

**COLSTERWORTH & DISTRICT PARISH COUNCIL  
CONSTITUTION AND STANDING ORDERS**

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This Constitution and Standing Orders also include and should be read in conjunction with the Parish Council's:

- A: Scheme of Delegation
- B: Financial Regulations
- C: Policies and Procedures

### COLSTERWORTH & DISTRICT PARISH COUNCIL

**CONSTITUTION AND STANDING ORDERS**

The name of the council shall be the '**Colsterworth and District Parish Council**', which includes the villages of Colsterworth, Woolsthorpe by Colsterworth, Stainby, Gunby, North Witham and Lobthorpe.

Each member of the Parish Council shall be supplied with a copy of these Standing Orders which will be reviewed annually and ratified at the Annual Parish Meeting.

At all times, when acting in an official capacity as Parish Councillors, members will act in accordance with the Model Code of Conduct.

#### **1. ROLE OF PARISH COUNCILLORS**

1. Councillors are collectively responsible for making Council policy, for which they are accountable to the electorate. They are recognised nationally as the level of local government closest to people.
2. Duties of individual Councillors and Council as a corporate body
3. It is a requirement of the council that councillors must, within 6 months but under exceptional circumstances and with the approval of the Chairman 12months of having been appointed or co-opted as councillors, attend a New Councillor's training session provided by LALC - the short 3 hours version

being the minimum required. Any councillor who does not attend such a meeting will not be able to attend a council meeting after their 6th month in position as a councillor and they will as a result be failing to comply with the clerk's summons.

- a) To make such Standing Orders as are necessary for the efficient administration of the Council's financial affairs.
  - b) To appoint a Responsible Financial Officer
  - c) To appoint an Internal and External Auditor in accordance with regulations in force at that time.
  - d) To decide upon, and regularly review a Risk Management Strategy
  - e) To delegate reconciliations and proper management of the Council's financial affairs half yearly to a Finance and Administration Committee (Scheme of Delegation)
4. Councillors are not directly involved in the day-to-day provision of services to the public. This does not mean that there should be no contact between Councillors and the Clerk on such matters and, Councillors may often find that they are asked by electors to pursue matters on their behalf.
  5. Councillors have no executive authority and will need to deal with all matters either through a properly constituted meeting or in liaison with the Clerk concerning, for example, a Parish opportunity or problem.
  6. There are no circumstances where an individual Councillor can issue an instruction to the Clerk or a Contractor. Likewise, a Councillor must never act "on behalf of the Council" in the organisation of any function or service.
  7. Particular care should be taken in all types of communication, especially via comments to ensure understanding that individuals speak as a "Parish Councillor" and not on behalf of the Council as a whole.
  8. Generally, the Clerk on behalf of the Council issues all correspondence unless delegated in terms of reference to Committee or Working Groups in conjunction with the Parish Clerk
  9. Comments from the community should be addressed to the whole of the Council and not to any one Councillor as the Council is collectively responsible.
  10. All Councillors will attend all meetings and in addition, Councillors can become members of Committees or Working Parties
  11. Councillors take decisions on matters of major policy at general meetings of the Council, after having considered the recommendations of any Committee or Working Party.

## **2. ROLE OF THE PARISH CLERK**

1. The Clerk is the professional advisor to the Council on matters of policy, and the executor of Council policy, i.e. in carrying out the instructions of the Council.
  - a) The Clerk must always obey the lawful and proper instructions of the Parish Council
  - b) The Clerk must comply with all the standing orders and known policies of the Parish Council
  - c) The Clerk is expected to co-operate fully with the Chair of the Parish Council
  - d) The Clerk will assist individual Parish Councillors, but the Clerk must never place the interests of individual Councillors above duty to the Parish Council as a whole
  - e) The Clerk must not be instructed by any individual Parish Councillor and, the Clerk must not be induced to disregard statutory duties
2. The Clerk also acts as an Executive Officer and uses statutory executive powers to take any appropriate executive action required for routine council administration that requires no policy decision. This power includes all urgent safety work.
3. The Clerk may seek information, draw up proposals, or present ideas or suggestions to the Parish Council or its Committees, Working Groups or the Chair.
4. As the official administrator the Clerk performs all routine administration without specific instructions from the Parish Council (a job description is provided on appointment in addition to specific duties set out in the Council's Scheme of Delegation, Financial Regulations and Policies and procedures)

