

# **WILLINGTON PARISH COUNCIL**

## **STANDING ORDERS**

**These Standing Orders explain the rules and procedures that apply to the running of Willington Parish Council.**

**Standing Orders relating to finance are dealt with in the Financial Standing Orders.**

**“Chairman” and “Vice-Chairman” are treated in this document as non-gender terms and could apply to a man or woman.**

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## **1. Chairman**

- a. The Chairman of the Parish Council will be elected, on an annual basis, at the commencement of the Annual Meeting.
- b. The Chairman must be elected from the members of the Parish Council.
- c. The Chairman's role at meetings is to guide the meeting utilising the Standing Orders, as necessary, with advice from the Clerk.
- d. The Chairman cannot override the wishes of other Parish Councillors except on a point of procedure following advice from the Clerk.
- e. The Chairman, or in his absence the approved deputy, must sign each page of minutes of Parish Council meetings approved by the Parish Council.
- f. In the absence of the Chairman at a Parish Council meeting the Vice Chairman must take the chair. If both are absent a Chairman should be elected from and by the Parish Councillors present.

## **2. Vice Chairman**

- a. The Vice Chairman of the Parish Council will be elected, on an annual basis, at the Annual Meeting immediately following the appointment of the Chairman.
- b. The Vice-Chairman must be elected from the members of the Parish Council.

## **3. Proper Officer/Clerk**

- a. The Clerk is the Parish Council's Proper Officer.
- b. The Clerk must be an employee of the Parish Council.
- c. The Clerk's role is to advise, administrate and implement decisions following the guidelines of the job description given to him/her.

## **4. Responsible Financial Officer (RFO)**

- a. The Clerk is the Parish Council's Responsible Financial Officer.
- b. The Clerk's financial role is all matters to do with the accounts.

## **5. Parish Councillors**

- a. Councillors are elected for four years unless they resign, die or are disqualified within that period.
- b. Under the provisions of Section 85(1) and (2) of the Local Government Act 1972, if a Councillor fails to attend any meeting of the Parish Council throughout six consecutive months that Councillor ceases to be a member of the Parish Council. All meetings count, including committees and working parties.  
However, under Section 85(1) the Parish Council may approve the period of absence and allow the Councillor to continue. A new six-month period would commence at that point

- c. Councillors must sign a formal declaration accepting the office of Councillor at (or before) the first meeting after an election or at a Councillor's first meeting along with an undertaking to observe the local Code of Conduct.
- d. Within 28 days of election or co-option a Councillor must complete a "Register of Members Interests" form that will then be kept with the Council records by the Clerk.
- e. Councillors are obliged to:
  - Attend meetings when summoned by notice.
  - Prepare for meetings by studying the Agenda and paperwork distributed with the Agenda.
  - Take an active part in the Council's work and meetings.
  - Ensure the Council is well managed.
  - Represent Willington Parish electors' views where known
  - Follow the Code of Conduct.

## **6. Employees**

- a. All employees of the Parish Council must have a contract of employment incorporating terms and conditions.
- b. A review of pay and conditions should take place every year.
- c. All employees will have full protection of current employment law as applicable.

## **7. Auditors**

- a. The Parish Council will appoint an Internal Auditor to audit the Council records each year.
- b. The External Auditor (if required) will be appointed by Smaller Authorities' Audit Appointments Ltd.

## **8. Premises**

Council meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost

## **9. Admission of the Public and Press to Meetings**

- a. The public and press shall be admitted to all meetings of the Parish Council and its committees, which may, however, temporarily exclude the public and press by means of the following resolution: "That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw."
- b. The Chairman of the meeting shall state the special reason for exclusion.
- c. There will normally be a 15-minute "Open Forum" at each Parish Council meeting when the Chairman will adjourn the meeting so as to allow any members of the public and press to address the meeting on any subject they wish to raise.

- d. At all meetings of the Parish Council the Chairman may, at his discretion, adjourn the meeting to allow members of the public to address the meeting in relation to the business being transacted at the meeting.
- e. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting.
- f. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- g. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

## **10. Ordinary Meetings of the Parish Council**

- a. Ordinary Meetings will normally be held on the fourth Tuesday of January, March, May, July, September, and November each year in accordance with the Annual Calendar of Meetings determined by the Parish Council at the November meeting. Any variation will be agreed by Resolution of the Council.
- b. Ordinary Meetings will begin at 7.30pm unless the Chairman and Clerk agree on a different time.
- c. Standing orders regarding the holding remote 'meetings' are laid out in Appendix 4.

