

**STANDING ORDERS 2023**  
**APPROVED DRAFT**  
**BRATTLEBY PARISH COUNCIL**  
**15 MAY 2023**

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## INTRODUCTION

- 1 These standing orders were adopted by the council at its meeting held on 15 May 2023.
- 2 Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.
- 3 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the council may in her/his absence be done by, to or before the Vice-Chair of the council (if there is one).
- 4 Orders that are expressed in bold type contain legal and statutory requirements.

## 1 MEETINGS

### 1.1 Calling of the meeting

1.1.1 Councillors will be summoned to council meetings by means of the issue of a summons and an agenda by post, by hand, or by email at least three clear days before a meeting of the council, a committee or a sub-committee.

1.1.2 Public notices will be posted on the Parish council notice boards informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting.

**1.1.3 The minimum three clear days for notice of a meeting does not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break or Easter break or a bank holiday, or a day appointed for public thanksgiving or mourning.**

1.1.4 Meetings of the council will normally be held in Brattleby, Scampton and Aisthorp (BSA) Village Hall, commencing at 7.30pm, unless otherwise agreed at a previous meeting, or by the Chair in conjunction with the Clerk. The meeting will end not later than 10.00 p.m.

**1.1.5 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.**

1.1.6 The agenda for the meeting will be agreed by the Clerk in conjunction with the Chair of the council.

### 1.2 Holding of the meeting

**1.2.1 The Chair of the council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

**1.2.2 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**

**1.2.3 The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise her/his casting vote whether or not (s)he gave an original vote.**

1.2.4 Voting at the meeting shall be by a show of hands unless a majority of councillors at the meeting requests a ballot. Only the identity of the proposer and seconder of a motion will be recorded in the minutes (and only if such a record is deemed appropriate by the meeting), unless a councillor requests that their vote should be recorded. A councillor may also request that the Clerk records how each councillor has voted, including abstentions. Any request of this nature will be made before moving onto the next business.

1.2.5 See standing orders 1.6.7 and 1.6.8 for the different rules that apply in the election of the Chair of the council at the annual meeting of the council.

1.2.6 The council may only make decisions on items clearly specified on the agenda. At the discretion of the Chair of the meeting, any urgent items which are not on the agenda may be discussed, but no decision may normally be made at that meeting.

1.2.7 The minutes of a meeting shall be kept by the Clerk or other person nominated by the meeting. The minutes which are circulated will be draft minutes until they are approved by the council at its next meeting and signed by the Chair of that meeting. The minutes shall include an accurate record of the following:

- a) the time and place of the meeting;
- b) the names of councillors who are present and the names of councillors who are absent;
- c) interests that have been declared by councillors;
- d) the grant of dispensations (if any) to councillors;
- e) whether a councillor left the meeting when matters that they held interests in were being considered;
- f) if there was a public participation session; and
- g) the resolutions made.

**1.2.8 A councillor who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on her/his right to participate and vote on that matter.**

**1.2.9 No business may be transacted at a meeting unless at least three members of the council are present. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date. If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.**

1.2.10 See standing order 3.3 for the quorum of a committee or sub-committee meeting.

1.2.11 A meeting shall not exceed a period of 2.5 hours.

1.2.12 The order of business, unless the council otherwise decides, shall generally be as follows:

- a) To read and consider the minutes.
- b) After consideration to approve the signature of the minutes by the person presiding as a correct record.

- c) To hear questions or other remarks from members of the public and representative(s) of the Police.
- d) To receive communications from the District councillor.
- e) To consider financial matters including to authorise the issue of payments.
- f) To consider reports and minutes from Committees of the council.
- g) To consider reports, communications and questions from any other working groups of the council and from the Clerk and parish councillors.
- h) Where required, to authorise the sealing of documents.

### 1.3 Urgent Business

1.3.1 A motion to vary the order of business may be proposed by the Chair of the meeting or by any member and, if proposed by the Chair, may be put to the vote without being seconded, and shall be put to the vote without discussion.

### 1.4 Admission of the public and press to meetings

**1.4.1 Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

1.4.2 The agenda for ordinary meetings of the council shall include an opportunity for members of the public to address the meeting, subject to the following standing orders. This provision supplements the other ways by which members of the public may bring to the notice of the council a question or comment - e.g. by writing to the Clerk, by contacting a member of the council outside the meeting, or by attending a councillors' surgery session.

1.4.3 Should the subject of the proposed question or comment pertain to an item on that meeting's agenda, the member of the public will normally be permitted to address the meeting at that part of the agenda set aside for this purpose, in accordance with standing order 1.4.4 –1.4.7. In relation to any other request from a member of the public to address the meeting the following process shall be followed (unless exceptional circumstances apply, where the decision as to the exceptional nature of the matter is a matter solely for the Chair of the meeting):

- (a) The Clerk is to be informed in writing (including by email) no less than 10 clear days before the next meeting of the council of the nature of the question or comment proposed to be made by the member of the public. The period of 10 clear days does not include the day of the meeting, a Sunday, a day of the Christmas break or Easter break or a bank holiday, or a day appointed for public thanksgiving or mourning.
- (b) The Chair of the council (or in their absence the Vice-Chair if there be one) in association with the Clerk shall decide in advance of the council meeting whether the question or comment is relevant and timely and that the

topic should be included on the council's meeting agenda. Requests to address the meeting will not be accepted if they are deemed by the Chair in association with the Clerk to be irrelevant to the operation of the council, not timely, vexatious, repetitious, or if the topic raised may be dealt with more appropriately in another way. It may be that such requests to speak are retained by the Clerk until the topic of the proposed address is considered timely and relevant, in particular when the topic is one that is to be considered by the council.

