

Shaugh Prior Parish Council

Standing Orders

A copy of these Standing Orders shall be given to all Councillors when they first attain office.

1. MEETINGS

- (a) **Meetings of the Council will be held in either Shaugh Prior Recreation Hall (from April – September) or Lee Moor Public Hall (October – March) on the 1st Wednesday of every month (excluding the months of August and January) unless otherwise notified. Meetings will commence at 7.30 p.m.** No meeting shall last more than 2 hours and any business not transacted by that time shall be held over to the next meeting. However, by agreement the meeting can be extended for a further 15 minutes.
- (b) **The Statutory Annual General Meeting shall normally be held on the 1st Wednesday in May. In a Parish Council election year it shall be held on the first Wednesday following that election.**
- (c) **The Annual Parish Meeting shall be held between the 1st March and 31st June in each year.**
- (d) The Chairman of the Council or a Committee may call an additional meeting of the council/committee at any time. An extraordinary meeting may also be called at the request of 3 councillors. A minimum of 3 days notice should be given and the reason for the meeting clearly stated.
- (e) Before the annual meeting following an election, Councillors should execute Declarations of Acceptance of Office in each other's presence and in the presence of the Clerk.

2. CHAIRMAN OF THE MEETING

- a The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting and this shall be the first business of the meeting.**

3. PROPER OFFICER

- a The Proper Officer shall be the Clerk or other officer nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or a sub-committee serve on councillors, by delivery, email or post at their residences, a signed summons confirming the time, place and the agenda**
OR
at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer. The Proper Officer shall also upload the agenda of the meeting and minutes of the previous meeting onto the Parish Council website.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
 - iii. subject to standing order 5 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his or her withdrawal of it;
 - iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his or her office;**
 - v. facilitate inspection of the minute book by local government electors;
 - vi. **receive and retain copies of byelaws made by other local authorities;**
 - vii. retain acceptance of office forms from councillors;
 - viii. retain a copy of every councillor's register of interests;

- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. To ensure all data held by the Council is managed in accordance with the General Data Protection Regulations (GDPR);
- xi. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xii. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xiii. may deal with minor matters and items for next Agenda between meetings in consultation with the Chairman and other Councillors.
- xiv. arrange for legal deeds to be executed;
- xv. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xvi. record every planning application notified to the council and the council's response to the local planning authority in accordance with the planning application response protocol as set out in **Appendix 1** hereby appended to these standing orders;
- xvii. manage access to information about the council via the publication scheme; and
- xviii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
- xviii. is authorised to deal with minor emergencies

Other duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description.

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 OF THE COUNCIL

- (a) **Three Members, or a third, whichever is greater, shall constitute a quorum at meetings of the Council.**
- (b) In the event of a minimum quorum being present, those present can agree to postpone all but the most urgent business to the next meeting.

5. VOTING

- a) Members shall vote by show of hands or, if at least two members so request prior to voting, by signed ballot.
- b) The Clerk shall show in the Minutes the way in which councillors voted if asked to do so.**
- c) The Chairman may give an original vote on any matter and, if the vote is tied, may give a casting vote, whether or not an original vote was given.**
- d) 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. However, he must give a casting vote in the event of a tie for the new Chairman.

6. ORDER OF BUSINESS

Unless the council decides otherwise, the order of business shall be as presented in the Agenda, which will have been drawn up by the Clerk in consultation with the chairman.

Any Councillor wishing to have a subject put on to the agenda should pass the relevant information to the Clerk at least **seven** days before the meeting.

At every meeting, other than the Annual Parish Meeting, the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman are absent and to receive such declarations of acceptance of office as are required by law.

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

- a) Open Forum to last for 10 minutes or longer at the discretion of the Chairman. Public speakers shall be limited to no more than 5 minutes.
- b) To receive and consider external reports received;
- c) To read and consider the minutes;
- d) After consideration to approve and sign the minutes by the person presiding. Any corrections must be agreed and initialled by the Chairman. **Once agreed and signed, the Minutes are seen as a correct record of the meeting;**
- e) **To deal with business expressly required by statute to be done;**
- f) To dispose of business, if any, remaining from the last meeting;
- g) **To authorise orders for payment by two members;**
- h) To receive and consider reports from the Clerk/Responsible Financial Officer;
- i) To consider Planning Applications;
- j) To receive such communications as the person presiding may wish to lay before the Council.

7. CHANGING ORDER OF AGENDA

A motion to vary the order of business may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded and shall be put to the vote without discussion.

8. ANNUAL GENERAL MEETING

At each Annual General Meeting of the Parish Council in May the first business shall be to elect a Chairman of the Council.

