



# Blockley Parish Council

## Standing Orders April 2020 (Remote meetings)

Minute ref: 04.2020/2

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The Government included s.78 in the Coronavirus Act 2020.

Blockley Parish Council's Standing Orders have been revised to reflect the 2020 Regulations: The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations") come in to force on 4 April. The 2020 Regulations enable local councils to hold remote meetings (including by video and telephone conferencing) for a specified period until May 2021. They also remove the requirement to hold an annual meeting. The 2020 Regulations apply to local council meetings, committee and sub-committee meetings in England. Within the document the regulations are indicated in green text.

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## Section 1 – Introduction, Legal Powers & Principles

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### 1 Introduction

- 1.1 This version of Standing Orders to be adopted by Blockley Parish Council on 1<sup>st</sup> April 2020.
- 1.2 Standing Orders are one of three governing policy documents providing procedural guidance for members and officers; the other two, Code of Conduct and Financial Regulations, have been compiled as separate documents. Other subordinate policy documents have been developed to deal with specific issues.
- 1.3 Standing Orders are intended to assist Councillors in representing the interests of electors of Blockley Parish by setting out procedures and controls for the effective management of Council business.
- 1.4 In particular their purpose is:
  - To define common standards and a consistent approach
  - To identify and guide practices and procedures within the legal framework
  - To promote and safeguard the interests of the Council, Councillors and community
  - To support the training and assimilation of new members

### 2 Changes to Standing Orders

- 2.1 Some Standing Orders, mainly relating to meetings, are laid down by legislation and cannot be changed. These are identified by **bold type**. Other non-compulsory Standing Orders may be suspended without notice on a majority vote at a Council Meeting.
- 2.2 Standing Orders will be reviewed annually and amendments presented for approval at a Council Meeting. In addition to annual review, Members may propose changes by written notice to the Clerk for consideration at a Council Meeting.
- 2.3 Advice on the interpretation of Standing Orders may be offered by the Clerk, and the final decision rests with the Chairman.

### 3 Blockley Parish Council

- 3.1 Blockley Parish Council is a body corporate with perpetual succession and its lawful acts, assets and liabilities are its own and not those of its councillors.
- 3.2 It is the first tier of local government responsible for a rural area that includes the settlements of Blockley, Aston Magna, Ditchford, Draycott, Northwick Park and Paxford. Other features include extensive farmland, three light industrial areas, Conservation Areas in Aston Magna, Blockley and Paxford, and a designated Special Landscape Area east of the railway line and following the Knee Brook valley.

### 4 Legal Powers

- 4.1 A local council must act within the law and can only spend, raise or use money if it has statutory power to do so. To do otherwise is '*ultra vires*' – meaning exceeding authority and acting beyond legal powers.
- 4.2 The range of powers is prescribed within different Acts of Parliament and Statutory Instruments. Most powers are discretionary, and many contain conditions which must be considered before application.
- 4.3 A list of powers is contained within the National Association of Local Councils publication called 'The Good Councillor's Guide', a copy of which will be issued to all new Councillors.

### 5 General Principles

- 5.1 The Parish Council will operate in an ethical, open and transparent manner. It will promote equal opportunities, health and safety, and human rights, and will not participate in unlawful or discriminatory activity.
- 5.2 Parish Council meetings will be conducted within an atmosphere of mutual respect and equality and provide the opportunity for all members to contribute.
- 5.3 Activities and decisions will be communicated through publicised minutes, and enquiries will receive a prompt response.

## **Section 2 – Clerk to the Council & Officers**

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### **6 Council Officers**

- 6.1 Three Officers are employed in part-time roles:
- Proper Officer (also referred to as Clerk to the Council) – role set out below
  - Responsible Financial Officer (RFO) – role set out in Financial Regulations
  - Maintenance Officer (MO) – accountable to the Clerk for directed maintenance activities
- 6.2 The duties of the Clerk, RFO and MO are included in contracts of employment, and pay scales and allowance rates will follow the NALC recommendations.
- 6.3 Councillors may not be employees of the Council. However a Councillor may be appointed to act as Clerk in an emergency but cannot be paid. This practice should be avoided if possible so as to create a clear distinction between the Officer and Member roles.

### **7 Clerk Role**

- 7.1 The Clerk's role is to manage and administer all aspects of routine council business and to provide the single point of contact for enquiries and correspondence whether received in person, by telephone, letter or email. In addition, the Clerk must act as the Council's executive and carry out decisions.
- 7.2 The Clerk must remain impartial and has a duty to give clear advice to members before decisions are reached, even if such advice is contrary to individual views. In addition, the Clerk has a key role in advising the Council and individual members on governance and ethical matters, and to liaise with the District Council Monitoring Officer regarding Members Interests and Code of Conduct.

