



## Constitution and Standing Orders

### CONSTITUTION

Shorne Parish Council is a Local Authority set up under Part 1 Clause 9 and Clause 14 of the Local Government Act 1972. The powers and duties of the Parish Council are as set out under the said Act and as have from time to time been revised and amended by subsequent legislation.

### STANDING ORDERS

#### 1. Introduction

Standing orders are the written rules of Shorne Parish Council (“the Council”), and are intended to regulate the conduct of business. The standing orders may also be used to confirm or refer to internal organisational and administrative arrangements and policies.

The standing orders do not contain or reference all the statutory or legal requirements which apply to the Council. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.

Shorne Parish Council’s standing orders do not include full details of the Council’s financial regulations, which regulate and control the financial affairs and accounting procedures of the Council, including the requirements relevant to the Council’s Responsible Financial Officer. Shorne Parish Council’s financial regulations are available by written request to the Clerk.

These concise standing orders should be read in conjunction with the Model Standing Orders as published by National Association of Local Council (NALC) which set out the rules and procedures in greater detail.

#### 2. Composition of Shorne Parish Council

- a. The Council shall consist of 9 members, elected every four years. There are 6 members representing Shorne Village Ward, and three members representing Shorne West Ward.
- b. A Member shall no longer hold office if he or she fails to attend a meeting of the Council or one of its committees for a period of six consecutive months, unless the absence has been approved prior to the expiry of the six months.
- c. In the event of a casual vacancy arising between elections, The Clerk shall notify the Returning Officer, who will publish a Notice of Vacancy. If within 14 working days of the date of the Notice ten electors request an election to fill the vacancy, then an election shall be held, otherwise the vacancy will be filled by co-option.

#### 3. Meetings of the Parish Council

- a. An annual programme of meetings, including Committee meetings, shall be published on the Council website and on parish noticeboards.
- b. There shall be an annual meeting of the Council, and there will normally be six other ordinary meetings of the full Council, plus an annual Budget & Finance meeting, on such dates as members decide.

- c. Additional Council meetings (also known as extraordinary meetings) may be convened at any time by the Chairman. In addition, if any two councillors make a written request for a Council meeting to be convened, and the Chairman fails to do so, then after seven days any two councillors may convene a Council meeting. In the absence of the Chairman, the Vice-Chairman shall have the same powers as the Chairman.
- d. In addition, there shall normally be up to six meetings of the Planning & Highways Committee, and up to six meetings of the Footpaths, Properties & Greens Committee, or such other number as may be agreed by the Council. See 7 below.
- d. Unless otherwise agreed by members and published, all meetings shall be held in the Committee Room at Shorne Village Hall, and shall commence at 7.30pm. When permitted under statutory legislation, meetings may be held remotely by video conferencing. Three shall constitute a quorum.

#### **4. Annual Meeting of the Council (AGM)**

- a. In an election year, the annual meeting of the Council shall be held within 14 days of the day on which the councillors are elected take office.
- b. In a year which is not an election year, the annual meeting shall be held on such day in May as the Council decides.
- c. In an election year, councillors are required to sign and deliver their acceptance of office forms before taking office. This also applies to newly co-opted members.
- d. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.
- e. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the next annual meeting until his successor is elected.
- f. The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman at the next annual meeting of the Council.
- g. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman has been elected. He may exercise a vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman has been elected. The current Chairman shall not have a vote in the election of the new Chairman, but shall give a casting vote in the case of an equality of votes.

#### **5. Annual Budget & Finance Meeting**

- a. The Clerk shall prepare the reports of expenditure, and the Council shall meet annually, normally in October, to review expenditure during the first half of the financial year, and to review the forecast expenditure for the second half of the financial year.
- b. At the Annual Budget & Finance meeting, members shall prepare a budget of expenditure for the following year, including operating costs, items of capital expenditure, loan repayments, inflation, and renewal and replacement accruals. After taking reserve balances and other funding into account, the budget shall form the basis of the annual precept for the following year.

- c. The budget and the proposed precept shall be ratified at the next full meeting of the Council.

## **6. Annual Parish Assembly**

The Annual Parish Assembly is not a meeting of the Council, although it is arranged by the Parish Council and chaired by the Chairman of the Council. It is an opportunity for members of the public to learn what activities the Council and various organisations in the parish have carried out during the year. It is also an opportunity to raise any issues with the Council.

By law, the Annual Parish Assembly must be held annually between 1st March and 1st June. The meeting must not commence earlier than 6.00pm and in Shorne it is normally held at 7.30pm.

