

Swindon Parish Council

RULES OF PROCEDURE

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1. ANNUAL MEETING OF THE COUNCIL

In a year when there is an ordinary election of councillors the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place on the 4th Wednesday in May.

The annual meeting will:

- {i} elect a person to preside if the chairman of Council is not present.
- {ii} elect the Chairman of the Council.
- {iii} elect the Vice-Chairman of the Council
- {iv} approve the minutes of the last meeting
- {v} receive any apologies for non attendance.
- {vi} receive any declarations of interest.
- {vii} approve a programme of ordinary meetings of the Council for the year, normally 4th Wednesday of the month.
- {viii} receive any announcements from the Chairman.

1.1 The Parish Council shall hold an Annual Open Parish meeting. A member of the public living in the Parish may ask the Chairman of the Council a question without notice upon an item on the agenda

1.2 Selection of Councillors on Committees and Outside Bodies.

As required Councillors will be elected to serve on committees, and outside bodies

2. ORDINARY MEETINGS.

Ordinary meetings of the Council will take place in accordance with a programme decided at the Councils annual meeting. Ordinary meetings will:

{i} Consider priority business

{ii} elect a person to preside if the Chairman and Vice-Chairman are not present.

(iii) approve the minutes of the last meeting.

(iv) receive apologies for absence.

(v) receive any declarations of interest from members

(vi) deal with any business from the last Council meeting.

(vii) receive the Chairman's announcements

3. CALLING EXTRAORDINARY MEETINGS

Those listed below may request the Parish Clerk to call Council meetings in addition to ordinary meetings:

(i) the Council by resolution;

(ii) the Chairman of the Council;

(iii) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Parish Clerk and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

The Parish Clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. A copy of the agenda will be posted on the Parish Council's notice board & website seven days before the meeting. At least five clear days before a meeting, the Parish Clerk will send a summons signed by him or her by post or electronically to every councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and subcommittees.

7. QUORUM

The quorum of a meeting will be one third of the whole number of members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. DURATION OF MEETING

Unless the majority of councillors present vote for the meeting to continue, any meeting shall stand adjourned at 9.30 in the evening provided that, if there is a quorum present and in the opinion of the Chairman the matters remaining to be considered are either of such importance that it's in the interest of the Council that the consideration thereof should then take place or that the extension of time required is minimal, councillors may consent to the continuation of the meeting. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. QUESTIONS BY MEMBERS OF THE PUBLIC.

9,1 A member of the Parish may ask a question of the Chairman of the Council, at an

Ordinary meeting of the council provided that the question has been submitted to the Clerk of the Council 3 days prior to the meeting.

i) Having received a reply to the original question, they may ask one supplementary question lasting no longer than 3 minutes on the point of the original question.

(ii) There shall be no debate on a question submitted or supplementary question.

(iii) Where a reply cannot conveniently be given orally, a written answer will be circulated to the questioner within 7 days where possible.

10.MOTIONS WITHOUT NOTICE.

The following motions may be moved without notice:

{a} in relation to the accuracy of the minutes

{b } to change the order of business in the agenda.

{c} to refer something to an appropriate body or individual.

{d} to appoint a committee or member arising from an item on the agenda {e) to withdraw a motion

{f} to amend a motion

{g }to proceed to the next business

{h} to adjourn a meeting

{l) that the meeting continue beyond 9-30 p.m

{j} to take a recorded vote

{k} to suspend a particular Council procedure rule

{l} to exclude the public and press in accordance with the Access to Information Rules

{m} to not hear further a councillor named under rule 16.3 or to exclude them from

the meeting under rule 16.4

11 RULES OF DEBATE

11.1 No speeches may be made after the mover has made a proposal and explained the purpose of it until the motion has been seconded.

11.2 Speeches must be directed to the question under discussion or to a point of order.

No speech may exceed 5 minutes without the consent of the Chairman.

11.3 Only one councillor may speak at a time, if two or more Councillors speak the Chairman shall call on each Councillor in turn to speak.

11.4 Point of order

A councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken without which the alleged breach shall be disregarded. The ruling of the Chairman on the matter will be final and shall not be open to debate.

11.5 Motions affecting persons employed by the Council

If any question arises at a meeting of the Council (or of a committee thereof to which the Local Government Act, 1972 applies by virtue of Section 100(A) of the Executive) as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be subject of discussion until the Council or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100(A) of the Local Government Act, 1972 shall be exercised.