### **8 Meeting Preparation & Contribution**

- 8.1 The Clerk is responsible for compiling, signing, publicising and circulating the agenda which will be supplied to members with:
- Meeting notes to identify action or decision, including expenditure decisions and legal authority
  - Planning and correspondence lists
  - Other relevant reports and papers (Financial Reports are compiled and circulated by the RFO).
- 8.2 Draft minutes will be compiled immediately after each meeting and circulated to members.
- 8.3 The Clerk's role at meetings is to offer advice, guide procedure and record notes for compilation of minutes. Contributions can extend to identifying implications, particularly relating to legal authority or expenditure, but not participating in debate or vote.
- 8.4 In addition, the Clerk will maintain registers of attendance and members' interests, initiate payment of invoices and actions through the RFO, and retain all official documents and correspondence.

### **9 Delegated Powers**

- 9.1 The Clerk has the authority to manage and administer routine Parish Council business including:
- Responding to correspondence, liaison with outside bodies, research and preparation of reports and notes for future council meetings
  - Purchase of stationery and office supplies for reimbursement
  - Burial ground interments, issuing deeds relating to exclusive right of burial, memorial installation, maintenance and repair
  - Play area, village green and common land management
  - Legal transactions
  - Other urgent matters requiring attention between meetings following consultation with members

### **10 Clerk Support and Coordination**

- 10.1 The Clerk is required to undertake a wide range of functions, some of which involve considerable time and complexity. In these circumstances, lead Councillors will provide assistance and support whilst ensuring that the Clerk retains oversight and is given sufficient information to allow for proper coordination.

## **Section 4 – Members**

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### **11 Introduction**

11.1 Blockley Parish Council is represented by 11 Members (Councillors). For electoral purposes, the Parish is divided into three Wards:

- Aston Magna Ward – 2 Councillors representing Aston Magna, Ditchford and Draycott
- Blockley Ward – 7 Councillors representing Blockley village
- Paxford Ward – 2 Councillors representing Paxford and Northwick Park

11.2 The term of office is four years and if insufficient members are nominated for election, or interim vacancies occur, other members may be elected or co-opted to serve on the Parish Council.

### **12 Elections**

12.1 Elections are conducted in accordance with statutory requirements and are the responsibility of the District Council Returning Officer. Nomination forms, information, display of formal notices and other related processes are managed by the Returning Officer with the support of the Clerk.

### **13 Parish Councillors**

13.1 Parish Councillors sign a Declaration of Acceptance of Office upon appointment that includes a commitment to comply with the Code of Conduct. In general they have three main roles:

- To represent the views and concerns of the community
- To maintain communication with residents and keep them informed of developments
- To attend and participate in council meetings (at which actions and expenditure are approved)

13.2 Council powers must be exercised through the Parish Council as a body and cannot be approved by individual members. In addition, all formal communication and correspondence should be routed through the Clerk to validate action.

13.3 Members should attend meetings having prepared by reading meeting notes, listening carefully to other comments, and participating through the Chairman with relevant, timely and concise comments, questions or proposals. Bullying, oppressive behaviour or conflict will not be acceptable.

13.4 As well as Members formal responsibilities, the size of the Parish, extent of assets and desire to provide value for money, necessitates involvement with additional voluntary activities including routine play area and burial ground inspections and other support work. As a consequence, efforts will be made to fill vacancies arising at or between elections.

### **14 Co-Opted Members with voting rights**

14.1 Interested parties should be advised to contact or be notified to the Clerk who will confirm eligibility, request a letter/email of application and invite them to present themselves to a meeting for nomination.

14.2 To be appointed, co-opted Members require nomination, seconding and Members vote. If successful, they will be asked to sign the Declaration of Acceptance of Office and invited to join the meeting.

14.3 Casual vacancies (other than following main election nominations) must be advertised and this, together with formal notification of vacancy to the District Council, will be actioned by the Clerk.

14.4 Legislation allows co-opted Members to reclaim expenses but not the annual Members Allowance.

### **15 Training**

15.1 The Parish Council will encourage and support training and will pay for course attendance fees and travelling expenses following approval by the Council. The availability of training events and bookings will be advised and managed by the Clerk.