## **11. Annual Parish Council Meeting**

- a. The Parish Council's Annual Meeting must be held in May each year. The current Chairman should chair it, or Vice-Chairman if the Chairman is absent, until a new Chairman is elected. If both are absent, a Chairman should be nominated and elected from and by the Councillors present.
- b. The new Chairman should be nominated and then voted on. The same should happen for the Vice-Chairman. Chairman and Vice-Chairman may vote for themselves.

## **12. Annual Parish Council Meeting after Local Elections**

- a. In local election years, the Annual Meeting must be held on or within 14 days following the day on which the new Councillors are elected to take office.
- b. The previously elected Chairman and Vice-Chairman should remain in office even though they may have not been re-elected in order to chair the meeting until a new Chairman has been elected. The Vice Chairman should chair the meeting if the Chairman is absent. If both are absent, a Chairman should be nominated and elected from and by the Councillors present.
- c. The first item should be the election of a new Chairman, which an unelected Chairman may vote on, but only if the votes are tied, i.e. a

casting vote. An unelected Vice-Chairman has no vote at all, unless filling in for an absent Chairman.

- d. Once a new Chairman is elected, an unelected Chairman or Vice-Chairman should then leave office. The new Chairman takes over.
- e. At its last meeting prior to the four-yearly election of Parish Councillors, the Council will ensure that all of its business is up-to-date and in a form that will facilitate transfer to the newly elected Council.

### **13. Extraordinary Meeting**

- a. The Chairman may call an Extraordinary Meeting at any time. For example, an Extraordinary Meeting could be called to discuss a planning application whose consultation period ends prior to the next scheduled council meeting (see Appendix 3).
- b. Parish Councillors may also call an Extraordinary Meeting, if the Chairman refuses to call one within 7 days of being asked to do so by at least 2 Councillors. The public notice giving the time, place and agenda for such a meeting must be signed by the Councillors calling the meeting.

### **14. Quorum of the Parish Council**

- a. Three Councillors or one-third of the total membership, whichever is the greater, shall constitute a quorum.
- b. If a quorum is not present, or if during a meeting the number of Councillors present falls below the required quorum, the meeting shall be adjourned, and any business not transacted shall be transacted at the next meeting.

### **15. Minutes of Parish Council Meetings**

- a. The Clerk should record all meetings and produce Minutes for confirmation at the next meeting. The Chairman of the meeting should informally approve the draft minutes before they are circulated to all Parish Councillors before the next meeting. However, actions from decisions taken at a meeting will normally be implemented before formal confirmation
- b. Once approved at the meeting, the Minutes should be signed by the Chairman (as Standing Order 1e).
- c. In the absence of the Clerk, the Chairman may take the Minutes or arrange for a Parish Councillor to do so.
- d. The Minutes should reflect the Agenda, numbering each item under its heading. A progressive numbering system should be used, following on from the previous set of minutes, but this should still reflect Agenda items as listed on the Agenda.
- e. When a Motion is approved, the terminology 'RESOLVED' should appear in the Minutes followed by what was resolved.
- f. Minutes should reflect substantive items and decisions, not every word that is said.

- g. Draft minutes (prior to the Chairman's signature at the following meeting) should be made available on the noticeboard and the council's website within 28 days of the meeting.
- h. Minutes should be available to the public after approval by Council.

## **16. Agenda**

- a. The Agenda for a meeting should reflect the key motions to be resolved and must have the same agenda item headings as the agenda posted on the noticeboard. The Clerk will normally provide agenda notes to Councillors where more detail is needed to help them through the meeting.
- b. The Agenda Item Headings cannot be altered once people have been notified of its contents – either added to or taken from.
- c. The Parish Council cannot make substantive decisions or discuss motions that are not on the Agenda apart from procedural ones such as excluding the public, moving on to the next item, altering the order of business, or adjourning the meeting. These should be voted on. Minor items arising in 'Open Forum' may also be decided by the Parish Council at the Chairman's discretion.
- d. Other business not on the Agenda must wait until the next meeting or, if urgent, an Extraordinary Meeting may be called.
- e. If an item is to be treated as confidential the reason for confidentiality should be stated in writing

## **17. Ordinary Agenda**

- a. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent, to receive apologies and to receive any declarations of interests in any item of business on the agenda.
- b. After the first business has been completed the order of business will be as the agenda prepared by the clerk unless the Council otherwise decides on the ground of urgency/convenience.