5. This includes statutory duties such as service and issue of statutory notifications, attending meetings, and acting as a representative of the Parish Council.
6. The Clerk will arrange insurance, keep and file records, record interests and standing orders, prepare and distribute agendas, prepare minutes and press reports, examine reports and other data, present information, deal with all routine correspondence, and perform all other office work.
7. The Clerk also takes on the administration of finance, working with auditors and providing annual accounts, and other routine financial matters without specific instructions from the Parish Council, to include preparing budgets and accounts, orders, receipts, invoices, cheques, VAT returns, and audit returns.
8. The Clerk will monitor and balance accounts, present reports, make purchases and complete all other routine financial functions.
9. Many matters are delegated to the Clerk, who can make decisions on them working within established Council policies and lines of authority. The day-to-day management of services is the responsibility of the Clerk. Both Councillors and the Clerk must work within the law.
10. Within the framework of policies decided by Councillors, either at full Council or Committees level, the Clerk, often in consultation with the Chair, will take many decisions every working day.

### **3. ELECTION OF AND CO-OPTED MEMBERS**

1. At the Annual Parish Council meeting held in May a Chairman and Vice-chairman shall be elected for the following year.
2. The Chairman and Vice-chairman shall sign acceptance of office forms.
3. At the first Parish Council meeting after an election, the meeting shall be chaired by the Parish Council Chairman (even if not elected as a Parish Councillor) until a new Chairman is chosen.
4. All elected Parish Councillors must sign acceptance of office forms before they can vote.
5. Members for Committees and Working Groups to be elected in accordance with the individual terms of reference for those Committees and Working Groups as set out in the Council's Scheme of Delegation.
6. If a vacancy arises the Council will ask for expressions of interest from the electorate by notice in the Parish Newsletter and Parish noticeboards to co-opt members to the Council until such time as the Parish Council elections are held.
7. Parish Councillor elections are held every four years

### **4. MEETINGS**

#### **1. Notice and Frequency of Meetings**

- |                             |   |
|-----------------------------|---|
| Ordinary Meeting            | <ol style="list-style-type: none"> <li>1. The meetings of the council shall be held on the first Tuesday in each calendar month, except January and August, at 7.30 pm, unless the council decide otherwise at a previous meeting.</li> <li>2. All Parish Councillors must answer the summons to attend all Parish Council meetings (including the Public Forum).               <ol style="list-style-type: none"> <li>a) A Parish Councillor who is unable to attend a meeting must forward their apologies to the Parish Clerk, along with their reasons for non-attendance prior to that meeting.</li> <li>b) If a Councillor arrives late or leaves early this fact shall be noted in the Minutes.</li> </ol> </li> </ol> |
| Annual Parish Meeting (APM) | <ol style="list-style-type: none"> <li>3. The Annual Parish Meeting, which is for electors on the current Register of Electors of Colsterworth, Woolsthorpe by Colsterworth, Stainby, Gunby, Lobthorpe and North Witham, must be held between the 1st March and 1<sup>st</sup> June each year.</li> </ol>   |

The Chairman of the Parish Council or in the absence of the Chairman the Vice-chairman will chair the Annual Parish meeting. In their absence a chairman shall be elected at the meeting. Parish Councillors attend the Annual Parish meeting as parishioners

- Annual General Meeting (AGM) 4. The Colsterworth and District Annual General Meeting shall be held at the scheduled May meeting where the Chairman, Vice-Chairman, Lead Councillors and Committee Members will be elected.
- Ordinary and Annual Parish Meeting 5. At least three clear days' notice of a Parish Council Meeting signed by the Parish Clerk shall be given (not including weekends or public holidays or the day of the meeting).  
a) Councillors who have email facilities will receive notice of meetings and agendas and supporting documentation by that method  
b) Councillors who do not have access to email will be provided with the notice of the meeting, agenda and supporting documentation by agreement with the Clerk  
c) A notice of the meeting must be placed in a public place on all Parish notice boards
- Extra-ordinary Parish Meetings 6. Additional Parish Meetings may be called at any time by two Parish Councillors or six parishioners who are on the electoral roll giving 14 days' notice in writing to the Parish Clerk who will then arrange the meeting. The Parish Council shall be responsible for booking the venue and paying all charges in connection with a Parish Meeting.
- Public Meetings 7. Public Meetings are not the responsibility of the Parish Council. \*  
*\*A Public Meeting can be called by six people who become responsible for booking and paying for the venue. The chairman is elected at the meeting. Any member of the public can speak.\**

