

# SWALCLIFFE PARISH COUNCIL



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# STANDING ORDERS

# Revisions

## Version

1.0

2.0

## Approved by Parish Council

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## 1 **Composition and Duties of Parish Council**

- 1.1 The Parish Council (hereafter 'the Council') will comprise a minimum of 3 and maximum of 7 officers.
- 1.2 A person is qualified to be elected and to be a councillor if s/he is a qualifying Commonwealth citizen and if, on the day on which s/he is nominated, and if there is a poll, the day of the election, s/he is 18 years of age or older and:
  - 1.2.1 On that day s/he is and thereafter continues to be a local government elector for the Parish of Swalcliffe (hereafter 'the Parish'); or
  - 1.2.2 S/he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in the Parish; or
  - 1.2.3 Her/his principal or only place of work during the twelve months has been in the Parish; or
  - 1.2.4 S/he has during the whole of those twelve months resided in the Parish or within three miles of it.
- 1.3 A person is disqualified from being elected or being a councillor if s/he:
  - 1.3.1 Holds any paid office or employment to which s/he has been appointed by the Council; or
  - 1.3.2 Is subject to a bankruptcy restrictions order or interim order, a debt relief order or an interim debt relief order under schedule 4ZB of the Insolvency Act 1986; or
  - 1.3.3 Has within five years before the day of election or since her/his election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
  - 1.3.4 Has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders her/his disqualification.
- 1.4 The Chair and Vice Chair will be elected at the Annual Parish Council Meeting. The office of Chair should ideally not be held for more than one year.
- 1.5 **Proper Officer.** The Proper Officer shall be either the Clerk or another person nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent. The Proper Officer will:
  - 1.5.1 Hold acceptance of office forms from councillors and a copy of their register of interests;
  - 1.5.2 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - 1.5.3 Prepare agenda for and take minutes of meetings of the Council.
- 1.6 **Code of Conduct.** All councillors will abide by the Code of Conduct at Annex A.
  - 1.6.1 Upon notification by the Clerk that a councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against her/him. Such action excludes disqualification or suspension from office.

- 1.7 **Councillor Job Description.** The duties of councillors are covered in the job description at Annex B.
- 1.8 **Responsibilities.** Councillors will agree the division of responsibilities which will be reviewed at least annually and published on the Parish Council website. Each Councillor will become the subject expert in their areas of responsibility, will receive relevant correspondence via the Clerk and act as key liaison/attend meetings on that subject with specific bodies on behalf of the Council where possible.
- 1.9 **Attendance.** Councillors are expected to attend meetings regularly. If a councillor fails throughout six consecutive months to attend any meetings of the Council s/he ceases automatically to be a councillor unless either s/he has a 'statutory excuse' or if her/his failure is due to a reason approved by the Council before the end of this six month period.
- 1.10 **Declared Interest and Dispensations.**
- 1.10.1 Unless s/he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which s/he has a disclosable pecuniary interest. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- 1.10.2 Unless s/he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which s/he has another interest if so required by the Council's Code of Conduct. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- 1.10.3 A dispensation may be granted at the meeting by the Chair in consultation with the other councillors present if, having regard to all relevant circumstances, any of the following apply:
- 1.10.3.1 Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
- 1.10.3.2 Granting the dispensation is in the interests of the Parish; or
- 1.10.3.3 It is otherwise appropriate to grant a dispensation.
- 1.11 **Committees.** Committees of the Council, either temporary or standing, may be established. At least one member of each committee will be a councillor. Each committee will have Terms of Reference agreed by the Council and will report at least annually to a meeting of the Council. The Council may dissolve a committee.
- 1.11.1 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- 1.11.2 Unless the Council determines otherwise, all the members of a sub-committee may be non-councillors.
- 2 **Organisation of Parish Council Meetings**
- 2.1 Meetings will be held in the Village Hall unless this is not available in which case another venue will be agreed. They shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are

available free of charge or at a reasonable cost. Meetings will normally commence at 7.30 pm and should be concluded by 10.00 pm.