12. VOTING

12.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

12.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

12.3 Show of hands

Unless a recorded vote is demanded under Rule 15.4, the Chairman will take the vote by show of hands, or, if there is no dissent, by the affirmation of the meeting.

12.4 Recorded vote

If the majority of Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

12.5 Right to require individual vote to be recorded

Where any Councillors requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

12.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, the name of the person with the

least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

12.7 Smoking

Smoking is not permitted anywhere in the Council Offices.

13. MINUTES

13.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

13.2 Contents of Minutes

Minutes of meetings of the Council shall record any proposal moved and duly seconded and on which a vote was taken, whether such a proposal was a motion or an amendment to a motion and regardless of whether the proposition was subsequently adopted by the Council.

13.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

14. RECORD OF ATTENDANCE

All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting as a record of their attendance.

15. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Procedure Rule 20 (Disturbance by Public).

16. COUNCILLORS' CONDUCT

16.1 Addressing the meeting

When a councillor speaks at a Council meeting they must address the meeting through the Chairman. If more than one councillor speaks, the Chairman will ask one to speak and the others to refrain. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order.

16.2 Chairman standing

When the Chairman so requests during a debate, any councillor speaking at the time must stop. The meeting must be silent.

16.3 Councillor not to be heard further

If a councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion. If the motion is carried the Councillor concerned may still vote on the matter under debate.

16.4 Councillor to leave the meeting

If the councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

16.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

17. DISTURBANCE BY PUBLIC

17.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

17.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

18. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

18.1 Suspension

All of these Council Rules of Procedure except Rule 15.5 may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

18.2 Amendment

Any motion to add to, vary, or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

19. INTERESTS OF COUNCILLORS IN CONTRACTS AND OTHER MATTERS

(a) If any councillor has a personal or personal and prejudicial interest in a matter as defined in the Code of Conduct and attends a meeting at which the matter is considered the councillor shall disclose to the meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

(b) If any councillor has a personal and prejudicial interest in a matter as defined in the Code of Conduct then subject as referred to in the Code that member shall:

- (i) withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting
- (ii) not seek improperly to influence a decision about that matter.

20. URGENT ACTION

The Clerk, in consultation with the Chairman of the council, shall authorise any urgent action when it would be in the best interests of the Council to act prior to the appropriate Council meeting; subject to such action being reported to the next meeting of the Council.

21. PROCEDURE RULES TO BE GIVEN TO COUNCILLORS

A printed copy of these Procedure Rules and of such statutory provisions as regulate the proceedings and business of the Council shall be given to each councillor on or before the councillor's declaration of acceptance of office on the councillor being first elected to the Council.

22. INTEREST OF EMPLOYEES AND COUNCILLORS IN CONTRACTS ETC

The Clerk shall record in a book to be kept for the purpose particulars of any notice given by an employee of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any councillor and a similar record shall be kept of such interests declared by councillors.

23. INSPECTION OF DOCUMENTS

(a) A councillor may, for purposes of his/her duty as such councillor but not otherwise, on application, in writing, to the Parish Clerk inspect any document which has been considered by a committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such a document.

(b) The written application shall set out the duty which the councillor is seeking to discharge in inspecting the document and the reasoning underlying the same.

(c) A councillor shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has a personal or a personal and prejudicial interest under the Code of Conduct or, directly or indirectly, any pecuniary interest within the meaning of section 94 of the Local Government Act, 1972. This Procedure Rule shall not preclude the Parish Clerk from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

24. INSPECTION OF LAND, PREMISES, ETC. BY COUNCILLORS

A councillor shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect or to enter upon any lands, offices, or premises which the Council has the power or duty to inspect or enter,

25. COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of the Council; apply to meetings of committees and sub-committees.

26. PLACING OF CONTRACTS.

26.1 No councillor shall have the authority to place any contracts or purchase any items in the name of SWINDON PARISH COUNCIL without the full authority of the Chairman and Parish Council, with the exception of the Chairman of the Council who shall have the authority to purchase and authorise the purchase of items up to the value of £250 without referral to the Council.

26.2 Three quotations must be obtained for all items purchased and business placed over the value of the Chairman's spending authority.

27. OTHER ITEMS

The above list is not inclusive; if any item is not covered then THE CODE OF CONDUCT OF PARISH COUNCILS shall apply or the District Council's Code of Conduct.

