

## BABRAHAM PARISH COUNCIL/MEETING

### 1. Title and Area

The Council/Meeting shall be called the Babraham Parish Council/Meeting and operate in the area specified in the Statutory Order setting up the Parish Council/Meeting or in any subsequent amendment.

### 2. Definitions

Unless the sense suggests otherwise any reference to "Council" or "the Council" means the Babraham Parish Council or Meeting (as appropriate) and any reference to "the Clerk" means the Clerk of the Council. The expression "Chairman" means Chairman of the Council.

### 3. Functions

The functions of the Council shall be:

- (a) To exercise such powers and duties as are laid upon it by these rules.
- (b) To exercise such powers and duties as are laid upon it by statute.
- (c) To exercise such powers and duties as are laid upon it by delegation from the Cambridgeshire County Council or Cambridgeshire District Council.
- (d) To protect, enhance and promote the environment of the area of the Parish Council.
- (e) To protect, enhance and promote the collective interests and well-being of the residents of the Parish of Babraham.
- (f) To make representations to Cambridgeshire District Council, Cambridgeshire County Council, and any other Statutory Body or Public Utility on matters affecting the residents of Babraham Parish.
- (g) To stimulate and foster support for approved policies of the Council.

### 4. Constitution

- (a) The Council shall consist of:
  - (i) 5 Members elected by the electors of the Parish of Babraham or such other number as may be specified by the District Council which shall not be less than five.
  - (ii) Such co-opted Members as the Council may determine.
- (b) All Councillors shall retire together in every ordinary year of election of such Councillors on the fourth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire.

5. Financial and Administrative Year

The Financial and Administrative year of the Council shall be in the period commencing on the first day of April and ending on the thirty-first day of March in the following year.

6. Meetings of the Council

- (a) Meetings of the Council shall be held at Babraham School commencing at 7.30pm unless otherwise determined.
- (b) The Statutory Annual Meeting of the Council will be held on the second Thursday in May of each year.
- (c) Ordinary meetings of the Council will be held on the second Thursday of each month (except August) throughout the year unless otherwise determined and subject to at least a total of six meetings being held in any administrative year.
- (d) An extraordinary meeting of the Council may be called at any time by the Chairman of the Council.
- (e) If the Chairman refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by two Members of the Council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two Members of the Council, on that refusal or on the expiration of these seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.
- (f) Three clear days at least before a meeting of the Council:
  - (i) Notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the Parish and, where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting; and
  - (ii) A Summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at, or sent by post to, the usual place of resident of every Member of the Council.
- (g) Meetings of the Council and its Committees shall be mandatorily adjourned after two and a half hours unless the Members resolve to either an earlier or later adjournment.

7. Chairman of Meeting

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

8. Quorum

- (a) A quorum of the Council shall be one third of the Members or three Members, whichever is the greater.
- (b) If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or at such other time as the Chairman may arrange.

9. Voting

- (a) Members shall vote by a show of hands, or if at least two Members so request, by signed ballot except in the election of the Chairman and Vice-Chairman of the Council which shall be by secret ballot.
- (b) If a Member so requires, the Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- (c) Subject to (d) and (e) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.
- (d) Subject to (e) below the Chairman may not give an original vote in the election for the Office of Chairman on any occasion when he will himself immediately after such an election retire from the Council.
- (e) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

10. Order of Business

*(NB In an election year Councillors should execute Declarations of Acceptance of Office in the presence of each other, or in the presence of the Clerk to the Council, before the Annual Meeting commences. For this purpose Councillors should convene at least 15 minutes before the commencement of the Annual Meeting).*

- (a) At each Annual Meeting the first business shall be:
  - (i) To receive a report on the membership of the Council and Declarations of Acceptance of Office (election year only).
  - (ii) Elect a Chairman of the Council.
  - (iii) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - (iv) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - (v) To decide when any declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law, shall be received
  - (vi) Appoint representatives to other organisations.