- 2.2 Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- 2.3 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. A question shall not require a response at the meeting nor start a debate on the question. The Chair may direct that a written or oral response be given.
- 2.4 **Agenda.** An agenda will be prepared for each meeting
  - 2.4.1 The agenda will include the following standing items:
    - 2.4.1.1 To receive apologies for absence
    - 2.4.1.2 To receive declarations of interest under the Council's Code of Conduct relating to business on the agenda
    - 2.4.1.3 To approve the minutes of the previous meeting
    - 2.4.1.4 Public participation session
    - 2.4.1.5 Financial report
    - 2.4.1.6 To receive any updates on planning
    - 2.4.1.7 To receive Councillors' reports
    - 2.4.1.8 Date and time of next meeting
  - 2.4.2 All additional items for the agenda are to be submitted to the Clerk at least seven working days prior to the meeting. The agenda will be agreed between the Chair and Clerk prior to distribution to Councillors, not less than five days prior to the meeting. Not less than three full days prior to the meeting, the Clerk will post copies of the agenda on the Parish Council website and the village notice board.
  - 2.4.3 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor of the district council representing the area of the Parish Council.
  - 2.4.4 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair.
- 2.5 **Quorum.** A quorum of a minimum of three councillors must be established at meetings before proceedings can commence. If less than three councillors are present the meeting can only report information and not make any decisions.
- 2.6 **Minutes.** The Clerk will take minutes of meetings summarising discussions and recording actions. In the absence of the Clerk, a nominated councillor will take the minutes. Minutes are to be distributed within ten working days of the meeting for councillors to review and comment.

- 2.6.1 The minutes of the meeting will be signed by the Chair at the next meeting after being read and accepted as a true record. All pages of minutes will be signed, dated and numbered sequentially.
- 2.6.2 The Chair will only review items in the minutes of the last meeting where an action is pending. All other items will be accepted as closed unless any comments are raised by a councillor.
- 2.6.3 The minutes will be published on the Parish Council website not later than one month after the meeting has taken place.
- 2.7 **Conduct of Meetings.** The Chair, if present, shall preside at the meeting. If the Chair is absent from a meeting, the Vice Chair (if present), shall preside. If both the Chair and the Vice Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- 2.7.1 The Chair, or nominated deputy, will be responsible for the orderly conduct of Council meetings.
- 2.7.2 Only one person will speak at a time. If more than one person wants to speak, the Chair shall direct the order of speaking.
- 2.7.3 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- 2.7.4 If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 2.7.5 If a resolution made under standing order 2.7.3 is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- 2.7.6 Subject to Clause 2.7.8, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- 2.7.7 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 2.7.8 The press shall be provided with reasonable facilities for the taking of their reports of all or part of a meeting at which they are entitled to be present.
- 2.8 **Decision Making.** Subject to the meeting being quorate, all decisions shall be decided by consensus of all councillors present. Following discussion of an agenda item, a proposal may be submitted by any councillor present and a vote taken. The vote will be counted as a simple majority with the Chair holding the casting vote in the event of a tie. The vote will normally be by show of hands but a secret ballot may be used

at the discretion of the Chair. At the request of a councillor, the voting on any question will be recorded whether each councillor present voted for or against the question.

### **3 Ordinary Council Meetings**

- 3.1 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. In a year which is not an election year, the Annual Parish Council meeting shall be held on such day in May as the Council decides.
- 3.2 In addition to the Annual Parish Council meeting, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- 3.3 The first business conducted at the Annual Parish Council meeting shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- 3.4 The Chair of the Council, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until her/his successor is elected at the next annual meeting of the Council.
- 3.5 The Vice-Chair of the Council, if there is one, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- 3.6 In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, s/he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- 3.7 In an election year, if the current Chair of the Council has been re-elected as a member of the Council, s/he shall preside at the annual meeting until a new Chair of the Council has been elected. S/he may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- 3.8 In an election year, business will include delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, it will include delivery by the Chair of the Council of her/his acceptance of office form unless the Council resolves for this to be done at a later date.

### **4 Extraordinary Council Meetings**

- 4.1 The Chair of the Council may convene an extraordinary meeting of the Council at any time.

