

PEWSEY PARISH COUNCIL

STANDING ORDERS

1. MEETINGS

1.1.1 Meetings of the Council shall be held at the Parish Office at 7.00pm unless the Council otherwise decides at a previous meeting.

1.1.2 Smoking is not permitted at any meeting of the Council.

1.2 The Statutory Annual Meeting (a) in an election year shall be held on a Tuesday, within 14 days of the newly elected councillors taking office and (b) in a year which is not an election year, shall be held on the 2nd Tuesday in May.

1.3 The three other statutory meetings shall be held on the 2nd Tuesday in the months of August, November and February.

1.4 Additional meetings shall be held as announced in the annual meetings diary.

1.5 The Staffing Committee shall normally meet on or near the 1st May each year for the purpose of reviewing content of the Clerk's annual appraisal for the previous year, and of the clerk's salary (spine point) for the forthcoming year.

2. CHAIR OF MEETING

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

2.2 The Chair of the Council may convene an Extraordinary meeting of the Council at any time.

3. PROPER OFFICER

3.1 Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, that person shall be the Clerk:-

3.1.1 To receive declarations of acceptance of office.

3.1.2 To receive and record notices disclosing pecuniary interests.

3.1.3 To receive and retain plans and documents.

3.1.4 To sign notices or other documents on behalf of the Council.

3.1.5 To receive copies of byelaws made by Wiltshire Council.

3.1.6 To certify copies of byelaws made by the Council.

3.1.7 To sign summonses to attend meetings of the Council.

3.1.8 To maintain a register of Interests.

3.1.9 To ensure that the current Code of Conduct is properly administered.

3.1.10 Will annually arrange a diary of all meetings.

3.2 In any other case the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

3.3 In the event of a prolonged absence of the Proper Officer/Clerk, cover will be arranged.

4. QUORUM

4.1 Seven members from either ward shall constitute a quorum for Full Council, Planning, Environment and Financial Strategic Management sub-committees. Three members shall form the Emergency sub-committee.

4.2 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary prejudicial or personal interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may arrange.

5. VOTING

5.1 Members shall vote by show of hands, or, if at least two members so request, by signed ballot.

5.2 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

5.3.1 Subject to 5.3.2 and 5.3.3 below the Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.

5.3.2 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 Chair and Vice-Chair until the end of their term of office he may not give an original vote in an election for Chair.

5.3.3 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

6. ORDER OF BUSINESS

6.1 In an election year councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer previously authorised by the Council before the annual meeting commences.

6.2 At each Annual Meeting the first business shall be

6.2.1 To elect a Chair

6.2.2 To elect a Vice-Chair

6.2.3 To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.

6.2.4 In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

6.2.5 To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

6.2.6 To elect Chairs and Vice Chairs of Standing Sub-Committees.

6.3 At every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.

6.4 In every year not later than the meeting at which the estimates for next year are settled the Staffing Committee shall review the pay and conditions of service of existing employees.

6.5 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:

6.5.1 To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

6.5.2 After consideration to approve the signature of the Minutes by the person presiding as a correct record.

6.5.3 To deal with business expressly required by statute to be done.

6.5.4 To dispose of business, if any, remaining from the last meeting.

6.5.5 To receive such communications as the person presiding may wish to lay before the Council.

6.5.6 To answer questions from Councillors.

6.5.7 To receive and consider reports and minutes of sub-committees.

6.5.8 To receive and consider reports from officers of the Council.

6.5.9 To authorise the signing of documents where necessary.

6.5.10 To authorise the signing of orders for payment. This may also be done at any Committee meeting.

6.5.11 To consider resolutions or recommendations in the order in which they have been notified.

6.5.12 Any other business specified in the summons.

6.5.13 Any Full Council information and action may be considered at sub-committee meetings.

6.6 A motion to vary the order of business on the ground of urgency

6.6.1 may be proposed by the Chair or by any member and, if proposed by the Chair may be put to the vote without being seconded, and

6.6.2 shall be put to the vote without discussion.

7. RESOLUTIONS MOVED ON NOTICE

7.1 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting when it will be added to the agenda.

7.2 The Clerk shall date every notice of resolution or recommendation when received, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.

7.3 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it. Such notices will be in the form of an agenda.