## Section 5 – Chairman

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### **16 Election**

- 16.1 A Chairman and Vice-Chairman are elected annually by members at the Annual Council Meeting in May and the term of appointment is one year. Interim resignations will prompt election of a new Chairman or Vice-Chairman at the next Council Meeting.
- 16.2 The Election process should focus on appointment of the most effective person for the role and not be influenced by personalities. To avoid any reluctance to nominate or perceptions of disadvantage by doing so, all Members will be listed as nominated for secret ballot.
- 16.3 The Clerk will issue voting papers for Chairman and Vice-Chairman, receive the completed forms and notify the chairman of majority result without revealing voting numbers. In the event of an equal vote, the Chairman will have a casting vote.

S78 - Regulation 4 – this provides that where an appointment would otherwise be made or is required to be made at an annual meeting of a local authority, the appointment continues until the next annual meeting of the authority or until such time as that authority may determine (Regulation 4 (2)). This would apply to the election of the chairman, the first business at the annual council meeting. The current chairman will remain in place until an annual meeting is held (possibly May 2021) unless the council decide to elect a replacement earlier.

### **17 Role**

- 17.1 The Chairman (or Vice-Chairman if deputising) has a primary duty to facilitate the Council reaching, without delay, an intelligible and lawful decision for the right reasons. In addition to Member responsibilities, the Chairman has four roles:

- To preside at council meetings and sign the minutes as a true record
- To receive notices of resignation from Councillors or Clerk
- To represent the Parish Council at ceremonial events
- To work closely with the Clerk to share information and support management of business

### **18 Authority of the Chairman**

- 18.1 The office of Chairman of a local authority is created by statute which has conferred upon the occupant a second casting vote for use in the event of equal voting. However, the role is limited to matters of procedure and neither increases nor decreases the right to discuss the merits of a particular case.

### **19 Presiding at Meetings**

- 19.1 In presiding at the Council Meeting, the Chairman must preserve order, ensure that proceedings are conducted in a proper manner, and be satisfied that any question or proposal before the meeting is properly ascertained. It is the Chairman's responsibility to:

- Prepare for meetings to ensure business is lawful, relevant and clear
- Confirm the meeting is properly constituted with a quorum present
- Allow members a fair hearing but confine discussion to relevant matters and timely progress
- Decide whether motions and amendments are procedurally correct and deal with points of order
- Clarify the meaning of questions and motions, identify proposing member, manage vote and declare result
- Adjourn meeting when circumstances demand
- Declare the meeting closed when business completed

## Section 6 – Council Meetings

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### 20 Introduction

20.1 Standing Orders identified by **bold type** cannot be changed or suspended; however, other non-compulsory Standing Orders may be suspended without notice on a majority vote at a Council Meeting.

20.2 Standing Orders relevant to meeting procedure are listed below in alphabetical order.

s78. Regulation 5 permits the holding of remote meetings. The effect of the regulation is that persons attending a local council meeting do not need to be in the same place. “Place” means more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers (Regulation 5 (1)). To attend a meeting remotely a member in remote attendance must meet specified conditions.

s78. Regulation 6 - The Regulation also disappiles paragraph 7 of Schedule 12 to the 1972 Act. This means there is no requirement for a parish council to hold its annual meeting unless they choose to do so.

### 21 Agenda

21.1 **The agenda will be compiled, signed and published by the Clerk. The minimum three clear days' notice for a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.** Agenda items may be requested by members for discussion with the Chairman and inclusion by the Clerk.

21.2 **The agenda is also a summons to members to attend meetings and must, by law, specify the business to be transacted. Resolutions must be confined to agenda items.**

s78. Regulation 13 – s.1 (4) (a) of the 1960 Act has been amended so that public notice of the time and place of the meeting is deemed to be given if published on the relevant principal authority's website.

s78. Regulation 17 – confirms that a local council complies with Regulation 8 of the Openness of Local Government Bodies Regulations 2014 (decisions and background papers to be made available to the public) by making the written record and any background papers available for inspection by publishing them on the website.

21.3 The order of agenda items may be varied, but normal business will include:

- Apologies for Absence
- Declarations of Interest
- *Meeting closed to allow 10 minutes for public questions (without member involvement)*
- Approval of minutes of the last meeting (for signature by Chairman)
- Matters arising from previous minutes (List circulated by Clerk)
- District and County Council reports
- Lead Councillor or Committee reports
- Planning matters (Planning list circulated by Clerk)
- Correspondence (List circulated by Clerk and correspondence available at Meeting)
- Financial Report (Balance sheet and income and expenditure summary)
- Accounts for payment (BACS payment list)
- Other relevant agenda items (subject to 3 clear days prior notice)
- Urgent Business
- Date of next meeting

### 22 Apologies for Absence

22.1 Members should send apologies for absence from Council or Committee meetings to the Chairman or Clerk (before the meeting), together with reasons. Notification and acceptance of apologies will be recorded in the minutes.