## **18. Annual Parish Council Meeting Agenda**

At each Annual Parish Council Meeting the first business shall be: -

- a. Election of the Chairman of the Parish Council.
- b. Receiving the Chairman's declaration of acceptance of office or, if not received then, to decide when it shall be received.
- c. Apologies
- d. In the election year only to consider any vacancies left unfilled at the election by reason of insufficient nominations.
- e. Election of a Vice-Chairman of the Parish Council.
- f. Appointment of committees and working groups.

## **19. Extraordinary Meeting Agenda**

At an Extraordinary Meeting the Agenda shall be

- a. Apologies and declarations of interest.



- b. Extraordinary Business.

## **20. Notification of Agenda**

- a. The Clerk should provide Councillors with copies of the Agenda at least 3 clear days before any meeting of the Council.
- b. Councillors should notify the Clerk at least 8 clear days before each meeting of any items they want on it. However, items for Agendas are at the discretion of the Clerk and Chairman.
- c. If an urgent matter arises less than 8 days before a meeting, it must be notified to the Clerk who should consult the Chairman. The Chairman has the discretion to accept or reject such an additional Item onto the Agenda. In any case, the item must be raised before the Agenda is notified to the public.
- d. The public should be notified of any meeting by posting copies of the Agenda on the noticeboard at least 3 clear days before each Meeting of the Council. The Agenda should be signed by the Clerk.
- e. The Clerk should also notify the Borough Councillors covering the Willington parish by sending them the Agenda at least 3 clear days before the meeting.
- f. In a, d, and e above 3 clear days does not include the day it was posted, the day of the meeting, or Saturdays, Sundays, and Bank Holidays.

## **21. Carrying out Business**

- a. Councillors must restrict their contributions to debate the issue under discussion.
- b. Councillors should address their comments to the Chairman keeping them as short and to the point as possible.

## **22. Declarations of Interest and Dispensations**

See Appendix 1 "Dispensations Procedure and Guide"

- a. If a Parish Councillor has a Disclosable Pecuniary Interest in an item on an Agenda, then he shall declare such interest either at the beginning of the meeting or as soon as it becomes apparent.
- b. If a Parish Councillor has declared a Disclosable Pecuniary Interest in an item, he must withdraw from the meeting during consideration of the item to which the DPI relates.

## **23. Motions, Resolutions and Amendments**

- a. Decisions are made via Motions (or Proposals) based on Agenda items which, when agreed, become Resolutions.
- b. Where a Motion has been put, an Amendment may be moved. The Amendment should not have the effect of nullifying the Motion before the Council but should propose either the omission of words, or the omission of words and insertion/addition of others, or the insertion or addition of words.

- c. An Amendment must be disposed of before any further Amendment may be proposed.
- d. If an Amendment is carried, the Amended Resolution should become the Motion to be voted on or further amended.
- e. A Motion or Amendment may be withdrawn. There should be no further debate on the Motion or Amendment unless the request for its withdrawal is refused.
- f. No further discussion is allowed on Resolutions passed at the same meeting

## **24. Voting**

- a. Councillors shall vote by a show of hands or, if at least two Councillors so request, by signed ballot.
- b. If a Councillor so requires, the Clerk shall record the names of the Councillors who voted on any motion so as to show whether they voted for or against it. Such a request may be made before or after the vote but in any event before moving on to the next business.
- c. The Chairman may give an original vote on any matter put to the vote and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- d. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- e. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

## **25. Discussions and Resolutions affecting Employees of the Parish Council.**

If, at a meeting, any question arises relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Parish Council, it shall not be considered until the Council or Committee (as appropriate) has decided whether or not the public shall be excluded.

## **26. Rescission of a Previous Resolution**

- a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least three Councillors.
- b. When a special motion or any other motion moved pursuant to the above has been disposed of, no similar motion may be moved within a further 6 months.

## **27. Committees**

- a. The Parish Council may establish Committees to carry out aspects of its work on its behalf.