The order of business shall be as follows:

- i) **To Elect a Chairman of the Council**
- ii) **To receive the Chairman's declaration of acceptance of office.**
- iii) **To fill any vacancies on the Council, if there have been insufficient nominations in an election year.**
- iv) **To decide when to receive declarations of acceptance of office not already received as provided by law.**
- v) To elect a Vice-Chairman.
- vi) If required to elect/confirm Council representative/s on School Governing Body.
- vii) To appoint/confirm representatives to outside bodies.
- viii) To appoint committees.
- ix) To review assets.
- x) To review the pay and conditions of service of any employees in the light of current employment and other relevant law.

9. RESOLUTIONS MOVED ON NOTICE

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.

Every resolution or recommendation of the council shall be relevant to some subject over which the Council has power or which directly affects the parish.

10. RESOLUTIONS MOVED WITHOUT NOTICE

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.

11. RULES OF DEBATE

No discussion shall take place on the minutes of previous meetings except upon their accuracy.

- a) All remarks shall be addressed to the Chairman
- b) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- c) A representative of the local Constabulary shall be allowed to speak at Council meetings at the discretion of the Chairman.

12. CONDUCT

All members shall conduct themselves in accordance with current legislation. In the event of any disruption, a warning to be given by the Chairman. If the disruption continues, then the Chairman or any Councillor may request that the person/s be removed from the meeting under the Public Bodies Admission to Meetings Act 1960. The matter would be put to the vote by the Council, and the meeting ceases until the disruptive person/s leaves the Parish Room.

13. RESCISSION OF PREVIOUS RESOLUTION

A decision of the Council shall not be reversed within 6 months except by a vote of five members following a specific proposal included on the agenda.

14. DISCUSSION AND RESOLUTIONS EFFECTING EMPLOYEES OF THE COUNCIL

Any questions relating to the appointment, conduct, dismissal, salary or conditions of service of any member of the Council or anyone employed by the Council shall not be discussed until it has been decided whether or not the public should be excluded and the subject deemed "confidential".

15. CONFIDENTIAL BUSINESS

Any matters declared to be "confidential" must not be discussed outside the Council.

16. DISTRICT/COUNTY COUNCILLORS

District and County 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.

17. INTERESTS

- a) All members must sign the Declaration of Acceptance of Office and the Code of Conduct before becoming a Councillor.
- b) If a member has a personal interest as defined by the Code of Conduct adopted by the Council then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of the interest as required.
- c) If a member who has declared a personal interest then considers the interest to be prejudicial or pecuniary he must withdraw from the meeting during consideration and voting on the item to which the interest relates.
- d) The Clerk shall record particulars of any member's interests. This record shall be available for inspection by other members' at all reasonable times.
- e) Members of the public may also be allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

18. DISPENSATIONS

1. All dispensation requests to be decided by the Clerk.
2. All requests to be made by councillors in writing or by email at least 10 days before the meeting.
3. That dispensation is automatically applied for discussion and setting of Annual Precept charges.

19. INSPECTION OF DOCUMENTS

All minutes kept by the Council shall be open for the inspection of any member of the Council. Parishioners may view minutes and other Council documents by approaching a Councillor or the Clerk or by going to the Parish Website. (This does not limit any persons right under the Freedom of Information Act.)

20. ADMISSION TO THE PUBLIC AND PRESS TO MEETINGS

The public and press shall be admitted to all meetings of the Council (Public Bodies Admission to Meetings Act 1960). However, they may be temporarily excluded by means of the following resolution:

"That in view of the (confidential) nature of the business about to be transacted, it is advisable that the public and press be temporarily excluded and they are instructed to withdraw."

Recording of Parish Council Meetings is permitted for those parts of the meeting where public participation is allowed.

21. ACCOUNTS AND FINANCIAL STATEMENTS

a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, to include detailed arrangements for the following:

- i) the accounting records and systems of internal control
- ii) the assessment and management of risks faced by the Council
- iii) the work of the Internal Auditor
- iv) the financial reporting requirements of members and local electors

b) All accounts for payments and claims upon the Council shall be laid before the Council.

- c) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Clerk or the Responsible Financial Officer subject to a limit of £250. Such payment shall be authorised by the Chairman or Vice-Chairman of the Council. In an emergency, a payment up to £500 can be authorised, in discussion with the Chairman and other Councillors.
- d) All payments ratified under paragraph 21 c) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- e) The Responsible Financial Officer shall supply to each member as soon as practicable after 31st March in each year a statement of the receipts and payments of the Council for the completed financial year. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of June.