22.2 Members absent from Council or Committee meetings who have not offered ‘apologies’, or whose apologies have not been accepted, will be listed as ‘absent’. Any member absent for 6 consecutive months shall cease to be a member of the Council.

## **23 Chairman**

23.1 **The person presiding at the meeting shall be the elected Chairman or, if not present, the Vice-Chairman. If neither Chairman nor Vice-Chairman is present, the members may nominate a Chairman for the meeting. The person presiding at the meeting may exercise all the Chairman’s powers and duties.**

## **24 Confidential Business**

24.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

24.2 Members shall not disclose to any person (other than members of the Council or relevant Committee) any business declared to be confidential by the Council.

## **25 Debate**

25.1 The Chairman will introduce each agenda item and invite the lead member to summarise the content. Members will be invited to ask questions or comment prior to resolution and **vote by show of hands**.

## **26 Declaration of Interests**

26.1 **If a member has a personal interest (direct or indirect) in any council matter, that member shall declare it before or during the meeting. If the personal interest is deemed prejudicial (involving a financial interest or perceived likely to prejudice judgement of the public interest) the member may only remain if the public are allowed to make representations. Thereafter the member must not be involved in any debate or vote, should withdraw from the meeting and not seek to improperly influence a decision.**

## **27 Disorder or Disturbance**

27.1 No one shall interrupt or obstruct the proceedings of the Council or Committees, or behave in an offensive manner. If this occurs, the Chairman should intervene to request the individual to stop. Further non-compliance should result in the individual being warned that further interruption will result in exclusion.

27.2 If the matter cannot be resolved, the meeting should be temporarily suspended or adjourned.

## **28 Extraordinary Meetings**

28.1 **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**

28.2 **If the Chairman does not or refuses to call an extraordinary meeting 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 of the time, place and agenda must be signed by the two councillors.**

## **29 Length of Meetings**

29.1 Business shall be conducted with reasonable speed and efficiency. If business has not been concluded within that time, the Chairman will ask members present to decide upon continuing, scheduling an extraordinary meeting, or prioritising remaining items at the next meeting.

## **30 Meetings**

30.1 Ten meetings of the Parish Council (omitting August and December) shall be held in a parish hall at 7.00pm on the third Thursday of the month (second Thursday in December), unless the Council directs otherwise at a previous meeting. **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 the reasons for the public’s exclusion.**

s78. Regulation 5(2) of the 2020 Regulations provides that a member in remote attendance attends the meeting at any time if the member is able at that time:

- a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

These conditions allow members to join via a video link system or by telephone so long as every member can be heard by every other member and the public. All members, clerk and other staff, and any members of the public will be in attendance for the purposes of the 2020 Regulations if they are in remote attendance. The provisions in Regulation 5 must apply.

## **31 Minutes**

31.1 Minutes of a meeting shall include an accurate record of the following:

- Time and place of meeting
- Names of councillors present and absent
- Declared interests and councillor withdrawals
- Any public participation
- Resolutions made

31.2 **All Minutes kept by the Council and by any Committee shall be open for inspection by any member upon request to, and by arrangement with, the Clerk.**

31.3 **Members of the public have the right to inspect documents maintained by the Council unless exempt within the terms of the Data Protection and Freedom of Information Acts. Inspection will be arranged through the Clerk and copies may be supplied upon payment of administrative fee.**

## **32 Motions**

32.1 A 'motion' is the procedural formula by which the council disposes of business and is usually initiated by a member who moves that a resolution (or amendment to a resolution) be agreed. Alternatively, a member could 'move' to adjourn a meeting item pending further information.

## **33 Photography and Filming**

33.1 **Members of the public and press are permitted to report on the meeting film whilst the meeting is open to the public. To 'report' means to film, photograph, make an audio recording of the meeting proceeding, 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. The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be recording in a disruptive manner. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

## **34 Points of Order**

34.1 Points of order relate to procedure only and take precedence over other business. The Chairman should make a clear and binding ruling after consulting the Clerk, after which there is no further discussion.

