



# The Beaudesert & Henley-in-Arden Joint Parish Council

*Working for the Benefit of the Residents of Henley-in-Arden  
Last Amendment 15<sup>th</sup> July 2019*

## ***STANDING ORDERS***

### **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. Upon notification by SDC that a Cllr with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him/her – this action excludes disqualification or suspension of office.
- 1.4. A Councillor (or a non-councillor with voting rights) who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter to be considered at a meeting is subject to statutory limitations or restrictions under the Code of Conduct on his right to participate and vote on that matter. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required. A dispensation may be granted at a meeting of the Council if the following applies without the dispensation the number of persons prohibited from participating in the meeting would be so great a proportion that it would impede the transaction; or it is in the interests of persons living in the council's area; or it is appropriate to grant a dispensation. The proper officer will make that decision and that decision will be final.

### **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 Chairman is available then he/she will preside at the Annual Meeting until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) save for in an election year when members must first sign their Declaration of Acceptance of Office. The election of the Chairman shall be conducted by the outgoing Chairman, or in his absence, a nominated Councillor.

- 2.3 During the election of the Chairman and Vice Chairman, in the case of an equality of votes the person presiding shall have a casting vote, save that if the person presiding at the Annual Meeting would have ceased to be a member of the Council, but for the statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their term of office, he/she may not have an original vote in an election of the Chairman.
- 2.4 The retiring Chairman will report on the activities of the Council for the preceding year.
- 2.5. The Vice Chairman of the Council shall be elected annually by the Council from among the Councillors and the election of the Vice Chairman shall be the business transacted at the Annual Meeting of the Council immediately after the election of the Chairman.

### **3. Meetings**

- 3.0. Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.
- 3.1. An agreed frequency of meetings will be decided at the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post, email or by hand. The Chairman, in consultation with the Vice Chairman, may if he deems it necessary, alter the date or time of any ordinary meeting of the Council, subject to a minimum of **five** clear days' notice and provided that the agenda for any such meetings shall be published at the time the meeting date is altered.
- 3.2. Subject to Standing Order 3.1 above, the agenda must be issued at least three clear business days before the relevant meeting. A summons sent electronically shall contain an electronic signature of the person issuing the summons.
- 3.3. Public notices will be posted in conspicuous places 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. The Chairman may convene extraordinary meetings provided that the agenda for such meeting is published at the time the meeting is called. The same notice will be given as for an ordinary meeting. The chairman will sign the meeting notice.
- 3.5. If the Chairman refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by two members of the Council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.
- 3.6. Meetings will be open to the public and press and open to audio or video recording but the public and the press may be temporarily excluded from the meeting and recording ended if the business is regarded as confidential.
- 3.7. An opportunity for public questions and comment will be made available immediately before the commencement of each Council meeting, subject to a maximum of 20 minutes in total unless the Chairman determines otherwise. A question shall not require a response at the meeting. The chairman of the meeting may direct that a written or oral response be given at a later date.
- 3.8. Members of the public may speak at Council meetings at the discretion of the Chairman of the meeting. Mobile phones should be switched off or set to silent mode. Reasonable arrangements will be made to accommodate members of the press.
- 3.9. The Clerk, Chairman and Vice Chairman will agree the agenda for the meeting as appropriate. The agenda will always include an item to enable Councillors to declare interests. Each substantive item on the agenda will have an explanatory report attached to it.

3.10. The Council may only take decisions on items clearly specified on the agenda. If agreed by the Chairman, any urgent items that are not on the agenda may be discussed, but no decision may be made, at that meeting except for the following:

- to correct an inaccuracy in previous meeting minutes
- to defer consideration of a motion
- to refer a motion for investigation by an existing working group
- to appoint a person to preside at a meeting
- to change the order of business on the agenda
- to proceed to next business on the agenda
- to require a written report
- to exclude the public and press from a meeting in respect of a confidential item or sensitive information prejudicial to the public interest
- to not hear further from a Councillor or member of the public
- to exclude a Councillor or member of the public for disorderly conduct
- to temporarily suspend the meeting
- to suspend a Standing Order unless it reflects a mandatory statutory requirement
- to adjourn the meeting
- to close a meeting

3.11. The Chairman of the council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chairman is not present then the Vice-Chairman will preside. If neither the Chairman nor the Vice-Chairman is present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whomever chairs the meeting will assume the duties of the Chairman for the meeting.