## 2. Agenda

1. Parish Councillors requesting that items be added to the Agenda must advise the Parish Clerk at least 10 days prior to the Ordinary Parish Council meeting in writing with all supporting documentation.
2. The following items shall always appear on the Agenda for Ordinary Parish Council meetings:
  - a) \* Public Open Session (up to 10 minutes, minutes unless directed by the Chairman of the meeting, at which parishioners on the current electoral roll may make statements\*\* relating to the current agenda others matters should be put in writing to the Parish Clerk)
  - b) Apologies for absence
  - c) Chairman's Remarks
  - d) Declarations of interest in accordance with Local Government Act 2000
  - e) Approval of the minutes of the previous meeting
  - f) Clerk's Report including:
    - Correspondence received and subsequent actions on behalf of the Council
    - Planning applications
  - g) Committee/Group Reports
  - h) Finance and accounts for payment
  - i) Matters requiring attention such as potholes and faulty street lights

\*\* Order of Agenda items discretionary by the Chairman.

\*\*\* If there is nobody on the electoral register present as a member of the public or if present and they do not wish to speak the Parish Council Meeting will be opened immediately.

\*\*\*\*The Open Session still forms part of the Meeting and the Chairman has the power to stop a speaker if it is considered that their statement is likely to turn slanderous, defamatory or might cause distress in any way. Failure to observe the Chairman's instruction constitutes disruption of the Meeting and the Parish Council can resolve automatically to have the offender removed. If an offender refuses to leave the help of the Police may be required to remove them.

3. No Matter may be resolved at a Council meeting that has not appeared on that meeting's agenda.

4. The Parish Clerk, the District Councillor, and the County Councillor, if present, can advise the meeting, if requested, on matters on the agenda about which they have relevant information.
5. If a member of the public wishes to ask questions during the meeting the council must agree to adjourn the meeting for that purpose.

### **3. Minutes of Meetings**

1. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A proposal to correct an inaccuracy in the draft minutes shall be moved in accordance with standing agenda item.
4. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
5. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
6. Minutes of the meetings will be produced sequentially throughout the financial year running 01 April to 31 March the following year.

### **4. Chairman**

1. In the absence of the Chairman, the person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of that meeting.
2. At every meeting other than the Annual General Meeting, the first business shall be the appointment of a Chairman, if the Chairman and Vice-Chairman are absent.

### **5. Quorum**

1. 1. No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.
2. 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 on such other day as the Chairman may arrange an Extraordinary meeting.

### **6. Voting**

1. Members of the Parish Council shall vote by show of hands, or a ballot where this method is thought preferable by the majority of the Council.
2. In the event of an equality of votes the Chairman shall have a second or casting vote

### **7. Proposals and Resolutions**

#### **Proposals**

1. The Parish Clerk shall insert in the summons for every Parish Council meeting all notices of proposals properly given in the order in which they have been received, unless the member giving such notice has stated in writing that he intends to move his resolution at some later meeting or that he intends to withdraw it.
2. Discussion or debate at meetings of the Parish Council is ordinarily permitted on a proposal properly put before the meeting.

3. Examples include proposals to adopt a certain course of action, to do some act, or to document a particular approach or attitude. The proposal must relate to a matter in which the Parish Council has the statutory power to act or which relates to parish business.
4. Any Member at any time may move, between speakers, any of the following procedural proposals:
  - To proceed to the next business;
  - Move to the vote;
  - To refer a matter to a committee/Working Group
5. If a proposal specified in the summons is not to be moved, it shall, unless postponed by the council, be treated as withdrawn and it shall not be moved without fresh notice.
6. If the subject matter of a proposal comes within the province of a committee of the council it shall upon being moved and seconded stand referred without discussion to such committee or to such other committee as the council may determine for report, provided the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
7. A proposal, to add, amend or revoke a standing order shall, when proposed stand adjourned without discussion to the next ordinary meeting of the council.
8. Before an original or substantive proposal is put to the vote, the chairman of the meeting shall be satisfied that the proposal has been sufficiently debated and that the mover of the proposal under debate has exercised or waived his right of reply.

### **Resolution**

9. When such proposal is passed, with or without amendment, by a majority of Members present and voting the proposal becomes a resolution.
10. Every resolution shall be relevant to some question over which the council has power, or which affects the Parish
11. Recession of previous resolution.
  - A decision (whether affirmative or negative) of the council shall not be reversed within six months save by a special resolution carried by a two thirds majority of those present and voting.
  - When a special resolution has been disposed of no similar resolution may be moved within a further six months.