## **35 Public and Press**

35.1 **Public and press are legally entitled to attend Council and Committee meetings. However, they may be temporarily excluded by resolution if the special or confidential nature of business renders this advisable in the public interest.**

35.2 Reasons for exclusion must be stated and minutes should include details of decisions, unless these would prejudice the special or confidential nature of the issue when a confidential minute will be maintained.

35.3 **The press shall be given adequate facilities for taking reports.**

- 35.4 A 10 minute period will be allowed for public questions or comments during which members will not participate in debate. While priority will be given to following the agenda, members may agree to adjourn the meeting and suspend Standing Orders to allow for further public comment or member response.
- 35.5 An elector seeking a response to a question at the meeting must give the Clerk notice of the question at least 5 clear days before the meeting to enable the matter to be researched. However, a question will not be received where the issue has been the subject of Council decision within the past 6 months.

## **36 Relevance and Repetition**

- 36.1 Members must direct comments to the point under discussion. Where relevance is in doubt, the Chairman shall ask the member to explain how the remarks relate to the issue.
- 36.2 Previous agenda items decided at the current meeting should not be re-opened and deemed irrelevant to the point under discussion.
- 36.3 If during debate it becomes evident that nothing new is emerging, the Chairman should ask members to put the matter to the vote.

## **37 Resolutions**

- 37.1 A 'resolution' is a proposal of the action intended to be taken and would normally be recorded in the following terms: *RESOLVED: That the purchase of ... at a cost of ... be approved.*
- 37.2 Resolutions moved on notice – Except as provided within Standing Orders, no resolution may be moved unless the business to which it relates has been included on the agenda.
- 37.3 Resolutions moved without notice – Following resolutions may be moved without notice:
  - To appoint a chairman
  - To correct or approve minutes
  - To alter the order of business or proceed to next business
  - To defer consideration of a motion or require a written report
  - To close or adjourn the debate, or move to vote
  - To refer the matter to committee, establish a committee or appoint committee members
  - To amend or withdraw a resolution
  - To exclude press and public in respect of confidential or sensitive information
  - To silence or request withdrawal of a member named for misconduct
  - To request withdrawal of public for disturbance or disorderly behaviour
  - To suspend Standing Orders
  - To temporarily suspend, adjourn or close the meeting

## **38 Quorum**

- 38.1 **Four members shall make up a quorum for Council meetings. The quorum for Committees shall be three,** not including non-councillors co-opted to the committee.
- 38.2 It should be noted that members required to withdraw because of a prejudicial interest cannot be counted and if a meeting falls below the required quorum, it shall be adjourned, and business transacted at the next or alternative meeting.

## **39 Voting**

- 39.1 Voting shall normally be by show of hands at the invitation of the Chairman and decisions shall be taken by majority vote. If two or more members so request, voting shall be by secret ballot.  
**Following the introduction of remote meetings due to the worldwide outbreak of Coronavirus, meetings can be held remotely via video or telephone conference calls. Those on video will vote showing a raise of the hand. Those on the telephone will be asked individually by the Chair to state their vote.**  
**The clerk will read back the votes to ensure that all votes have been recorded correctly.**
- 39.2 **If voting is equal, the Chairman or person presiding shall have a casting vote, in addition to their initial vote.**
- 39.3 **If a member so requests, the Clerk shall record in the minutes the manner in which each member voted.**

Such a request shall be made before moving on to the next items of business on the agenda.

- 39.4 Votes shall be taken on clear resolutions (proposals) which have been written down and confirmed by the proposer. These will be listed under the heading 'RESOLVED' at the end of the respective minute item.

## **Section 7 – Annual Parish Meeting**

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### **40 Reason and Purpose**

- 40.1 The Parish must have at least one Annual Parish Meeting a year at which local government electors for the parish may attend, comment, question, propose resolutions and vote.
- 40.2 The right of the Annual Parish Meeting to discuss parish affairs extends to any public matter of a parochial nature and is not confined to the exercise of statutory functions of the Parish Council.
- 40.3 The emphasis should remain on the meeting being a 'community' assembly at which electors can comment, question or propose action within the parish.

### **41 Standing Orders**

- 41.1 The Parish Council has the power to make standing orders for the regulation of proceedings and business. This can include:
- Meeting structure
  - Agenda items and order
  - Reports
  - Presentations by non-electors
  - Public (non-elector) comment or questions

### **42 Convening Annual Parish Meeting**

- 42.1 The Meeting (or additional meetings) can be convened by:
- Parish Council Chairman
  - Two Parish Councillors
  - Six local government electors for the Parish

### **43 Meeting Costs**

- 43.1 The Parish Council is responsible for costs, regardless of who convenes the meeting. This will include venue hire, preparation and public notices.