- 4.2 If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

## 5 **Financial Controls**

- 5.1 **Budget.** The Council will agree a budget and set a precept prior to the start of each financial year with sufficient notice to inform the District Council. The Council will report the outturn against this budget at the Annual Parish Meeting.
- 5.2 **Banking Arrangements.** Any changes to the Council's banking arrangements, including changes to authorised signatories, will be agreed at a Council meeting.
- 5.3 **Payments.** All payments will be authorised at a meeting of the Council. If a payment should be made prior to the next meeting, it may be agreed out of committee and authorised at the next meeting.
- 5.4 **Property.** No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law.
- 5.5 **Income.** The collection of all sums due to the Council is the responsibility of the Clerk.
- 5.6 **Contracts.**
- 5.6.1 Where the Council engages in occasional projects that are likely to cost less than £500, there need not be tenders for quotation and local labour and services may be engaged where good value is to be found.
- 5.6.2 Where the Council seeks contractors to do work on substantial projects or where an item to be purchased is likely to exceed £500, the Clerk/Councillor is to secure three quotations to establish best value. This will not necessarily be the lowest estimate.
- 5.6.3 The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March.

## 6 **Planning Applications**

- 6.1 Upon receipt of a planning application from the District Council, the Clerk will send the application number details by email to all councillors. The councillor with responsibility for planning will review the application and, if appropriate, will arrange to visit the property and will report back in or out of committee to the Council.
- 6.2 Applications may be agreed out of committee and the decision confirmed at the next meeting. If necessary, planning applications will be considered at a Council meeting open to the public. If necessary, the Clerk will request a delay to the required response time or, if this is not possible, an extraordinary meeting may be called to consider a planning application.
- 6.3 In considering planning applications, councillors will confine their comments to material considerations, taking account of national planning policies and guidance,

and the current local plan. Guidance for councillors on what should be considered in planning applications may be found at Annex C.

## **7 Management of Information**

- 7.1 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015. All relevant information will be published on the Parish Council website. All minutes and meeting agenda will also be posted on the village noticeboard.
- 7.2 The Council shall have in place and keep under review, technical and organisational measures to keep information secure (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- 7.3 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- 7.4 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- 7.5 Councillors, the Clerk, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- 7.6 **Parish Correspondence.** All correspondence received will be logged by the Clerk and forwarded to the Chair or the councillor with relevant responsibility. The Clerk will be copied in to any replies. The correspondence will be reviewed at the next council meeting with a report on any action taken or any decisions to be taken by the Council.
  - 7.6.1 The Clerk will retain a master file of correspondence by subject area whether a paper copy or on email.
  - 7.6.2 When a councillor ceases to be a member of the Council all correspondence will be returned to the Clerk and any electronic copies deleted. If retained for a particular purpose, it must be returned to the Clerk or deleted on completion of the subject or within a year of the councillor standing down.

## **8 STANDING ORDERS GENERALLY**

- 8.1 All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 8.2 A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed as an agenda item at an Ordinary or Extraordinary meeting.
- 8.3 The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

## CODE OF CONDUCT

- 1 This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members<sup>1</sup> of the council.
- 2 This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.
- 3 **Selflessness.** You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.
- 4 **Objectivity.** In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 5 **Accountability.** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
- 6 **Openness.** You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.
- 7 **Honesty and Integrity.** You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.
- 8 **Leadership.** You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.
- 9 **General Obligations.**
  - 9.1 You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law.
  - 9.2 You must not bully any person.
  - 9.3 You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
  - 9.4 You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:
    - 9.4.1 You have the consent of a person authorised to give it;
    - 9.4.2 You are required by law to do so;

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<sup>1</sup> A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

- a) is a member of any committee or sub-committee of the council, or
- b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub committee".

- 9.4.3 The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
- 9.4.4 The disclosure is:
  - 9.4.4.1 Reasonable and in the public interest;
  - 9.4.4.2 Made in good faith and in compliance with the reasonable requirements of the council.
- 9.5 You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
- 9.6 When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
- 9.7 When using or authorising the use by others of the resources of the council:
  - 9.7.1 You must act in accordance with the council's reasonable requirements;
  - 9.7.2 You must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

## 10 **Registering and Declaring Interests.**

- 10.1 You must, within 28 days of taking office as a member or co-opted member, notify the District Council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 10.2 You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'<sup>2</sup>.
- 10.3 Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 10.4 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

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<sup>2</sup> A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