## **7. Standing Committees**

- a. There shall be two standing Committees of the Council; Planning & Highways, and Footpaths, Properties & Greens. These Committees shall have delegated executive authority to make decisions and act on behalf of the Council as set out below.
- b. The Planning & Highways Committee and the Footpaths, Properties & Greens Committee shall each comprise four members of the Council, plus the Chairman and Vice-Chairman of the Council as ex-officio members with voting rights, and three shall constitute a quorum. Other members of the Council may attend Committee meetings and may, at the discretion of the Chair, address the meeting as elected members of the Council, but shall not have voting rights.
- c. The members of the Planning & Highways Committee and the Footpaths, Properties & Greens Committee shall be appointed annually at the Annual Meeting of the Council. Members of each committee shall elect a Chairman and Vice-Chairman of the Committee at the Annual Meeting of the Council.
- d. If at any meeting of a Committee neither the Chairman nor the Vice-Chairman of the Committee is in attendance, the members of the Committee shall elect a member to act as Chairman for the conduct of the meeting.

## **8. Delegated Authority of the Planning & Highways Committee**

- a. The Committee shall consider all planning applications referred to the Council under Schedule 1, paragraph 8 of The Town and Country Planning Act 1990 as amended; shall interpret the Council's policy on these matters and make that policy known to the Local Planning Authority on behalf of the Council and take such other action as may be considered necessary in the knowledge of those applications.
- b. In consideration of planning applications referred to in 8(a) above, the Chairman of the Committee shall take reasonable steps to ensure that all members of the Council are aware of current planning applications, and shall take any relevant comments received from members into consideration when determining the Council's policy on individual planning applications.
- c. In matters related to planning applications referred to in 8(a) above, the Chairman and Vice-Chairman of the Committee, acting together, shall be authorised to act on behalf of the Committee where an urgent response is required and the applications concerned are of a minor or non-controversial nature.
- d. In making representations on behalf of the Council, the Chairman and Vice-Chairman of the Committee shall have regard to previous decisions of the Council in matters of policy.

Decision taken under the delegated powers and details of the representation made shall be reported to the next meeting of the committee.

- e. The Committee shall consider such other planning and related matters as may from time to time come to its notice and take such action as may be considered necessary on behalf of the Council.
- f. The Committee shall consider all Highway matters arising within or affecting the Parish (except footpaths and bridleways) and is empowered to initiate what action is considered necessary on these matters.
- g. The Chair shall produce a Highways Improvement Plan for approval by the Committee, setting out the priorities for the parish. This shall be updated as circumstances require.
- h. In terms of expenditure, the Committee shall be authorised to approve expenditure up to the limits set out in the Financial Regulations. Except in an emergency, any such expenditure shall only be made from monies provided for specific purposes as identified in the Committee's approved budget (or such other sum as may be agreed from time to time by the Council).
- i. The Committee shall record all business transacted at its meetings and shall report promptly to the next full meeting of the Council all those matters dealt with and action initiated since the last meeting of the Council.

#### **9. Delegated Authority of the Footpaths, Properties & Greens Committee**

- a. The Committee shall consider all matters relating to the following and is empowered to initiate such action thereon as it considers necessary:-
  - i. Footpaths and Bridleways, but excluding footways at the sides of roads.
  - ii. Commons, Greens and similar open spaces, but excluding highway verges.
  - iii. Land, Buildings and other property belonging to or under the control of the Council.
- b. In matters related to footpaths, properties and greens referred to in 9(a) above, the Chairman and Vice-Chairman of the Committee, acting together, shall be authorised to act on behalf of the Committee where urgent action is required, and for routine repairs or replacements of a minor or non-controversial nature.
- c. In terms of expenditure, the Committee shall be authorised to approve expenditure up to the limits set out in the Financial Regulations. Except in an emergency, any such expenditure shall only be made from monies provided for specific purposes as identified in the Committee's approved budget (or such other sum as may be agreed from time to time by the Council).
- d. The Committee shall record all business transacted and expenditure incurred at its meetings and shall report promptly to the next full meeting of the Council all those matters dealt with and action initiated since the last meeting of the Council.

#### **10. Agendas**

- a. Agendas for Council and Committee Meetings shall be distributed to members by email and published on the website at least three clear days prior to the meeting. The three clear days do not include Sundays, Bank Holidays, the day on which the agenda is published, or the day of the meeting. Any papers or reports relevant to the agenda items shall also be issued to Members at least three clear days prior to the meeting.
- b. Agenda items must be precise about the subject under discussion, and set out the specific actions required of members, including business to be conducted and decisions to be made.