- b. Committees are elected each year at the Annual Meeting of the Parish Council.
- c. A new Committee may be appointed during a year. Those appointed to the Committee will be appointed until the next Annual Meeting of the Parish Council.
- d. Each Committee should elect its own Chairman at its first meeting after the Parish Council's Annual Meeting.  
They should hold office until the next Annual Meeting of the Council. The Chairman of the committee must be a Parish Councillor.
- e. The Chairman and Vice-Chairman of the Parish Council shall be ex-officio members of every Committee.
- f. Parish Councillors not appointed to a Committee may attend Committee meetings.
- g. Committees do not have the authority to make decisions on behalf of the Parish Council unless a resolution is approved at a Parish Council meeting authorising the committee to make a decision on a particular item.
- h. Committees will make recommendations to the Parish Council. All members of a committee are entitled to vote on a recommendation. Voting shall be by a show of hands. An equal vote should be reported accordingly to the Parish Council meeting. The Chairman of a Committee does not hold a second, or casting vote.
- i. Committee Meetings must have an Agenda and be notified and open to the public in the same way as Parish Council meetings. All Committee Meetings will include an Open Forum
- j. Minutes should be produced for all meetings. The Chairman of the Committee should informally approve these before being circulated to other Councillors or Committee members.
- k. The Clerk to the Parish Council should normally take minutes of Committee Meetings. In the absence of the Clerk the Chairman may take the Minutes or arrange for another member of the committee to do so.
- l. The Parish Council may appoint persons other than Councillors to any committee. They will be entitled to vote on recommendations to the Parish Council (h above).
- m. The quorum of a Committee shall be at least three Councillors. The Clerk of the Parish Council shall not be included when working out the quorum.

## **28. Working Parties**

- a. The Parish Council may set up Working Parties to carry out work, to follow through decisions, and make recommendations to the Parish Council.
- b. The Parish Council may invite persons other than Councillors to be part of a working party.
- c. Working Parties do not have the authority to make decisions on behalf of the Parish Council.

- d. Meetings of Working Parties do not have to be notified or open to the public.
- e. At least one Parish Councillor should be on Working Parties to ensure conformity with Parish Council policy.
- f. Each working party should appoint its own leader/co-coordinator.
- g. Each working party should decide on every occasion that it meets whether it is appropriate to make a written record of its proceedings.
- h. Working parties do not have to have a formal agenda although they may choose to do so.

## **29. The Clerk**

- a. The Clerk has the authority to make routine decisions and deal with emergencies such as Health/Safety issues within the Parish.
- b. The Parish Council may delegate other decisions to the Clerk by Resolution at a meeting.

## **30. Conduct of Parish Councillors**

- a. All Councillors must behave in a manner required by the Code of Conduct adopted by the Parish Council.
- b. Councillors and Officers of the Parish Council must at all times ensure that they conduct themselves and carry out their duties in a way that protects the interests and reputation of the Council.
- c. Where they have concerns about the conduct of the Council's business or actions taken on its behalf, Councillors should raise these initially with the Chairman or the Clerk as the Council's Proper Officer.
- d. If it is then felt that the concerns have not been properly or adequately dealt with, the Councillor should bring the matter up before the whole Council for Resolution.
- e. If they are still not satisfied, they may complain to Cheshire West and Chester Borough Council.
- f. If, during a meeting, the Chairman thinks a Councillor is conducting themselves badly, the Chairman or any Councillor may propose that they behave appropriately. It may be put to the vote immediately and without debate.
- g. If the offending Councillor persists in bad behaviour, the Chairman may:
  - i. Move that the Councillor leaves the meeting – the Motion should be put to the vote immediately and without discussion, or
  - ii. Adjourn the meeting for as long as necessary, or
  - iii. Abandon the meeting, fix a new date for the meeting and exclude the Councillor from attending.
- h. The same procedure above may apply to a Chairman behaving badly. Any Councillor present may propose that the Chairman stand down as Chairman for the rest of the meeting. It may be put to the vote immediately and without debate. The Vice-Chairman, if present, should then take over. If not present, then a Chairman should be elected for the rest of the meeting from and by the Councillors present.