7.4 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

7.5 If the subject matter of a resolution comes within the province of a sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chair, if that person considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

7.6 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

8. RESOLUTIONS MOVED WITHOUT NOTICE

- 8.1 Resolutions dealing with the following matters may be moved without notice:
- 8.1.1 To appoint a Chair of the meeting.
 - 8.1.2 To correct the Minutes.
 - 8.1.3 To approve the Minutes.
 - 8.1.4 To alter the order of business.
 - 8.1.5 To proceed to the next business.
 - 8.1.6 To close or adjourn the debate.
 - 8.1.7 To refer a matter to a sub-committee.
 - 8.1.8 To appoint a sub-committee or any members thereof.
 - 8.1.9 To adopt a report.
 - 8.1.10 To authorise the sealing of documents.
 - 8.1.11 To amend a motion.
 - 8.1.12 To give leave to withdraw a resolution or an amendment.
 - 8.1.13 To extend the time limit for speeches.
 - 8.1.14 To exclude the public.
 - 8.1.15 To silence or eject from the meeting a member named for misconduct.
 - 8.1.16 To give the consent of the Council where such consent is required by these Standing Orders.
 - 8.1.17 To suspend any Standing Order.
 - 8.1.18 To adjourn the meeting.

9. QUESTIONS

- 9.1 No questions unconnected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 9.2 A person to whom a question has been put may decline to answer.

10. RULES OF DEBATE

- 10.1 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.
- 10.2.1 A resolution or amendment shall not be discussed unless it has been proposed and seconded.
- 10.2.2 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 10.2.3 No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.
(The mover of a resolution is sometimes allowed a longer time than others.)
- 10.2.4 An amendment shall be either:
- 10.2.4.1 To leave out words.
 - 10.2.4.2 To leave out words and insert or add others.
 - 10.2.4.3 To insert or add words.
- 10.2.5 An amendment shall not have the effect of negating the resolution before the Council.
- 10.2.6 If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- 10.2.7 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

10.2.8 The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.

10.2.9 A member, other than the mover of a resolution, shall not, without leave of the Chair, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

10.2.10 A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

10.2.11 When a resolution is under debate no other resolution shall be moved except the following:-

10.2.11.1 To amend the resolution

10.2.11.2 To proceed to the next business

10.2.11.3 To adjourn the debate

10.2.11.4 That the question be now put

10.2.11.5 That a member named be not further heard

10.2.11.6 That a member named do leave the meeting

10.2.11.7 That the resolution be referred to a committee

10.2.11.8 To exclude the public and press

10.2.11.9 To adjourn the meeting.

10.3.1 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.

10.3.2 Members shall address the Chair.

11. CLOSURE

11.1 At the end of any speech a member may, without comment, move 'that the question be now put', 'that the debate be now adjourned' or 'that the Council do now adjourn'.

11.2 If such motion is seconded the Chair shall put the motion but, in the case of a motion 'to put the question', only if that person is of the opinion that the question before the Council has been sufficiently debated.

11.3 If the motion 'that the question be now put' is carried, that person shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after that right has been exercised or waived.

11.4 The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

11.5 Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.

12. DISORDERLY CONDUCT

12.1 No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

12.2 If, in the opinion of the Chair, a member has broken the provisions of paragraph 12.1 of this Order, the Chair shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

12.3 If either of the motions mentioned in paragraph 12.2 is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

13. RIGHT OF REPLY

13.1 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

14. ALTERATION OF RESOLUTION

14.1 A member may, with the consent of their seconder, move amendments to their own resolution.

15. RESCISSION OF PREVIOUS RESOLUTION

15.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least eleven members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

15.2 When a special resolution or any other resolution moved under the provisions of paragraph 15.1 of this Order has been disposed of, no similar resolution may be moved within a further six months.

16. VOTING ON APPOINTMENTS

16.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. and so on until a majority of votes is given in favour of one person.

17. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

17.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or sub-committee (as the case may be) has decided whether or not the public shall be excluded.