3.12. Subject to Standing Orders which indicate otherwise anything authorised or required to be done, by to or before the Chairman may in his absence be done by, to or before the Vice Chairman.

3.13. The quorum for the Council will be four members, or one third of the total Councillor members (excluding those that are debarred by reason of a declared prejudicial interest), whichever is greater. If there are insufficient Councillors present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.

3.14. 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 a subsequent meeting.

3.15. 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.

3.16. In cases of equal votes the Chairman (or other person presiding) will have a second or casting vote (even if they did not give an original vote).

3.17. 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 the Council at their next or a subsequent meeting approves them and the minutes are signed by the person presiding at that meeting.

3.18. With regard to any matter if there is a personal interest a statement can be made to the Council meeting but then the person must leave the meeting while discussions take place.

3.19. If a Councillor is not able to attend a meeting then apologies will be given to the Chairman or the Vice Chairman who will relay these to the Parish Clerk.

3.20. The Clerk shall set out in the summons for every meeting of the Council all motions of which notice has been given by Council members, unless the proposed motion is legally improper or the member giving such notice indicates, in writing that he proposes to move it a later meeting, or has since withdrawn it in writing.

#### **4. Freedom of Information**

4.1 Information held by the council shall be managed in accordance with the requirements in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 and any other relevant policies such as the Model Publication Scheme.

4.2 Correspondence from, and notices served by, the Information Commissioner shall be referred to the Council by the Proper Officer. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

#### **5. Clerk to the Council**

5.1 The Council may appoint employees to assist it in the performance of its duties. 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.

5.2 The Clerk will act as the Proper Officer of the Council, and he/she will: receive the Declarations of Acceptance of Office and notices disclosing interests; sign documents on behalf of the Council and issue agendas and notices of meetings; receive and distribute plans and documents on behalf of the Council, advise the bank of changes to mandates with the bank and receive and retain copies of byelaws made by other local authorities.

5.3 The clerk will undertake the execution and sealing of legal deeds: A legal deed shall not be executed on behalf of the council unless authorised by a resolution. Subject to the resolution, any two Cllrs may sign any deed required by law on behalf of the council and the Proper Officer witness their signatures.

5.4 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 Chairman or designated Councillor acting with the authority of the Council.

#### **6. Committees and task and finish groups/working parties.**

6.1 The Council may at its Annual Meeting, or at any other time, appoint committees, sub-committees, working parties as it considers necessary.

6.2 Subject to any statutory limitation, any committee or working party, other than a Finance Committee, may recommend to the Council the appointment of persons who are not members of the Council as co-opted members of any of the Council's sub-committees, working parties or panels. Such co-opted members shall be entitled to speak but not to vote.

6.3 The Council from time to time may set up working parties and task-and-finish groups to undertake research work on behalf of the Council described in agreed terms of reference. These groups will have no powers to make decisions. They will make recommendations to the Council for decision. The Council will set their Terms of Reference, and they will report periodically to the Council.

#### **7. Complaints**

All complaints will be managed according to the council's policy; paper copies are available on request from the Clerk and also on the council web site.

## **8. Emergency Business and delegated powers for the Parish Clerk and RFO.**

The Clerk has delegated powers to deal with urgent matters, particularly with regards to planning applications received, between meetings in consultation with three members of the Council to include the Chairman and Vice-Chairman and any other member as appropriate, to expedite matters in a timely manner. If every effort has been made to contact both the Chairman and Vice-Chairman, but one or both are not available (e.g. away on holiday), then the Clerk will contact two other Councillors, as appropriate. Any planning application that is viewed to be controversial or sensitive by the Clerk or Chairman or Vice- Chairman will be referred to full council for a decision in a properly constituted council meeting.

## **9. Alteration or Reversal of previous decisions**

Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the name of two Councillors and is considered and approved by the Council.

## **10. Standing Orders**

- 10.1. The Chairman and the council will review these and any other standing orders annually and the Council will decide any amendments.
- 10.2. During the course of meetings of the Council, the Chairman's decision as to the interpretation of the Standing Orders will be final. In cases of doubt, the Council will seek the advice of the Clerk and/or the Warwickshire Association of Local Councils.
- 10.3. 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.

Approved at the JPC Meeting on 15<sup>th</sup> July 2019

**Ray Evans**  
**Chairman - Beaudesert & Henley in Arden Joint Parish Council**