## **8. Rules of Debate and Conduct at Meetings**

1. Discussion or debate at meetings of the Parish Council is ordinarily permitted on a proposal properly put before the meeting.
2. A point of order is an objection submitted to the Chair which claims some irregularity in the constitution or conduct of the meeting. Primarily it relates to the conduct or procedure in the meeting and should not be concerned with the principles, views or correctness of statements made during debate or consideration of the original proposal.
3. If a Member raises a point of order it should be raised as soon as the reason for it became apparent. The Member who was speaking before the point or order was raised must stop speaking and allow the Chair to make a decision. The Chair's decision should be final.
4. When speaking a Member must address the Chair.
5. Speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.
6. Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chair in the proper management of the conduct of the meeting.

7. If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructing business, the Chair may move that the Member be not further heard. If the proposal is seconded, it must be put to the vote immediately without discussion.
8. If the Member continues to behave improperly after a proposal that the Member be not further heard, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If the proposal is seconded, it must be put to the vote immediately without discussion.
9. If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chair may adjourn the meeting for as long as they consider necessary.
10. A meeting shall not exceed a period of 2 hours unless directed by the Chairman of the meeting if business to be transacted dictates.

## **5: SUB COMMITTEES AND WORKING GROUPS (Scheme of Delegation)**

1. Properly constituted Committees and Working Groups identified in the Scheme of Delegation will consider relevant matters and report and advise the full Parish Council on matters relating to such things as:
  - Planning
  - Finance
  - Highways, Footpaths and Street Lighting
  - Recreation and Amenities
  - Environment and Public Health
  - Law and Order
  - Standing Orders
  - Funding and Parish Projects
2. Members of the Committees shall be nominated annually at the May meeting of the Parish Council.
3. Members of working parties will be nominated and agreed as and when required by Full Council.
4. The Parish Clerk shall give advice, if requested, to these Committees and Working Groups
5. Committees and Working Groups will have clearly identified terms of reference which sets out their authority to act including any actions ordinarily covered by these standing orders.

## **6: FINANCIAL STANDING INSTRUCTIONS**

3. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations (Financial Regulations)
4. The Parish Clerk is the Council's Responsible Financial Officer
5. The council shall appoint an appropriate deputy to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent, recommended by the appropriate Sub-Committee of the Council (See Scheme of Delegation)

## **7: ADMISSION OF PUBLIC AND PRESS**

1. The Parish Council will comply fully with the terms of the Openness of Local Government Bodies Regulations 2014. The public and press shall be admitted to all meetings of the council which may, however temporarily exclude the public or the press or; both by means of the following resolution viz: *"That in view of the special nature of the business to be transacted, it is in the opinion of this council advisable in the public interest that the (press) (public and press) (public) be temporarily excluded and they are instructed to withdraw."*
2. The public and the press can be admitted to meetings of committees or of the council in committee unless the council otherwise directs.

## **8: REGISTRATION OF MEMBERS INTERESTS**

1. All members are required to provide details of any interests which will be held on record by the Parish Clerk.
2. If any member of the Parish Council has any pecuniary interest direct or indirect in any contract, proposed contract or other matter, he shall, while it is under consideration by the council, withdraw

## **9: PARISH COUNCIL POLICIES AND PROCEDURES**

1. In addition to these Standing Orders and Scheme of Delegation, there are the policies and procedures adopted by the Parish Council which set out exactly how decisions, actions and activities are carried out.
2. These Policies and Procedures will be developed and reviewed annually and published on the Council's website in accordance with the relevant legislation.

## **10: AMENDMENTS TO STANDING ORDERS**

1. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
2. A proposal to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special proposal, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9 above.
3. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
4. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
5. Emergency Measures delegated as an extreme and urgent emergency power required due to the implementation of a national emergency plan. Default to Extreme Emergency Temporary Delegated Powers up to 4 months or as circumstances require.

This policy and procedure should be read in conjunction with: -

### **Document Control:**

Chairman:	Caroline Hainsworth
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	04/06/2024
To be reviewed annually – Next due:	May 2025
Chairman:	Caroline Hainsworth
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	09 May 2023
To be reviewed annually – Next due:	May 2024
Chairman:	Caroline Hainsworth
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	03 May 2022
To be reviewed Annually – Next due:	May 2023
Chairman:	Caroline Hainsworth
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	04 May 2021
To be reviewed Annually – Next due:	May 2022
Chairman:	Caroline Hainsworth
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	05 May 2020
To be reviewed Annually – Next due:	April 2021



Chairman:	Caroline Hainsworth
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	05 May 2020
To be reviewed annually – Next due:	April 2021
Chairman:	John Walden
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	02 April 2019
To be reviewed annually – Next due:	April 2020
Chairman:	Derek Cox
Parish Clerk:	Sue Grant
Adopted and Ratified by Parish Council:	03 April 2018
To be reviewed annually – Next due:	April 2019