### **44 Dates and Time**

- 44.1 Meetings may be convened as often as required, although there must be at least one annual meeting between 1 March and 1 June. Proceedings must not begin before 6pm. In Blockley Parish, the Annual Parish Meeting will be held on the third Thursday of May following, and separate from, the ordinary Council meeting.

### **45 Public Notice**

- 45.1 Notices specifying the time, place and business of an intended meeting – and signed by the conveners – must be displayed in a conspicuous place giving not less than seven clear days notice. The conveners may give such additional publicity to the meeting as considered desirable.

### **46 Attendance**

- 46.1 Meeting attendance and rights extend to the following:
- Electors for the parish – may speak and vote

- Chairman of the Parish Council – presides, may speak and vote (plus casting vote)
- Parish Councillors – attend as electors
- Public (non-electors) – not participate in resolution or vote (unless invited to)
- Press – not participate in resolution or vote
- Invited speakers – may present but not participate in resolution or vote

## **47 Attendance Validation**

47.1 The extent to which electors and non-electors are identified and segregated at the meeting needs to be considered in light of anticipated business, resolutions and voting. Entry checks against the electoral roll and issue of voting cards may be necessary.

## **48 Meeting Chairman**

48.1 The Chairman of the Parish Council has the right to attend any Parish Meeting and, if present, shall preside. If not present, the Vice-Chairman of the Parish Council shall preside.

48.2 If both Chairman and Vice-Chairman are absent, the assembly may appoint a person to take the chair and that person shall have, for the purposes of the meeting, the powers and authority of the chairman.

## **49 Minutes**

49.1 Minutes of the meeting shall be prepared, entered in a book for that purpose and signed at the next meeting by the person presiding.

## **50 Meeting procedure**

50.1 Although this is a ‘community’ assembly at which the opportunity for individual contributions must remain available, it is still a ‘meeting’ that demands some organisation and structure to ensure that business can be properly conducted and recorded. The greater the number of people in attendance, then the bigger the challenge to maintain order and provide all those wishing to contribute to do so.

## **51 Resolutions and Voting**

51.1 Resolutions and voting are limited to local government electors of the Parish, any of whom may propose a resolution and vote. However, the outcome of a resolution and vote is, in most cases, not legally binding on the Parish Council and persuasive only.

51.2 Resolutions must be simple, clear, unambiguous, and confined to a single issue. If there are multiple issues then each should be dealt with as a separate resolution and vote.

51.3 Each elector is entitled to one vote with the resolution being decided by the majority of those present. The decision announced by the Chairman is final, although a further resolution may request a Parish Poll.

## **52 Venue Health & Safety**

52.1 Seated capacity within St Georges Hall is limited to 165 (including Parish Council members). Room layout, fire and exit procedures, and provision of stewards to assist need to be planned in advance of the meeting.

## **53 Disturbance or Disorderly Behaviour**

53.1 Anyone who disturbs the proceedings may be required by resolution to withdraw, but only after the Chairman has requested the individual to desist. Heat or anger in discussion is not in itself a ground for exclusion. Persistent disturbance or disregard of resolution to withdraw may require the meeting to be suspended or the Police called.

## **54 Defamation**

54.1 A person may be deemed to have disparaged the good name of another if they use words (spoken or written) which are false and injure the persons reputation or which disparage a person in their office, profession, calling, trade or business. However, this is a difficult area of law which, in some cases, requires

the victim to prove injury to reputation; it is also very expensive to pursue a legal action.

- 54.2 A person who has made a defamatory statement may claim privilege if it can be shown that it was made without malice and in pursuit of a public duty.
- 54.3 Furthermore, fair comment on a matter of public interest, such as the business conducted by the Parish Council, is not actionable. However, criticism should be fair and carefully worded to avoid suggestion of unworthy or corrupt motives.

## **Section 8 – Annual Parish Meeting (Parish Poll)**

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### **55 Parish Poll Responsibility and Costs**

- 55.1 A Parish Poll is a formal referendum of the whole electorate throughout the Parish and is conducted by the District Council Returning Officer in exactly the same way as for an election. As such, notice of the election will be publicised and, on the prescribed date, electors may attend the polling stations between 4pm and 9pm to cast their vote against the questions posed.
- 55.2 There is no facility for a postal vote and the cost of a Parish Poll must be met by the Parish Council.