### **31. Confidentiality**

No Parish Councillor, or employee of the Parish Council, may disclose any confidential business to any person who is not a Parish Councillor or employee of the Parish Council

### **32. Members of the Public**

- a. Members of the public, including Borough Councillors and any others invited to address the meeting, do not have any right in law to speak at meetings, as they are meetings of the Parish Council to carry out its business. Their role is one of observation. However, they may express their views in "Open Forum" which, strictly speaking, is not part of the meeting itself. The Council will adjourn for "Open Forum" to demonstrate it is not part of the meeting.
- b. The number of members of the public attending a meeting will be limited by the Health and Safety or other pertinent regulations applying to the venue or wider environment. If the permitted number will be exceeded, the Chairman can refuse entry to some members of the public in order to remain within the law.
- c. Occasionally, during the meeting the Chairman may ask members of the public to provide information that is helpful to the Council in carrying out its business. Such information is by permission of the Chairman only.
- d. The Chairman is legally in charge and the position must command respect. The correct way of addressing the Council is via the Chairman using the appellation 'Chairman' or 'Mr Chairman'.
- e. If any member of the public interrupts the proceedings of any meeting with personal, rude, derogatory, aggressive or uncalled for remarks, the Chairman should warn them they are out of order and may ask for a retraction (if applicable).
- f. If the interruptions continue or no retraction is forthcoming, the Chairman may ask them to leave the meeting.
- g. If they refuse, the Chairman should adjourn the meeting until they leave and, if necessary, phone the Police.
- h. In the event of a general disturbance, the Chairman may adjourn the meeting for as long as they consider necessary or close it and call another.
- i. Councillors are advised not to use force against an aggressive person except in self-defence.
- j. In the event of persistent bad behaviour at meetings, a letter should be sent to the offender(s) explaining their conduct is not acceptable and advising them that they must follow Standing Orders else they face exclusion every time they repeat their behaviour. There should be a minute of this action.

### **33. Complaints**

Public complaints should be dealt with in accordance with the Parish Council Complaints Procedure. See Appendix 2

### **34. Parish Council Vacancies**

- a. Parish Councillors are elected for a term of 4 years, retiring on the 4th day after the date of the normal elections held every four years. At this point, all Councillors, unless re-elected, stand down. However, the Chairman and Vice-Chairman remain in office until the AGM elects a new Chairman.
- b. A vacancy on the Council may result from the death, disqualification or resignation of a Councillor. Disqualification from office may result from:
  - Failure to comply with relevant legislation.
  - Legal proceedings.
  - Failure to attend meetings of the Council for a period of six consecutive months from the date of their last attendance unless the Council has approved their absence.
- c. The Parish Council may declare the office of anyone disqualified vacant by Resolution at the first available meeting.
- d. The proper procedure as set out in law should be followed in advertising and filling a vacancy. After 14 clear days, the Council may co-opt a Councillor.
- e. Where more than two people have been nominated for any position to be filled by the Council and there is no absolute majority in favour of one person in the votes cast, the name of the person having the least number of votes should be deleted from the list and a fresh vote taken. This process continues until the majority of votes (including the Chairman's casting vote if necessary) favour one candidate.

### **35. Employee Vacancies**

- a. All decisions relating to employee vacancies must be taken in accordance with appropriate employment legislation.
- b. Vacancies are open to applicants irrespective of disability, ethnic origin, marital status, age, race, religion, sex, or sexual orientation.
- c. Appointments should be made on the basis of a candidate's ability to do the job.
- d. The Parish Council should set up an Interview Panel for the office of Clerk. This is a Working Party consisting of the Chairman, and at least two other Councillors. It should have a quorum of 3. Recommendations for appointment should be confirmed at a Parish Council meeting.
- e. Anyone applying for employment by the Council must declare in writing any relationship to a Councillor or existing employee of the Council. Applicants must be advised of this requirement and, if they fail to make appropriate disclosures, they may be disqualified from application or, if the relationship is not established until after their appointment, may be dismissed without notice.

### **36. Access to Documentation**

- a. A Councillor may as part of their duty inspect any document in possession of the Council or Committee and, if copies are available, request a copy.
- b. The public may access the following documents of the Council under the Freedom of Information Act 2000:
  - Minutes
  - Standing Orders
  - Financial Regulations
  - Declarations of Acceptance of Office
  - Official Register of Members' Interests
  - Responses to planning applications
  - Accounting and auditing information – latest annual return, latest auditor reports, cash books, bank statements, VAT records, precept request, assets documents, risk assessments.
- c. Other documents may be made available at the discretion of the Council.
- d. Hard copies of documents should be available on request. A small fee may be payable for copies of large documents or multi-copies of documents.

