

Cottingham Parish Council



STANDING ORDERS

AND

COMPLAINTS PROCEDURE

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STANDING ORDERS

1 MEETINGS

- 1.1 Meetings of the Council shall be held at 7.30pm unless the Council otherwise decides at a previous meeting.
- 1.2 Ordinary meetings of the Council shall be held on the third Thursday of the month, except August and December, when no meeting shall be held, unless the Council otherwise decides at a previous meeting.
- 1.3 The Annual General Meeting of the Council shall be held in May.
- 1.4 The Annual Parish Meeting shall be held in May on a date to be decided.
- 1.5 Smoking will not be permitted at any meetings of the Parish Council.

2 CHAIRMAN

- 2.1 At the Annual General Meeting of the Council a Chairman and Vice Chairman shall be elected for the following municipal year. By convention they will remain in post for two years.
- 2.2 The Chairman shall preside at meetings and exercise all powers and duties in relation to the conduct of the meeting. In the absence of the Chairman, the Vice Chairman shall preside. In the absence of both the Chairman and the Vice Chairman the members present shall appoint a Chairman for the conduct of that meeting.

3 PROPER OFFICER

- 3.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council the proper officer shall be the Parish Clerk.
- 3.2 The Responsible Financial Officer of the Council is the Clerk. Other duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description.
- 3.3 Notwithstanding those duties and responsibilities, it shall be the duty of the Clerk to advise Members on the content and interpretation of these Standing Orders.

4 QUORUM

- 4.1 The quorum of the Council shall be four members.
- 4.2 The quorum of any committee shall be decided when a committee is established.
- 4.3 If a quorum is not present within ten minutes of the time appointed or if during a meeting the number of members present falls below the quorum, the business not transacted at the meeting shall be transferred to the next ordinary meeting or a special meeting if the chairman so decides.

5 VOTING

- 5.1 Voting at meetings of the Council and any committees shall be by a show of hands, except for the election of committee members at the annual meeting which shall be by open written ballot papers.
- 5.2 If there is an equality of votes, the Chairman shall have a second or casting vote provided that the equality includes his ordinary vote as a member.
- 5.3 At the request of a member, a record shall be made in the minutes of how that particular member voted.
- 5.4 At the request of a member, a record shall be made in the minutes of how that particular member voted. At the request of two or more members, voting on a specific item may be by recorded votes and details of the vote shall be included in the minutes.
- 5.5 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 may not give an original vote in an election for Chairman.
- 5.6 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

6 ORDER OF BUSINESS

- 6.1 The order of business shall be stated on an agenda paper which shall be delivered to each member at least three clear days prior to the date of the meeting along with the summons convening the meeting.
- 6.2 At the Annual General Meeting the following business shall be transacted:
 - 6.2.1 election of Chairman
 - 6.2.2 election of Vice Chairman
 - 6.2.3 election of representatives on outside bodies
 - 6.2.4 to receive a report on the accounts of the council and
 - 6.2.5 any other matters included on the agenda or supplementary agenda
- 6.3 At ordinary meetings the following business shall be transacted:
 - 6.3.1 to appoint a Chairman, if the Chairman and Vice Chairman are absent
 - 6.3.2 to approve the minutes of the previous meeting as a correct record and authorise the Chairman to sign
 - 6.3.3 to receive Committee reports, and
 - 6.3.4 any other matters included on the agenda or supplementary agenda

7 ITEMS PROPOSED BY MEMBERS

- 7.1 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been included on the Agenda.
- 7.2 Any member of the Council may submit an item for consideration by the Council. Details of this item, and any proposed resolution, are to be submitted to the Parish Clerk at least seven days before the meeting at which the item is to be discussed.
- 7.3 Every resolution, amendment or recommendation shall be relevant to some subject over which the Council has the power or which affects its area.

8 RESOLUTIONS MOVED WITHOUT NOTICE

- 8.1 Resolutions on procedural matters may be moved without notice including those to vary the order of business on grounds of urgency or procedural efficiency: such resolutions shall be put to the vote without discussion.

