PARISH COUNCIL**

### **Standing Order No 1 : Conduct of Council Business.**

#### **1. Monthly Meetings.**

- a. Summons.** A summons to attend each meeting, which will normally be held on the third Monday of every month (excepting August and December), will be sent by the Clerk to all Councillors three working days in advance. This will detail the items to be discussed. A copy will be placed in the main notice board on the Recreation Ground and on the notice board at Greenhow.
- b. Decisions/Discussion.** No decisions can be taken on any substantial matter, or involving expenditure, of which notice has not been given. Other minor matters, correspondence and exchange of information can be taken so long as significant decisions are not involved. No discussion can take place unless there is a quorum of councillors present. A quorum is one third of the council, i.e. three.
- c. Open Meetings.** Each meeting is open, except where the council formally resolves to exclude the public and the press. Such a resolution is to be reported verbatim in the minutes and should include the reason, such as prejudicial to the public interest or confidentiality.
- d. Proceedings.** Council proceedings should be formal and dignified, but not stuffy. Councillors wishing to speak should catch the Chairperson's eye. Comment should be well thought out, relevant and concise and should be addressed to, or through the Chairperson. The council may, at its absolute discretion, adjourn a meeting to allow a member of the public to speak briefly.
- e. The Chairperson's Authority.** The Chairperson's procedural authority is derived from the Council as a whole, and his rulings must be obeyed by an individual Councillor. It follows, however, that the Chairperson cannot overrule the Council, and that a Councillor who is dissatisfied with the Chairperson's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare. The Chairperson should concentrate on controlling the meeting without entering unduly into the discussion, with the aim of reaching sound decisions as quickly as is reasonable. The extent and length of discussion is entirely a matter for the Chairperson, who should exercise a careful, but firm, balance between ensuring full discussion and avoiding irrelevant matter, verbosity or repetition. The Chairperson's decision on any point of order shall not be open to discussion or argument, and should the Chairperson rise from his seat the Council is to come to order and be silent.

f. Disturbance at Meetings. Anyone (whether a member of the council or of the public) who disturbs proceedings may, by resolution, be asked to withdraw. It is not desirable for a resolution to be moved until the Chairperson has, at least once, requested the offender to desist, and the request has been ignored. Where the Chairperson's request has been disregarded the resolution should be moved automatically by the Deputy Chairperson (though legally any Councillor or the Chairperson may move it). Mere heat or anger in discussion is not of itself a ground for removing a member, but almost any interruption by the public is technically a disturbance. An offender who refuses to obey a resolution may be removed by force, but care should be taken to use no more force than is strictly necessary. It is usually desirable, but not legally necessary, to secure the help of the police.

g. Voting. Voting must be by show of hands except where stated otherwise in Standing Orders. Every matter must be decided by a majority of members present and voting on the question. In the case of an equal division of votes the Chairperson has his original and a second, casting vote. Once a decision is recorded in confirmed, signed, minutes it becomes council policy, and all Councillors are expected to respect it, even though they may have voted against it.

h. Code of Conduct. The Council formally adopted the new NALC Code of Conduct at its meeting on 23 July 2012.

A.

**Pecuniary interests as defined in Appendix A of the Code.** Where a matter arises for which a Councillor has a pecuniary interest he will be allowed to make a brief statement to the Council before any discussion takes place, and answer any specific questions raised by the other councillors. He will then be required to leave the room and take no part in any debate, or to vote.

**Personal interests as defined in Appendix B to the Code.** Where a matter arises for which a Councillor has a personal interest, he may be allowed to take part in the debate, but will not be allowed to vote. However, it is a Councillor's personal responsibility to decide whether he has a significant interest. A useful test is to ask himself whether a member of the public in the full knowledge of the facts would consider that his interest is such that it would prevent him from taking an unbiased view. If the answer is that it would he should follow the practice for a Pecuniary Interest, make a statement and leave the room.

i. Behaviour at meetings. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent. The period of time which is designated for public participation shall not exceed 3 minutes, subject to the Chairperson's discretion.

## 2. Minutes.

a) Purpose. Minutes are the formal record of Council business. They should be as short as is consistent with clarity and accuracy, and should in general record decisions, and not discussions leading up to them. It is not necessary to record the majority by which a decision is made, nor the names of councillors voting in a particular way, unless a member so requests it. Parishioners raising issues should not normally be named in the minutes.