### **37. Sealing/Signing Documents**

- a. Two Councillors may seal, on behalf of the Council, any document required by law to be issued under seal as long as this has been authorised by a Resolution.
- b. Documents may only be issued under the Parish Council's name when the Council has approved them.
- c. The Clerk, as the Council's designated Proper Officer, has authority to undertake correspondence on the Council's behalf as part of their normal duties.

### **38. Standing Orders to be given to Parish Councillors**

A copy of these Standing Orders shall be given to each Councillor by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Parish Council.

### **39. Changing Standing Orders**

Standing Orders should be reviewed every four years. However, an individual standing order may be changed or revoked as long as it is a Motion on the Agenda of a full Parish Council meeting.

## **UPDATE HISTORY**

Approved by Council 30th June 2015 – Minute 15/022

Updated and approved by Council 28th June 2017 – Minute 17/046

Updated and approved by Council 27th February 2018 – Minute 17/139

Updated and approved by Council 25<sup>th</sup> September 2018 – Minute 18/058.1

Updated and approved by Council 23<sup>rd</sup> July 2019 – Minute 19/038

Updated (to add Appendix 3 regarding planning meetings and Appendix 4 regarding remote meetings approved by Council 19<sup>th</sup> May 2020 - Minute 20/029

Updated to include consideration of Health & Safety breaches at meetings – para 32.b and update Appendix 4 (Virtual Meetings) to note the legal situation – approved at meeting 18<sup>th</sup> May 2021 - Minute 21/038

Updated to reduce the minimum number of Councillors on working parties from two to one. – approved at meeting 29<sup>th</sup> March 2022 - Minute 21/155

Reviewed and approved with no updates at meeting 23<sup>rd</sup> May 2023 – Minute 23/027.

Updated to remove the need to provide a reason for absence at a meeting – approved at meeting 21<sup>st</sup> May 2024 - Minute 24/028



## **APPENDIX 1 - DISPENSATIONS PROCEDURE AND GUIDE**

### **1. Introduction**

The Localism Act 2011 prevents Councillors from participating in any Parish Council business where they have a Disclosable Pecuniary Interest unless they have a dispensation under Section 33.

Parish Councils are responsible for determining requests for a dispensation by a Parish Councillor under Section 33 of the act. This is because they are a "relevant authority" under section 27(6) (d) of the Act.

This guide explains the:-

- (a) purpose and effect of dispensations
- (b) procedure for requesting dispensations
- (c) criteria which are applied in determining dispensation requests
- (d) terms of dispensations

### **2. Purpose and effect of Dispensations**

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Section 31(4) of the Localism Act states that dispensations may allow the Councillor to:

- (a) participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- (b) participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

**Note: If a parish councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, he/she may be committing a criminal offence under S34 Localism Act 2011.**

### **3. Process for making requests**

Any Councillor who wishes to apply for a dispensation should fully complete a Dispensation Request form and submit it to the Clerk as soon as possible before the meeting which the dispensation is required. Applications may also be made at the Parish Council meeting itself if the nature of the interest has only become apparent to a Councillor at the meeting itself. A request for dispensation must be made on an individual basis.

### **4. Consideration by the Parish Council**

The Parish Council may grant a dispensation to a Councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if it considers that:

- (a) so many members of the decision-making body have Disclosable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate); or
- (b) granting the dispensation is in the interests of persons living in the Parish; or
- (c) it is otherwise appropriate to grant a dispensation.

The terms of any dispensation shall be in accordance with paragraph 6.

#### **5. Criteria for Determination of Requests**

In reaching a decision on a request for a dispensation the Parish Council will take into account the:

- (a) nature of the Councillor's prejudicial interest
- (b) need to maintain public confidence in the conduct of the Council's business
- (c) possible outcome of the proposed vote
- (d) need for efficient and effective conduct of the Council's business
- (e) any other relevant circumstances.

#### **6. Terms of Dispensations**

Dispensations may be granted for:

- (a) one meeting; or
- (b) a period not exceeding 4 years.