9 RULES OF DEBATE

- 9.1 No discussion shall take place on the minutes of previous meetings except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
- 9.2 All remarks shall be addressed to the Chairman and shall relate only to the matter under discussion. Only one person shall speak at a time. Any member may speak of any motion or amendment. The Chairman may conclude a debate provided all members wishing to speak have done so at least once.
- 9.3 No speech by a mover of a resolution shall exceed two minutes and no other speech shall exceed two minutes except by consent of the Council.
- 9.4 The mover of a resolution shall have the right of reply not exceeding one minute.
- 9.5 Any amendment to a motion may be moved by a member prior to the motion being put to the vote. An amendment shall be relevant to the motion and shall not be such as to negate the motion. Only one amendment shall be moved and discussed at a time, if the amendment is lost, a further amendment may be moved to the original motion. If the amendment is carried, it shall take the place of the original motion and may then be subject to further amendment.
- 9.6 When a motion is being debated only motions to:-
- 9.6.1 amend the motion,
 - 9.6.2 adjourn the meeting, or
 - 9.6.3 have the motion put to the vote
- shall be moved. Motions to adjourn the meeting or to be put to the vote shall, if carried, be acted upon immediately.
- 9.7 Any member may during a debate raise a point of order relating to these Standing Orders. The Chairman will give a ruling which will be final.
- 9.8 A representative of the local Constabulary shall be allowed to speak at Council meetings at the discretion of the Chairman.
- 9.9 A motion of closure of a debate may be moved at any time but must be proposed and seconded without comment. The Chairman may refuse such motion if he feels that the question before the Council has not been sufficiently debated.

10 DISORDERLY CONDUCT

- 10.1 No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business, by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- 10.2 If, in the opinion of the Chairman, a member has misconducted himself, the Chairman shall express that opinion to the Council. Any member may then move that the member named by no longer heard or that he be asked to leave the meeting. If the motion is seconded that matter shall be voted on by the members.
- 10.3 If the motion referred to in standing orders 10.2 is disobeyed the Chairman will then suspend the meeting or take such action as necessary to enforce it.

11 RESCISSION OF PREVIOUS RESOLUTION

- 11.1 A decision of the Council (whether affirmative or negative) shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least three members of the Council. When such a resolution has been disposed of, no similar resolution may be moved within a further six months.
- 11.2 A decision of the Council can be revisited within the six month timescale if there has been a significant change of circumstances; the item concerned must be included on the agenda for the next Council meeting.

12 CONFIDENTIAL BUSINESS

- 12.1 No member of the Council shall disclose to any person, not being a member of the Council, any business declared to be confidential by the Council.

13 WARD COUNCILLORS

- 13.1 District Councillors who are not also Parish Councillors shall be invited to attend meetings and shall be sent copies of agendas, minutes and other relevant documentation. They may be allowed to speak at the discretion of the Chairman.

14 LENGTH OF MEETINGS

- 14.1 Except at the discretion of the Chairman, all meetings of the Council shall finish not later than two and a half hours after commencement. Any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide.

15 MATTERS CONCERNING EMPLOYEES OF THE COUNCIL

- 15.1 If at a meeting there is to be any discussion regarding the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council such matter shall not be considered until the Council have decided whether or not the public should be excluded.

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 COMMITTEES AND SUB-COMMITTEES

- 17.1 The Council may at the Annual General Meeting or at any other meeting of the Council appoint a committee or sub committee as necessary.
- 17.2 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice Chairman who shall hold office until the next

Annual General Meeting of the Council, and shall settle its programme of meetings for the year.

- 17.3 When appointing a committee or sub committee the Council will decide on:
 - 17.3.1 the number of members to be appointed
 - 17.3.2 what number will constitute a quorum
 - 17.3.3 the powers and duties
 - 17.3.4 the rules of debate and
 - 17.3.5 the method of voting and whether or not the Chairman should have second casing vote in respect of a tied vote.
- 17.4 Only members of the Personnel Committee and Grievance Committee shall attend those Committee meetings unless specifically summoned by the Committee as stated in the Terms of Reference document.
- 17.5 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- 17.6 The Standing Orders on rules of debate shall apply to committee and sub committee meetings.