- (vii) To consider the payment of any annual subscriptions.
  - (viii) To inspect any Deeds and Trust Instruments in the custody of the Council.
  - (ix) To appoint School Governors.
- (b) At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman be absent and to receive such Declarations of Acceptance of Office (if any) as are required by law to be made or if not then received to decide when they shall be received.
- (c) In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees.
- (d) After the first business has been completed the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
- (i) To hear representations from the public.
  - (ii) To approve the signing of the Minutes of the previous meeting, by the presiding Chairman, as a correct record.
  - (iii) To consider matters arising from the Minutes.
  - (iv) To deal with business expressly required by Statute to be done.
  - (v) To consider any reports from the Clerk.
  - (vi) To consider motions, notice of which has been given in the summons.
  - (vii) Any other business specified in the summons.
- (e) A motion to vary the order of business on the grounds of urgency.
- (i) May be proposed by the Chairman or by any Member and, if proposed by the Chairman may be put to the vote without being seconded, and
  - (ii) Shall be put to the vote without discussion.

#### 11. Election of Chairman

- (a) The Chairman of the Council shall be elected annually from among the Councillors.
- (b) The election of the Chairman shall be the first business transacted at the Annual Meeting of the Council and if, apart from paragraph (h), the person presiding at the meeting would have ceased to be a member of the Council he shall not be entitled to vote in the election except in accordance with paragraph (c).
- (c) In the case of an equality of votes in the election of a Chairman the person presiding at the meeting shall give a casting vote in addition to any vote he may have.
- (d) The Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Chairman.
- (e) The Council may pay the Chairman for the purpose of enabling him to meet the expenses of his Office such allowance as the Council thinks reasonable.
- (f) During his term of office the Chairman shall continue to be a Members of the Council notwithstanding the provisions of Standing Order 4(c).

12. Notice of Resolutions

- (a) A motion may be submitted by any Member.
- (b) Except as provided by these Standing Orders no resolution may be moved unless the proposer has given notice in writing of its terms and has delivered the notice to the Clerk at least five clear days before the next meeting of the Council or the appropriate Committee.
- (c) The Clerk shall insert in the summons for every meeting all the notices of motion or recommendation properly received unless the proposer has stated in writing that it is intended to move at some later meeting or that the motion is withdrawn.
- (d) If a resolution or recommendation specified in the summons is not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (e) Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

13. Resolutions of an Urgent or Emergency Nature

Any Member may propose a resolution on a subject requiring urgent attention subject to:

- (a) Notice setting out the resolution is given to the Chairman at the commencement of the meeting.
- (b) The Council approve a resolution agreeing to the motion being added to the order paper for the meeting.

14. Resolutions Without Notice

Resolutions dealing with the following matters may be moved without notice at any time:

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a Committee.
- (h) To appoint a Committee or any Member thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To seek leave to withdraw a motion or amendment.
- (m) To suspend Standing Orders.
- (n) To exclude press and public.
- (o) To silence or eject from the meeting a Member named for misconduct.
- (p) To invite a Member having an interest in the subject matter under debate to remain.
- (q) To approve adding emergency resolutions to the agenda.

Providing the motion is seconded the question shall be put without debate.

15. Questions

- (a) Any Member may ask the Chairman any questions concerning the business of the Council.
- (b) Every question shall be put and answered without discussion.
- (c) A person to whom a question has been put may decline to answer.

16. Closure

At the end of any speech a Member may without comment, move "that the question be now put" or "that the Council do now adjourn". If such a motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise) he shall forthwith put the motion. If the motion "that the question be now put" is carried he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

17. Rescission of Previous Resolution

- (a) A decision of the Council shall not be reversed within six months save by a special resolution, the written notice of which bears the names of at least four Members of the Council.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- (c) This order shall not apply to rescinding resolutions moving in pursuance of the report or recommendation of a Committee.

18. Conduct of Members

- (a) No Member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairman, a Member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a Member reasonably believes another Member is in breach of the Code of Conduct, that Member is under a duty to report the breach to the Standards Board.
- (e) If either of the motions mentioned in paragraph (d) is disobeyed the Chairman may suspend the meeting or take such further action as may reasonably be necessary to enforce them.

- (f) All Members must observe the Code of Conduct which was adopted by the Council on 1<sup>st</sup> September 2007.

19. Disqualification of a Parish Councillor

- (a) If a Member fails throughout a period of six consecutive months from the date of his last appearance to attend any meeting of the Council, he will cease to be a Member of the Council, unless the failure is due to some reason approved by the Council before the expiry of the six months period.
- (b) The Clerk to the Council shall report the non-attendance of any Councillor at the fifth month after the Members last attendance with any known reason for absence.
- (c) Attendance at a meeting of a Committee or Sub-Committee of the Council or at a joint Committee of the Council and another local authority is deemed to be attendance at a meeting of the Council.