18. SUB-COMMITTEES

18.1 The Standing Committees of the Council shall be:-

- 18.1.1 Environment
- 18.1.2 Planning & Development
- 18.1.3 Financial Strategic Management
- 18.1.4 Staffing Committee
- 18.1.5 Emergency Committee

18.2.1 The Grievance and Standards Committee shall be the Vice-Chairs of the Sub-Committees as above.

18.2.2 The Appeals Committee shall be the Chair & Vice-Chair of Council and Chairs of the Sub-Committees as above.

18.2.3 The Environment, Planning & Development, Financial Strategic Management Sub-Committees shall be open to all members. Seven members shall form a quorum.

18.2.4 The Staffing Committee shall comprise the Chair & Vice-Chair of the Council and the Chairs of the Sub-Committees. If required, a person qualified in Management and/or Human Resources can be co-opted onto the Committee.

18.2.5 The Emergency Committee shall comprise the Chair & Vice-Chair of the Council and the other Standing Committees. Three members shall form a quorum.

18.3 The Planning & Development Sub-Committee may determine all Planning matters on behalf of the Council.

18.4.1 All Sub-Committees may resolve matters which are clearly within their specific areas of responsibility.

18.4.2 In all other matters discussed they shall recommend a course of action which shall be determined by the Council.

18.4.3 Chairs of Sub-Committees shall present the minutes of their meetings to the Council meeting following.

18.4.4 Members may only ask questions on any matters which have been resolved by the Committee but shall discuss and, if required, determine matters which have been recommended.

18.5 The Council shall at its Annual Meeting appoint Standing Sub-Committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

18.5.1 shall not appoint any member of a Sub-Committee so as to hold office later than the next Annual Meeting,

18.5.2 may appoint persons other than members of the Council to any ad hoc Committee; and

18.5.3 may subject to the provisions of Order 18.1 above at any time dissolve or alter the membership of a committee.

18.6 In the event of the death or resignation of any Standing Sub-Committee Chair mid-term, the Vice-Chair takes over until the next available Full Council meeting when an election would take place for a new Chair/Vice-Chair if required.

18.7.1 The Chair of a Sub-Committee or the Chair of the Council may summon an additional meeting of that committee at any time.

18.7.2 An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee.

18.7.3 The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

18.8 Every Sub-Committee may appoint working groups for purposes to be specified by the Sub-Committee.

18.9 The Chair and Vice-Chair of the Sub-Committee shall be members of every working group appointed by it unless they signify that they do not wish to serve.

18.10 Except where ordered by the Council in the case of a Sub-Committee, or by the Council or by the appropriate Sub-Committee in the case of a working group, the quorum of a Sub-Committee shall be 7 members and for working group shall be one-half of its members.

18.11 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to Sub-Committee and working group meetings.

19. ADVISORY WORKING GROUPS

19.1 There shall be advisory working groups, whose name and number of members shall be determined by the Council as necessary.

19.2 The Clerk shall inform the members of each advisory working group of the terms of reference of the working group.

19.3 An advisory working group may make recommendations and give notice thereof to the Council.

19.4 An advisory working group may consist wholly of persons who are not members of the Council.

20. VOTING IN SUB-COMMITTEES

20.1 Members of sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

20.2 Chairs of Sub-Committees shall in the case of an equality of votes have a second or casting vote.

21. INTERESTS

21.1 If any member has any pecuniary, prejudicial or personal interest, direct or indirect, within the meaning of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in any contract proposed contract or other matter, that person shall, while it is under consideration by the Council, withdraw from the meeting unless;

21.1.1 The disability imposed upon that person by those sections has been removed by Wiltshire Council; or

21.1.2 The Council invite that person to remain; or

21.1.3 The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.

21.2 The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.

21.3 If any member has a personal or prejudicial interest within the ambit of the National Code of Local Government Conduct that person shall declare it and thereupon be invited to withdraw from the meeting.

21.4.1 If a candidate for any appointment under the Council is to their knowledge related to any member of or the holder of any office under the Council, both they and the person to whom that person is related shall disclose the relationship in writing to the Clerk.

21.4.2 A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice.

21.4.3 The Clerk shall report to the council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 22.2 shall apply.

21.4.4 The Clerk shall make known the purport of this Standing Order to every candidate.

22. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

22.1.1.1 Canvassing of members of the Council or of any committee. directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.