18 EXPENDITURE

- 18.1 The Clerk shall be responsible for the proper administration of the Council's financial affairs and shall be appointed the Council's Responsible Financial Officer.
- 18.2 The Council shall approve written estimates for the coming financial year at its meeting in the month of November.
- 18.3 The Council shall authorise by resolution all payments to be made by the Clerk and all such payments shall also be signed by two members.

19 ACCOUNTS AND FINANCIAL STATEMENTS

- 19.1 The Clerk shall submit to each regular meeting of the Council details of all income and expenditure since the last meeting together with details of the current balance.
- 19.2 As soon as practicable after the end of the financial year the Clerk shall submit to the Council the annual accounts and supporting statement to the Council.

20 CODE OF CONDUCT

- 20.1 All members will observe the Council's Code of Conduct (a copy of which is included in these Standing Orders).
- 20.2 When signing the Acceptance of Office members will also agree to abide by the Code of Conduct.
- 20.3 Disclosure of interest at meetings whether personal or prejudicial shall be in accordance with the Code of Conduct. Such disclosures shall be recorded in the minutes and the Clerk will record the disclosures in a register kept solely for that purpose.

21 PUBLICATION SCHEME

- 21.1 Parish Council documents will be made available in accordance with the Council's Publication Scheme (a copy of which is included in these Standing Orders).
- 21.2 The Parish Council have agreed that charges for copies will be at the discretion of the Proper Officer.

22 ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 22.1 The public and press shall be admitted to all meetings of the Parish Council. However, the Parish Council may temporarily exclude the public and press in view of the confidential nature of any business about to be transacted.
- 22.2 This exclusion shall also include any members of the East Riding of Yorkshire Council who may be present at a meeting.
- 22.3 Members of the public (including East Riding of Yorkshire Council Members) shall only be permitted to speak at meetings of the Parish Council with the consent of the Council.

23 VARIATION, REVOCATION, SUSPENSION AND AVAILABILITY OF STANDING ORDERS

- 23.1 These Standing Orders may only be revoked or varied by a resolution of the Parish Council.
- 23.2 Any part of these Standing Orders may be suspended at a meeting by resolution of the Parish Council by a majority of two thirds of those present at the meeting.
- 23.3 A copy of these Standing Orders shall be given to all Members upon signing of the Declaration of Acceptance of Office.
- 23.4 A copy of these Standing Orders will be available to any members of the public, on request.

24 INTERPRETATION

- 24.1 In these Standing Orders words importing one gender shall include all genders and the singular includes the plural and vice versa.

COMPLAINTS PROCEDURE

National Circular 2/86 April 1986

Code of Practice for Local Councils in Handling Complaints

(This Circular is issued by the authority of the Council of the Association and is recommended by it to every member council)

Preface

From time to time members of the public have complaints about the administration or procedures of a Parish, Town or Community Council. As Councils are not subject to the jurisdiction of the Local Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment of the position. For the benefit of good local administration it is suggested that these Councils should adopt a standard and formal procedure for considering complaints either made by complainants direct or referred back to the Council from other bodies to whom they have been made. The code set out below is recommended as a way of ensuring that complainants can feel satisfied that at the very least their grievance has been properly and fully considered.

Councils are urged to do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council. If a complaint cannot be settled by the Council it cannot refer the complaint to any other body for settlement but a complainant may well try to enlist the services of other bodies and provoke considerable expenditure of time and resources in responding to his further pressures.

Councils are advised to adopt the Code before any complaints have been notified.

Code of Practice

1. If a complaint about procedures or administration is notified orally to a councillor or the clerk and it is not possible to satisfy the complainant fully forthwith the complainant shall be asked to put his complaint in writing to the clerk and be assured that it will be dealt with promptly after receipt.
2. If a complainant indicated that he would prefer not to put the complaint to the clerk he shall be advised to put it to the chairman.
3. On receipt of a written complaint the clerk or chairman, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the clerk of a councillor without first notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the clerk or chairman received a written complaint about his own actions he shall forthwith refer the complaint to the council.
4. The clerk or chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The clerk or chairman shall bring any written complaint which cannot be settled to the next meeting of the Council and the clerk shall notify the complainant of the date on which the complaint will be considered.
6. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
7. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.

This Complaints Procedure was reviewed and adopted with no alterations by the Cottingham Parish Council at its Meeting held on 28 July 2011 (minute ref 1503).