22. RESIGNATION OF COUNCILLORS

A member who for whatever reason wishes to tender their resignation shall do so in writing addressed to the Chairman with a copy to the Clerk. The resignation will be reported by the Clerk at the next meeting of the Council. Acceptance of resignations, or otherwise, shall not be the subject of debate within the Council.

23. CO-OPTION OF MEMBERS

Where a vacancy occurs on the Council, if there are not at least 10 signatures of electors requesting a poll, then the Council may Co-opt new members.

The vacancies must be advertised on local notice boards for a minimum of 14 days along with the Council website.

If there are more candidates than vacancies, then a vote of the Council will take place by show of hands or by secret ballot if at least two members of the Council have so requested.

The successful candidate must by law have received more than 50% of the votes. If necessary more than one vote will take place with the candidate receiving the lowest votes dropping out at each stage.

24. SUSPENSION OF STANDING ORDERS

a) Any or every part of the Standing Orders except those printed in **bold type** may be suspended by the Council at any time and for any period of time by resolution.

b) Resolutions to add, vary or revoke a Standing Order must be notified on the Agenda.

25. STANDING ORDERS

Shall be reviewed annually prior to the AGM in May.

26. SMOKING

Smoking shall not be permitted during meetings.

27. INTERPRETATION

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

Adopted by Shaugh Prior Parish Council on the 22nd May 2015 – Min Ref 7/15(g)

Revision of Standing Orders adopted by SPPC on the 7th October 2015 – Min Ref 110/15

Revision of Standing Orders adopted by SPPC on the 4th April 2018 – Min Ref 46/18

Revision of Standing Orders adopted by SPPC on the 6th April 2022 – Min Ref 45/22

APPENDIX 1

SHAUGH PRIOR PARISH COUNCIL

PROTOCOL FOR DEALING WITH PLANNING APPLICATIONS

The following guidelines sets the framework for how planning applications which Shaugh Prior Parish Council have been consulted upon will be reviewed and commented upon within the statutory 21 day response deadline applied by both Dartmoor National Park and South Hams District Council (the Local Planning Authorities).

1. Planning application received by the Parish Clerk requesting observations/recommendation within 21 days of specified date.
2. Within 2 working days of receipt (unless circumstances such as holidays prevent this) the Clerk shall contact the Parish Council Chairman by phone (and then by e-mail) informing that a planning application has been received, details of the application and the deadline for the response. The PC Chairman shall confirm to the Clerk at that point whether or not a site visit is required.
3. Should the PC Chairman determine a site visit is required, the following Cllr's (which shall always be a minimum of three) shall conduct the site visit depending on the location of the site within the Parish:-

Applications within the village of Shaugh Prior

Cllrs Stone/Wassell
Cllr Mrs Burkill
Cllr Hitchins

Applications within the village of Wotter

Cllrs Stone/Wassell
Cllr Taffurelli
Cllr Mrs Tyler

Applications within the village of Lee Moor

Cllrs Stone/Wassell
Cllr Mrs Burkill
Vacancy

Applications within the Parish (area wide)

Cllrs Stone/Wassell
Cllr Mrs Burkill
Cllr Hitchins

The arrangements for the site visit shall be made by the PC Chairman within 3 working days of determining whether or not a visit is required. The site visit shall then take place no less than 10 working days after the PC Chairman was first made aware of the application.

4. Immediately following the site visit the PC Chairman shall provide an e-mail to the Parish Clerk informing him/her of the collective view of the Cllr's on the application before them and shall confirm how the Parish Council should respond to the application (OBJECT, SUPPORT, NO OBSERVATIONS etc) along with any other comments that they may wish to make.
5. Within 2 working days of receipt of such comments/recommendation from the PC Chairman, the Clerk shall respond to the Local Planning Authority informing them of the views of the Parish Council on the submitted application.

6. If the PC Chairman decides that a site visit is not required (possible renewal of unimplemented permission etc), the Parish Clerk will then be responsible for relaying this decision to the following Cllr's who make-up the PC Planning Advisory Group and ask them for any observations (by e-mail) on the application within 5 working days:-

Cllr's to be consulted on applications where site visit not required

Cllrs Stone/Wassell
Cllr Mrs Burkill
Cllr Hitchins

7. Any observations from the above-mentioned Cllr's will then be collated by the Parish Clerk and compiled in a response to be sent back to the respective planning authority. Should differences of opinion be expressed in any responses received from the Cllr's then it will be the responsibility of the Parish Clerk to contact those Cllr's and agree a suitable way forward. Ultimately the PC Chairman will have the final say on any decision made on behalf of the PC.

Approved 01/12/2021

Scott Smy (Parish Clerk)