- b) Verification and Publication. Minutes must be confirmed by the Council and signed by the Chairperson at the ensuing meeting. Minutes are 'drafts' until confirmed, but a copy of the draft minutes may be placed in the Pateley Bridge Public Library, on the parish website and in the local press. Any local government elector may, without payment, inspect the minutes and make a copy thereof. Typewritten loose leaf minutes are legal so long as the pages are consecutively numbered and the Chairperson signs or initials each page.

### **3. Complex and Detailed Issues.**

There are some issues which are difficult to consider in full Council and thus the Council may ask working groups (or sub-committees) to look more closely at them. Membership of working groups may vary depending on the topic but a Chairperson will be appointed in each case. The aim of the working group should be to study in detail and report back with a summary of what has been considered, and with recommendations for decisions by the full Council.

**4. Councillor's Initiatives.** Councillors must be careful to avoid taking initiatives, or making statements which could be construed as being on behalf of the council, unless they have been given a specific mandate to act in the council's name.

**5. Correspondence.** Letters received by the Council are treated in the same way as any other council documents under the Freedom of Information Act and, (unless covered by one of the exemptions) their contents may be disclosed on receipt of a request under the Act. However, the provisions of the Data Protection Act may prevent the release of some personal information contained in the correspondence.

It is therefore the practice to summarise a letter received rather than to read it out verbatim. Councillors have some 'qualified privilege' in what they say at meetings, but if a letter were read out and it contained something defamatory, or at variance to the provisions of the above acts, both the sender and the Council may be implicated.

**8. Role of the Clerk.** The Clerk is the appointed employee of the Council and does not have a vote. He/she has specific responsibilities for ensuring that financial proprieties are observed, and that the Council is insured. His/her full duties are contained in his Contract of Employment which formally appoints him/her both as the 'Proper Officer' and the 'Responsible Finance Officer' of the Council.

**9. Accounts.** The Clerk as the Responsible Finance Officer (RFO) will maintain the Council's accounts in a proper manner. The annual Receipts and Payments Account will be prepared and signed by the RFO as soon as possible after the 31<sup>st</sup> March of each year, and then be considered by the council and when approved signed by the Chairperson. All payments shall be authorised by the Council at a properly convened meeting. Cheques will be signed by two members of the Council, normally at the meeting, and the two councillors will also initial the cheque stub to confirm that the cheque stub and cheque details tally. A budget estimate will be approved by the Council at its November meeting.

The RFO shall prepare bank reconciliation, and an assessment of cash flow, not less than three times a year, and this will be checked by the Finance Sub Committee. (See SO2 for full Financial Regulations)

**10. Annual Assembly.** The Annual Assembly of Parishioners is held on the third Monday in April. All members of the public are entitled to attend, but only local government electors of the parish may speak.

**11. Annual General Meeting.** In the years when parish elections do not take place the Annual General Meeting is to be held in May and usually takes place on the third Monday. The first business is to elect the Mayor and Chairperson and to receive their Declarations of Acceptance of Office.  
Council Elections normally take place every four years on the first Thursday in May. Councillors are normally appointed for four years and they retire together on the fourth day after the next election. In election years the AGM must take place between the 4<sup>th</sup> and the 18<sup>th</sup> day after the election. As normal the first business should be to elect the Chairperson and receive his/her Declaration, but in election years all councillors must deliver a Declaration to the AGM. Declarations contain a statement that Councillors will abide by the National Code of Conduct.

**12. Standing Orders.** Standing Orders of Bewerley Parish Council may be added to, varied or revoked, but to do so requires a resolution to be proposed and seconded, and stand adjourned without discussion until the next monthly meeting.

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This Standing Order has been based on guidance contained in;

- 'Local Councils Administration' by Charles Arnold Baker, 8<sup>th</sup> Edition 2009,
- 'Powers and Constitution of Local Councils' by NALC, 1991 Edition,
- 'Standing Orders and Chairmanship' by NALC, 1991 Edition,
- 'The Parish Councillor's Guide' by John Prophet, 16<sup>th</sup> Edition 1993,
- and on advice received from Harrogate Council's Borough Administrator, and the Information Commissioner.

SO No 1 was approved by Council at the meeting held on .....May 2015.....