20. Casual Vacancies

- (a) In the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy will be advertised by public notice in one or more local publications.
- (b) A by-election will be held if, within fourteen days, a poll is claimed by ten electors.
- (c) If a poll is not claimed the vacancy may be filled by co-option within sixty days of the date of the public notice and the Council will be convened to fill the vacancy.
- (d) The person co-opted will complete the Declaration of Acceptance of Office and serve for the remainder of the term of the Councillor replaced.

21. Liaison with County and District Councillors

- (a) A Notice of Meeting together with an invitation to attend shall be sent to the County and District Councillors representing the area of the Parish Council.
- (b) County and District Councillors attending meetings of the Council or its Committees may participate in debates, at the discretion of the Chairman, but shall not vote.
- (c) Unless the Council determines otherwise, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County or District Councillor(s) as the case may require.

22. Finance

- (a) The funds of the Council shall be kept in the name of the Council at a Bank approved by the Council.
- (b) No financial liabilities shall be incurred or payments made except under a special or general authorisation of the Council.

- (c) Payments made by cheque or any other order shall be signed by any two of the appointed Members of the Council, together with the clerk if so required by the Council.
- (d) The accounts of the Council shall be made up by the Clerk to the Council at the end of each financial year and submitted to the Council as soon as is practicable and thereafter irrespective of whether or not the accounts have been audited.
- (e) Except as provided in paragraph (f) of this Standing Order, or by Statute, all accounts for payment and claims upon the Council shall be laid before the full Council.
- (f) Where it is necessary to make a payment before it has been authorised by the Council such payment shall be certified as to its correctness and urgency by the Clerk to the Council. Unless it has been otherwise authorised by the Council, payment shall be authorised by the Chairman or Vice Chairman – delete of the Council.
- (g) All payments made under paragraph (f) of this Standing Order or made without the authority of the Council shall be separately included in the next schedule of payments laid before the Council.
- (h) The Clerk shall supply to each Member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.
- (i) The Clerk may be required to compile and hold a Register of Members' Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

### 23. Estimates

- (a) Any Committee desiring to incur expenditure during the next financial year to be defrayed out of the income of the Council shall submit its proposals to the Clerk to the Council by 30 November each year.
- (b) At the meeting of the Council held in December consideration shall be given to the detailed proposals of expenditure and income submitted by the Clerk to the Council, and recommendations made to the December meeting of the Council as to the amount of precept to be levied for the ensuing financial year.

### 24. Sealing of Documents

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) Any two Members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.



25. Voting on Appointments

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.

26. Discussions and Resolutions affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council has decided whether or not the public shall be excluded. (See S.O.36).

27. Interests – Members

- (a) If a Member has a personal interest as defined by the Code of Conduct adopted by the Council on 1<sup>st</sup> September 2007 he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

If a Member who has declared a personal interest then considers the interest to be prejudicial, the Parish and Town Councils Model Code of Conduct including paragraph 12(2) should be followed; 'If a councillor with a prejudicial interest wishes to speak on an agenda item then that interest and intention must be stated immediately after Item 1 on the agenda. The public will then be allowed a maximum of six speakers who may provide information for up to three minutes only and each person may only speak once. The chairman will look to secure a balance of public speakers. The public participation is not to be a part of the debate but merely fact giving and answering questions in the same manner as the councillor with a prejudicial interest.'

- (b) The Clerk shall record particulars of any notice given by any Member or any Officer of the Council of a pecuniary interest.

28. Interests – Candidates for Council Employment

If a candidate for any appointment under the Council is to his knowledge related to any Member of, or the holder of any Office under, the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and if appointed may be dismissed without notice. The Clerk shall report to the Council or to the appropriate Committee any such disclosure.

Where a relationship to a Member is disclosed the Standing Orders on interests of Members in contracts and other matters shall apply.

*The Clerk shall make known the purpose of this Standing Order to every candidate.*

29. Canvassing of and Recommendations by Members

- (a) Canvassing of Members or any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.