22.1.1.2 The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

22.1.2 A member of the Council or of any Sub-Committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

22.2 Standing Orders Nos. 23.1 and 23.2 shall apply to tenders as if the person making the tender were a candidate for an appointment.

23. INSPECTION OF DOCUMENTS

23.1 A member may for the purpose of their duty as such (but not otherwise), inspect any document in possession of the Council or a Sub-Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

23.2 All Minutes kept by the Council and by any Sub-Committee shall be open for the inspection of any member of the Council. This also applies to members of the public unless the matter is confidential. Freedom of Information Act - exclusions as per Publications Scheme.

24. AUTHORISED ACTIVITIES

24.1 Any member of the Council or of any Sub-Committee shall in the name of or on behalf of the Council;

24.1.1 Inspect any lands or premises which the council has a right or duty to inspect; and

24.1.2 issue orders, instructions or directions as authorised to do so by the Council or the relevant Sub-Committee.

25. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

25.1 The public shall be admitted to all meetings of the Council and its Sub-Committees, **which may, however, temporarily exclude the public** by means of the following resolution:

"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 be temporarily excluded and they are instructed to withdraw."

(Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

25.2 Members of the public may be permitted to speak at Full Council and Environment Sub-Committee meetings on items restricted only to the relevant agenda. For Planning & Development Sub-Committee meetings members of the public shall be permitted to speak either for or against specific items on the agenda, subject to the following caveats:

25.2.1 Those wishing to speak are to inform the Parish Clerk at least 24 hours in advance.

25.2.2 Those wishing to speak shall do so for no more than three minutes.

25.2.3 A maximum of three speakers on either side, for or against, shall be permitted.

25.2.4 Councillors may question speakers on matters of clarification only, but not enter into discussion with the speaker.

25.2.5 These public comments shall be permitted at the discretion of the Sub-Committee Chair on the night.

25.3 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

25.4 If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the Council Chamber.

26. CONFIDENTIAL BUSINESS

26.1 No member of the Council or of any Sub-Committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the Sub-Committee as the case maybe.

26.2 Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Sub-Committee of the Council, by the Council.

27. LIAISON WITH UNITARY COUNCILLORS

27.1 A notice of meeting shall be sent together with an invitation to attend to the Unitary Councillor for the county division and, if attending may be invited to speak.

27.2 Unless the Council otherwise orders, a copy of each letter ordered to be sent to Wiltshire Council shall be sent, if relevant, to the Unitary Councillor.

28. PLANNING APPLICATIONS

28.1 The Clerk shall, as soon as it is received, enter in computer records the following particulars of every planning application notified to the Council:

28.1.1 the date on which it was received;

28.1.2 the Wiltshire Council allocated number;

28.1.3 the name of the applicant;

28.1.4 the place to which it relates;

28.1.5 a summary of the nature of the application.

28.2 The Clerk shall refer every planning application to the Chair of the Planning & Development Sub-Committee or in the Chair's absence to the Vice-Chair within 48 hours of receiving it.

29. CODE OF CONDUCT ON COMPLAINTS

29.1 The Council shall adopt the Standard Board for England's recommendations upon Declarations of Interest and Codes of Conduct.

29.2 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the first instance to the Monitoring Officer at Wiltshire Council.

30. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

30.1 Any or every part of the Standing Orders except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

30.2 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.

31. STANDING ORDERS TO BE GIVEN TO MEMBERS

31.1 A copy of these Standing Orders and the Financial Regulations which follow, shall be given to each member by the Clerk upon delivery to of the member's declaration of acceptance of office.

31.2 Standing Orders will be reviewed annually by the Vice-Chair of the Council.

31.3 Terms of reference for the Sub-Committees of the Council will be reviewed annually by the Vice-Chair of each relevant Sub-Committee.

32. RESPONSIBILITIES TO PROVIDE INFORMATION

32.1 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

32.2 [If gross annual income or expenditure (whichever is higher) does not exceed £25,000] the Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015. Or, [If gross annual income or expenditure (whichever is the higher) exceeds £200,000] the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

33. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION (Below is not an exclusive list).

33.1 The Council shall appoint a Data Protection Officer.

33.2 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

33.3 The Council shall have a written policy in place for responding to and managing a personal data breach.

33.4 The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

33.5 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

33.6 The Council shall maintain a written record of its processing activities.