## **JOB DESCRIPTION FOR PARISH COUNCILLOR**

**Responsible to:** The Parish Council and its electors

**Responsible for:** Effective leadership to foster the interests of all electors and the parish community

**Role Purpose to:** Represent the views of parishioners within and outside the Parish

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### **Main Duties and Responsibilities**

1. To participate constructively in the government of Swalcliffe Parish
2. To participate fully in the formation and scrutiny of the Parish Council's policies, budgets, strategies and service delivery including the Village Plan
3. To ensure, with other councillors, that the Parish Council is properly managed
4. To keep up to date with significant developments affecting the Parish Council at local, regional and national levels
5. To promote the economic, social and environmental well-being of the Parish
6. To deal with Parishioners' enquiries, representations and complaints
7. To represent the whole electorate, listen, and then represent the views of the whole community when discussing council business and working with outside bodies
8. To take an active part in the Parish Council's arrangements to build community capacity
9. To attend Parish Council meetings regularly
10. To prepare for meetings and be properly informed about the issues to be discussed
11. To take part constructively in meetings and form sound judgements based on what is best for the community and then abide by majority decisions
12. To represent the Parish Council on outside bodies to which the Councillor is appointed
13. To maintain proper standards of behaviour as an elected representative of the people
14. To fulfil the statutory and locally determined requirements of an elected member of a Parish Council, including compliance with all relevant Codes of Conduct and maintaining high ethical standards, (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council)
15. To participate effectively as a member of any committee or working party to which the Councillor is appointed

16. To contribute constructively to open government and democratic renewal, to actively encourage the Parish to participate generally in the government of the area, and provide access to information where appropriate

17. To uphold the Parish Council's Standing Orders and ethical standards (ensuring that the impartiality of council staff is not compromised)

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### **Skills and Qualities needed by a Swalcliffe Parish Councillor**

- Having ideas, then exploring and expanding these and other ideas
- Interpreting information
- Visualising what might/might not happen
- Seeing the bigger picture
- Measuring and comparing results
- Reviewing and assessing objectively
- Drawing conclusions
- Making decisions
- Working collaboratively
- Dealing with conflict but not creating it
- Prioritising time, resources and finance
- Understanding budgets and financial paperwork
- IT skills
- Public speaking

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### **Other Information**

- There are seven seats on the Parish Council. Councillors are elected every four years. A Chair and Vice-Chair are elected annually. If a Councillor resigns, the vacancy may be filled by co-option.
- Parish Council meetings are held once a month (except July and August) in the Village Hall, normally starting at 7.30 p.m. The meetings are open to the public.
- Normal business includes:
  - Reviewing relevant planning applications
  - Authorising payments from Parish Council funds
  - Hearing representations from members of the Parish community
  - Reviewing the progress of Parish projects
- All Councillors must complete a Register of Members' Interests on joining and are expected to declare any specific interest in agenda items.

## **GUIDANCE ON PLANNING APPLICATIONS**

In considering planning applications, the Parish Council will restrict its comments to the following **Material Considerations** taking account of national and local planning policy and guidance:

- Effect on designated area (conservation area)
- Relevance to a development plan if there is one
- A desire to retain or promote certain uses (playing fields, shops, pubs)
- Environmental impacts of the proposal (e.g. impact on ecology or landscape value; risk of ground contamination, flooding or pollution; noise and disturbance from use)
- Social impacts or impacts on residential amenity (e.g. loss of privacy, light or overshadowing)
- Economic impacts of the proposal
- Highway safety and access (including disabled persons access)
- The effect on the area including the character of the area, availability of infrastructure, over-development
- The design and appearance of the proposal including the proposed materials
- The planning history of the site
- The views of organisations and individuals in relation to material planning matters

The following are not considered to be material planning considerations:

- Loss of views
- Negative impact on property values
- Speculation over future use
- Noise and disturbance from construction work
- Competition between individual businesses
- Moral considerations (e.g. religious objections to licenced premises)
- Political or ideological opinions
- The cost of the development
- Land and boundary disputes, land ownership, damage to property, private rights of way, deeds and covenants, private issues between neighbours
- Issues covered by other legislation (e.g. building regulations)
- The character of the applicant
- Work that has been done without planning permission (it can commence at the owner's risk)