#### **7. Disclosure of Decision**

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors' Interests.

## **APPENDIX 2 - COMPLAINTS PROCEDURE**

### **Background**

Complaints about an employee of the Council should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Complaints about a Councillor should be made to the Monitoring Officer at Cheshire West and Chester Council.

The code of practice within this guidance is therefore aimed at those situations where a complaint has been made about the administration of the Council or about its procedures. It is not really an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

The Council views the adoption of this complaints procedure as an efficient way of dealing with complaints received and a means of preserving the good reputation of the Council through a transparent process.

The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly, and the process should be reasonable, accessible and transparent.

### **CODE OF PRACTICE**

#### **Before the Meeting**

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, they may be advised to put it to the Chairman of the Council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

### **At the Meeting**

1. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
2. The Chairman will introduce everyone.
3. The Chairman will explain procedure.
4. Complainant (or representative) will outline grounds for complaint.
5. Councillors may ask any question of the complainant.
6. If relevant, the Clerk will explain the Council's position.
7. Councillors may ask any question of the Clerk.
8. The Clerk and complainant will be offered opportunity of last word (in this order).
9. The Clerk and complainant will be asked to leave the room while Councillors decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
10. The Clerk and complainant return to hear decision, or to be advised when decision will be made.

### **After the Meeting**

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

## **APPENDIX 3 – PLANNING APPLICATION CONSULTATION**

### **Background**

Cheshire West and Chester (CWaC) Planning notify the Clerk when they receive a planning application relevant to Willington Parish. The Parish Council then has the opportunity to formally discuss and comment on the application via the CWaC Planning website. The Parish Council will have normally at least 21 days from the date of being notified of the application to provide comments.

### **Responsibilities**

The Clerk will make all Councillors aware of the planning application as soon as practically possible.

The Clerk or in the Clerk's absence the Council Chairman, will provide any comments on behalf of the Parish Council on the CWaC Planning website.

### **In the circumstances that:**

#### **a) Parish Council has no comments**

If there is a consensus amongst all Councillors that the Parish Council does not wish to comment on the application, there is no need to discuss the application at a council meeting. A 'no comment' response will be submitted on the CWaC website on behalf of the Parish Council. This should be done as close as practically possible to the end of the consultation period to allow third party comments to be considered (see section b).

The decision to submit a 'no comment' response should be noted at the next meeting of the council.

#### **b) The Parish Council has no comments but there are material third party comments**

Even though the Parish Council has no comments, there may be comments on the application posted on the CWaC website by residents or other interested parties. In this case, the Chairman of the Parish Council should review the comments and decide whether in order to provide the opportunity for a full, open and transparent discussion of the planning application, an Extraordinary Meeting of the council should be scheduled. The Clerk will schedule such a meeting if required.

Note that if third party comments are posted towards the end of the consultation period, the Clerk may need to ask CWaC Planning for an extension to the consultation period to enable an extraordinary meeting to be held.

Any comments agreed at the Extraordinary Meeting of the council will be posted on the CWaC Planning website.

**c) Parish Council has comments**

If any of the Parish Councillors has any views or has received representation from residents regarding the application that they feel should be formally discussed and potentially submitted to CWaC Planning, the Clerk will schedule an Extraordinary Meeting of the council as soon as practically possible. Comments agreed at the meeting will be posted on the CWaC Planning website.

## **APPENDIX 4 – HOLDING VIRTUAL OR REMOTE MEETINGS [1]**

Note that after 6<sup>th</sup> May 2021, it is no longer legal for the Council to hold virtual meetings unless further legislation is passed.

Persons attending a 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. A member in ‘remote attendance’ attends the meeting at any time if that member is able at that time to:

- a) 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.

Voting at remote meetings will be carried out by a show of hands, by a roll call of councillors’ names and asking them to state their vote or by another method of voting, should a platform allow it.

The method of remote access for the press and public will be advertised on the meeting’s agenda.

Notice of a meeting will be placed on the Council’s website[2] and in a prominent physical place to meet advertising standards contained in Schedule 12 of the Local Government Act 1972. The Council will take account of social distancing requirements before deciding to put notices in physical spaces.

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[1] The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; In force between the dates of 4 April 2020 – May 2021

[2] National Association of Local Councils, Legal Briefing Note, 3 April 2020.