*The Clerk shall make known the purport of this paragraph of this Standing Order to every candidate.*

- (b) A Member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or promotion; but nevertheless a Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) Standing Orders 31 and 32 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### 30. Standing Orders on Contracts

- (a) When it is intended to enter into a contract exceeding £5,000 but not exceeding £25,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.
- (b) Where the value of the intended contract exceeds £25,000 similar notice shall be given in addition to all firms included in the appropriate standing list of contractors maintained by the District Council, or if no such list is maintained then in such newspapers circulating in the district or appropriate periodicals as the Council shall direct.
- (c) Notice of a contract exceeding £25,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which the tenders should reach that person in the ordinary course of post.
- (d) If no tenders are received or if all tenders are identical the Council make take such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (e) A notice issued under this Standing Order shall contain a statement of the effect of Standing Orders 31 and 32.
- (f) The Clerk to the Council together with the Chairman or Vice-Chairman shall open all tenders immediately after the closing date for submission and record the name and price of each tender and sign each entry.
- (g) The Clerk will submit the tenders to the next meeting, following the opening of the tenders, of the appropriate Committee for consideration and submission of a recommended acceptance to the Council.

(Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level).

31. Inspection of Documents

- (a) A Member may for the purpose of his duty as such (but not otherwise) inspect any document in the possession of the Council or a Committee, and if copies are available shall on request, be supplied for the like purpose with a copy.
- (b) All Minutes kept by the Council and by any Committee shall be open for the inspection of any Members of the Council.
- (c) The Minutes of the Council shall be open to inspection by any Local Government elector of the Parish without charge.

32. Admission of the Public and Press to Meetings

- (a) The public and press shall be admitted to all meetings of the Council and its Committees, which may, however, temporarily exclude the public or press or both by means of the following resolution:

*"That in view of the 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 Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- (c) There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- (d) Representations from the public at Council meetings should be received by the Clerk in writing a minimum of five working days prior to the date of the Council meeting. Representations from the public at Committee meetings will only be accepted if the representations are relevant to specific agenda items or at the discretion of the Chairman of the Committee meeting.
- (e) Representations by or on behalf of the public shall be restricted to a maximum time of three minutes per person up to a maximum total time of ten minutes. Where more than three people wish to make representations the time allocated to each person shall be determined and declared by the Chairman. Where the representations relate to an item on the agenda the Chairman may defer the hearing or adjust the order of the Agenda as he may decide.
- (f) If a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or that part of the Chamber open to the public be cleared.

33. Confidential Business

- (a) No Member of the Council or of any Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council or Committee as the case may be.

Members should exercise discretion in quoting any remarks made in Council or Committee especially when the press or public are excluded, or simply not present when quotes to a third party should only be attributed to a Member with that Member's permission.

- (b) Any member in breach of the provisions of paragraph (a) above of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

#### 34. Parish Meetings

- (a) The Annual Parish Meeting will be held on the second Thursday in May in any year.
- (b) Proceedings shall not begin before 6.00pm.
- (c) The Chairman of the Parish Council shall preside, or in his absence the Vice-Chairman.
- (d) In the absence of the Chairman and the Vice-Chairman of the Council the meeting shall appoint a Chairman before proceeding to any other business.
- (e) The Clerk to the Council shall record the proceedings and in his absence the person presiding may record the proceedings or may appoint another to do so.
- (f) Following compliance with paragraphs (c) – (e) as appropriate, the Minutes of the previous meeting shall be considered and, if correct, signed by the person presiding at the meeting.
- (g) Subsequent business of the Annual Meeting shall be as follows:
  - (i) To receive the Annual Report of the Parish Council.
  - (ii) To receive the Audited Statement of the Parish Council's Accounts for the year ended the previous 31 March.
  - (iii) To receive the Council's observations on its finances for the current year.
  - (iv) To receive the Annual Report of persons appointed to be School Governors.
  - (v) To receive the observations of the County and District Councillors covering the Parish.
- (h) The only business to be discussed at Special Parish Meetings shall be the resolutions of which notice has been given in the Notice of Meeting. *Again – we receive reports from various other bodies.*

#### 35. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board.

36. Standing Orders

- (a) Any part of the Standing Orders except those required by statute may be suspended by resolution in relation to any specific item of business.
- (b) A motion to permanently vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- (c) These Standing Orders shall not be altered or rescinded except with the consent of at least two thirds of the Members present and voting at a meeting of the Council.

37. Standing Orders to be given to Members

A printed copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him of the Member's Declaration of Acceptance of Office.

38. Approval of Standing Orders

The foregoing Constitution, Rules and Standing Orders were approved by the Council on 7 October 2004

Chairman Signature: ..... Date: .....

Clerk Signature: ..... Date: .....