### **56 Parish Poll Request**

- 56.1 The request for a Parish Poll can only be made during the course of the Parish Meeting and it must relate to a matter which has been discussed and voted on.
- 56.2 Subject to the above, a Parish Poll request must be supported by:
  - 10 local government electors present OR
  - one third of the electors present (if less than 30) OR
  - the Chairman consents

### **57 Parish Poll Resolution and Questions**

- 57.1 It is absolutely crucial that the resolution includes precise wording for a Parish Poll and be phrased in terms that allow a simple 'YES' or 'NO' answer to be conclusive. This MUST be done during the course of the meeting.

### **58 Parish Poll Outcome**

- 58.1 The result of a Parish Poll is not legally binding on the Parish Council although there is a moral obligation to consider the weight of community opinion.

## **Section 9 – Annual Council Meeting**

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### **59 Introduction**

59.1 This should not be confused with the 'Annual Parish Meeting' and is a statutory requirement to elect the Chairman and receive any Declarations of Acceptance of Office.

### **60 Dates**

60.1 In an election year, the meeting will be held on the second Thursday of May and, in a non-election year, on the third Thursday of May. This meeting will be combined with an ordinary Council meeting, but the agenda will be revised to include preliminary items of business.

### **61 Agenda**

61.1 The first item of business must be the election of a Chairman. When this has been completed, the new Chairman presides over all remaining business.

61.2 Thereafter it is desirable to deal with other organisational matters before following the ordinary Council meeting agenda.

61.3 Additional *Annual Council Meeting* items include:

- Election of Chairman
- Appointment of Vice-Chairman
- Election Results
- Councillor Acceptance of Office & Register of Members Interests
- Apologies for absence
- Declarations of interest in items on the agenda
- Council Vacancies – To approve co-option of new Members
- Lead Councillors and Committees – To approve lead councillors, committees and membership
- Trustees – To approve Trustees serving on outside bodies
- Standing Order and Financial Regulations review
- Meeting Dates – To approve future meeting dates and times

## **Section 10 – Lead Councillors, Committees and Delegated Powers**

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### **62 Introduction**

62.1 The Parish Council may appoint lead councillors or committees and specify the functions for which they are responsible. Meeting arrangements (if applicable) including venue, quorum, agenda, recorded minutes and public attendance, should follow those relating to ordinary Council meetings.

### **63 Committee Members**

- 63.1 Membership of committees (other than Finance Committee) can be extended to non-council members provided they do not fall within the disqualification criteria. All committee members will also be expected to comply with the Code of Conduct.
- 63.2 Non-council members do not have a vote, although this should not inhibit the committee function of presenting recommendations for final approval by the full Council.

### **64 Committees and Delegated Powers**

64.1 The following committee structure and responsibilities will be established:

- **Finance and Internal Audit** – Review annual budget and recommend precept; monitor financial regulations; support internal control procedures and scrutiny; recommend grants and donations; review assets, risks and insurance requirements. (*These responsibilities, other than internal control and scrutiny, are a committee or full council function and cannot be delegated to a lead councillor*)
- **Planning** – Define planning application review process; review plans and recommend council submissions
- **Highways** – Monitor highways, signs and maintenance requirements; manage speed enforcement and police liaison
- **Youth** – Develop and monitor youth policy and the overseeing of the youth club contract
- **Recreation and Leisure** – retain an overview of recreation areas and assets; recommend maintenance and equipment requirements
- **Burial Board** – Develop and monitor burial policy and procedures; carry out inspections and safety checks; recommend maintenance and operational requirements; support administrative procedures
- **Communications** – Define marketing and social media requirements and procedures, monitor social media procedures
- **Environment** – Develop and monitor environment policy; maintain overview of common land; recommend open space maintenance and improvements
- **Health and Wellbeing** – Develop health and safety procedures and review processes

### **65 Committee Variations and Lead Councillors**

- 65.1 The committee structure and membership assumes availability of a full quota of Councillors. When vacancies occur, it may not be possible to maintain committees and the council may approve an alternative process involving:
- Lead Councillors taking an individual interest and presenting issues to the full council
- Full Council dealing with committee issues as substantive items within ordinary meetings
- 65.2 It should be noted that lead Councillors do not have powers to make financial commitments or take decisions independently of the Council. Their responsibilities are to:
- Lead focussed initiatives relating to their nominated area of interest
  - Report activities to the full Council and present resolutions for approval as required
  - Manage actions agreed by the Council

- Ensure transactions are coordinated through the Clerk

## Section 11 – Planning Guidelines

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### 66 Introduction

66.1 Planning matters can be contentious and it is important to ensure that comments submitted remain fair and balanced. Members must declare an interest and not become involved in planning applications that relate to them, their family, associates or neighbours.