- c. In the event that any decisions or actions involving expenditure have been taken between meetings, these must be included as agenda items for formal ratification.
- d. Items requiring significant decisions or expenditure cannot be added to the agenda after it has been published, or be included in Any Other Business.

**11. Conduct at Meetings**

- a. Members must declare any interests they may have in any items on the agenda. In the event of a pecuniary interest or a personal interest which could be conceived to influence a member's decision, the member shall leave the room and take no part in the discussion or decision-making process.
- b. Members must act in accordance with the Nolan Principles at all times. These are:
  - (i) Selflessness
  - (ii) Integrity
  - (iii) Objectivity
  - (iv) Accountability
  - (v) Openness
  - (vi) Honesty
  - (vii) Leadership
- c. The Chairman shall ensure that all Members have an opportunity to speak on matters on the agenda. Members should address their comments through the Chairman and contributions should be kept short and to the point.
- d. Voting shall be by a simple show of hands. In the event of equality of votes, the Chairman of the meeting shall have a casting vote.
- e. In the event that a meeting exceeds two hours, Members shall be given the opportunity to continue or curtail the meeting. Any business outstanding shall be carried forward to the next meeting.

**12. Public Attendance at Meetings**

- a. Members of the public including members of other local authorities have a statutory right and are welcome to attend and observe at any meeting of the Council or its standing committees.
- b. Meetings of the Council and its committees are not public forums or debates, and members of the public have no legal right to speak or participate in the meetings. However, at the discretion of the Chairman of the meeting, a period of time may be set aside or included in the agenda for members of the public to address the meeting.
- c. Where advanced notice of the topic to be raised has been received by the Council at least three clear days before the meeting, not including Sundays, Bank Holidays, or the day of the meeting, the time allowed for the public to address the meeting shall be included on the agenda and a brief record of topics raised shall be included in the minutes. Where advanced notice has not been received, the meeting shall be suspended for the duration of any period allowed for the public to address the meeting and shall not be formally minuted.
- d. The total time set aside for members of the public to address the meeting shall not exceed 15 minutes. The time allowed for each member of the public to speak is limited to 3 minutes. Where more than one person wishes to speak on the same topic, they should nominate one person to speak on their behalf. This will avoid duplication and repetition and make the best

use of the time allowed. Once a member of the public has spoken, they shall not be permitted to speak again, except to provide clarification when requested to do so.

- e. There shall be no debate on topics raised, nor will decisions be taken on matters not already included in the agenda setting out the specific actions required of members, including business to be conducted and decisions to be made. The Council or committee shall at its discretion take the matters raised into consideration for future agenda items or action to be taken.
- f. Meetings of the Parish Council and its committees are normally held in the Committee Room at Shorne Village Hall. Separate seating shall be provided for members of the public. Due to space limitations, the maximum number of members of the public to be admitted shall not normally exceed five persons.
- g. If larger groups of members of the public wish to attend, one week's notice must be given to allow the Council or its committee opportunity to reserve the small or large hall as may be required. It may be necessary to change the date of the meeting at short notice if the other parts of the Village Hall are already booked on the original scheduled date.
- h. Members of the public are at liberty to leave the meeting at the conclusion of the public session, or to remain in attendance to observe the remainder of the meeting.

### **13. Items to be discussed in private.**

Member of the public shall not be permitted to remain in attendance during part of a Council or Committee Meeting where confidential or exempt information as set out in Schedule 12A of the Local Government Act 1972 is likely to be disclosed, and which shall be discussed in private.

### **14. Minutes**

- a. Minutes shall record resolutions passed, actions agreed, and business conducted at the meeting. If any decisions or actions involving expenditure have been taken between meetings, these must be formally ratified and recorded in the minutes.
- b. The minutes should also record the names of the councillors present and absent, any declarations of interest, and record when a councillor leaves the room because of their interests and when they return. Minutes of meetings shall not record the names of members of the public in attendance, unless they are permitted to speak.
- c. Draft minutes should be circulated to Members for comments as soon as possible, and shall be published on the website not later than one month after the meeting has taken place. The minutes shall be approved and signed by the Chairman at the next relevant meeting.

*Amendments approved 22.02.2024*  
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*(Meeting start time amended to 7.30pm 23.08.22)*  
*Amendments agreed 13.04.23, adopted 04.05.23*