### 67 Planning Application Procedure

67.1 The Parish Council are notified by Cotswold District Council (the local Planning Authority) of Planning Applications made within Blockley Parish. For original applications, the Parish Council are asked to give their views within 21 days and for amendment applications, the period is reduced to 14 days.

67.2 Standard procedure for all electronic applications received is:

- Clerk/lead planning councillor logs details on planning database and planning summary
- Clerk/ lead planning councillor delivers application by email to all councillors
- If response deadline falls prior to next meeting, the Clerk will request an extension from CDC
- List of current applications circulated prior to each meeting to approve response
- Lead planning councillor produces summary comments and sends to CDC

67.3 Site visits are desirable together with neighbour consultation – however, there are no powers or rights of entry to premises subject of the application.

67.4 Occasionally there may be a need for a collective visit in which case councillors should coordinate this through the planning lead Councillor

### 68 Comments and Objections

68.1 In general, Parish Council consultation and comment is unlimited, although it should be relevant and objective. The following considerations could be included:

- Access - impact of traffic exiting and entering the site - and on local roads
- Layout - is it in sympathy and not obtrusive within the site and surrounding area
- Design - does it conflict with existing buildings in the locality
- Materials - are they in harmony with surrounding buildings
- Landscaping - is it adequate to minimise the impact on surrounding areas
- Privacy - impact of the proposed land/building use on the local environment

### 69 Public Contributions

69.1 Councillors should encourage members of the public wishing to comment on an application to write individually to CDC.

### 70 Planning Authority Role

70.1 Cotswold District Council planning officers have delegated authority to make planning decisions or they may refer objections for committee decision. In the event of a committee hearing, those objecting, including the Parish Council, will be invited to make personal representations to the planning committee.

## Section 12 – Complaints

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### 71 Responsibilities

- 71.1 The Local Government Ombudsman does not have jurisdiction over Parish Councils; therefore in most cases the opportunity for resolution remains with the Council.
- 71.2 In general, complaints will fall within one of three categories and the Parish Council approach should be as follows:
- **Employee Complaints** (Clerk, RFO or MO) – should be dealt with as an ‘employment’ matter (see procedure below)
  - **Councillor Complaints** – fall within the jurisdiction of the Standards Board and matters should be referred to the District Council Monitoring Officer
  - **Council Procedural Complaints** – should be dealt with by the Council or a nominated Committee

### 72 Procedure

- 72.1 In general, complaints will be managed by the Chairman and Clerk. However, if a complaint is made against the Chairman or Clerk, this matter must be referred to alternative members of the Council for resolution.
- 72.2 If an oral complaint to a Councillor or the Clerk cannot be resolved immediately, the complainant should be asked to set out the complaint in writing for despatch to the Chairman or Clerk.
- 72.3 The Chairman and Clerk shall investigate the complaint without delay including:
- Interviewing or providing the complainant with the opportunity explain their complaint in full
  - Advising the person complained about of the nature of the complaint and providing them with the opportunity to explain their conduct
  - Deferring further action and reporting the matter to the relevant authorities if criminal behaviour has been identified
  - Identifying a resolution
- 72.4 Every effort should be made to resolve the matter immediately but, in any event, the receipt of a complaint and action taken should be reported at the next Council meeting (if necessary, during a confidential session with public and press excluded).
- 72.5 If a complaint has not been resolved, the Council should consider and define appropriate action.
- 72.6 In all cases, the complainant should be kept informed of progress including a letter of acknowledgement followed by a written explanation of how the matter has been finalised - to be despatched within 7 days.

### 73 Contractor Complaints

- 73.1 If a complaint is made about a contractor working on behalf of the Council, whether relating to individual behaviour or quality of work, this will be referred to the Employer for review and feedback. The nature and amount of such complaints will be considered by the Council during the annual contract renewal process.

## **Section 13 – Management of Information**

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### **74 General Data Protection Regulation**

- 74.1 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper or electronic form. Such arrangement shall include deciding who has access to personal data and encryption of personal data.
- 74.2 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).
- 74.3 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.
- 74.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- 74.5 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.
- 74.6 The Council shall appoint a Data Protection Officer.
- 74.7 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 74.8 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 74.9 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.
- 74.10 The Council shall maintain a written record of its processing activities.