1.4.4 The period of time designated for public participation at a meeting in accordance with standing order 1.4.2 shall not exceed 15 minutes (unless otherwise directed by the Chair of the meeting).

1.4.5 Subject to standing order 1.4.3, a member of the public shall not speak for more than 3 minutes.

1.4.6 A person shall raise their hand when requesting to speak and may be required by the Chair of the meeting to stand when speaking.

1.4.7 A person who speaks at a meeting shall direct their comments to the Chair of the meeting.

**1.4.8 Subject to standing order 1.4.8, and to it not unduly impacting on the conduct of the meeting, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

Any question of the extent of impact upon the meeting will be for the Chair of the meeting to judge and decide.

**1.4.9 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without the permission of the Chair of the meeting.**

**1.4.10 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.**

## **1.5 Disorderly conduct at meetings**

1.5.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct. If this request is ignored, the Chair may, after warning, order that they be removed from the meeting and may adjourn the meeting for such a period as necessary to restore order, or may close the meeting.

## **1.6 The Annual council meeting**

**1.6.1 In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the councillors elected take office.**

**1.6.2 In a year which is not an election year, the annual meeting of the council shall be held on such day in May as the council decides.**

**1.6.3 In addition to the annual meeting of the council, at least three other ordinary meetings shall normally be held in each year on such dates and times as the council decides.**

**1.6.4 The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair (if there is one) of the council.**

**1.6.5 The Chair of the council, unless she/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until her/his successor is elected at that meeting.**

**1.6.6 The Vice-Chair of the council, if there is one, unless she/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the council at the annual meeting of the council.**

**1.6.7 In an election year, if the current Chair of the council has not been re-elected as a member of the council, she/he shall preside at the annual meeting until a successor Chair of the council has been elected. The current Chair of the council shall not have an original vote in respect of the election of the new Chair of the council but shall give a casting vote in the case of an equality of votes.**

**1.6.8 In an election year, if the current Chair of the council has been re-elected as a member of the council, she/he shall preside at the annual meeting until a new Chair of the council has been elected. She/he may exercise an original vote in respect of the election of the new Chair of the council and shall give a casting vote in the case of an equality of votes.**

**1.6.9 Following the outgoing Chair's annual report, the business shall, unless the council decides otherwise, include**

- a) election of the Chair of the council and Vice-Chair (if there is one) of the council;
- b) in an election year, acceptance from the Chair of the council and councillors of their declaration of acceptance of office forms unless the Council resolves for this to be done at a later date;**
- c) appointment of Responsible Financial Officer;
- d) election of any other officers;
- e) appointment of Planning Committee and any other committee, including review of their terms of reference.



1.6.10 The annual meeting of the council shall normally be immediately followed by the first ordinary meeting of the council for that municipal year, and the agenda for that first meeting shall normally include the following items:

- a) review and adoption of appropriate standing orders and financial regulations;
- b) review of arrangements if any (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- c) review of representation, if any, on, or work with, external bodies and arrangements for reporting back;
- d) review of inventory of land and other assets including buildings and office equipment;
- e) confirmation of arrangements for insurance cover in respect of all insurable risks;
- f) review of the council's and/or staff subscriptions to other bodies;
- g) review of the council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation;
- h) determination of the time and place of ordinary meetings of the council up to and including the next annual meeting of the council.

## **1.7 Extraordinary meetings**

**1.7.1 The Chair of the council may convene an extraordinary meeting of the council at any time.**

**1.7.2 If the Chair of the council does not call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**

1.7.3 The Chair of a committee may convene an extraordinary meeting of the committee at any time.

1.7.4 If the Chair of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee.

## **2 MINUTES**

### **2.1 Draft minutes**

2.1.1 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.

2.1.2 There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5.4.1a).

2.1.3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and the minutes shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

2.1.4 If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, (s)he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but her/his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

**2.1.5 If the council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

### **3 COMMITTEES**

3.1 The council may appoint a Planning Committee and at any time may appoint such other committees as are necessary.

3.2 The council will set the terms of reference for any such committee, and such committees will report to the council.

3.3 The council shall decide upon the number of members to form any such committee and the committees’ quorum shall be half the members of that committee unless otherwise decided by council, subject to the quorum being a minimum of 2.

3.4 The council may determine the number and times of committee meetings but may permit a committee itself to determine the number and time of its meetings.

3.5 The council shall determine if the public and press are permitted to attend the meetings of a committee and also the advance public notice requirements, if any, required for the meetings of a committee.

3.6 The council shall determine if the public may participate at a meeting of a committee that they are permitted to attend.

3.7 Committees will normally report to the full council for resolution and decision-making, apart from Planning Committee (should there be one), which is empowered to submit representations to the local planning authority (or in appropriate cases the relevant Secretary of State) or to take other action in respect of planning matters directly.

3.8 In special circumstances a committee may resolve/decide an issue providing it records via its minutes the reasons for the special circumstances.

3.9 Appointments to committees will terminate no later than the next annual council meeting.

3.10 A vote of the full council may at any time dissolve or alter the membership of a Committee.

3.11 The council Chair and Vice-Chair (if such exists) shall be voting members of every committee.

3.12 Every committee shall at its first meeting elect a Chair who shall hold office until the next annual council meeting and in conjunction with the Clerk arrange a programme of meetings.

3.13 Any standing orders on rules of debate and any standing orders on interests of members shall apply to committees.

## **4 EMERGENCY BUSINESS**

4.1 Should it not be appropriate to convene an extraordinary meeting of the council or other committee then any emergency business may be handled by the Clerk, in consultation with the Chair of the council. Any such actions will be reported promptly to the council.

## **5 RESOLUTIONS AND MOTIONS**

### **5.1 Previous resolutions**

5.1.1 A resolution of council shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Clerk in accordance with standing order 5.3.1, or by a motion moved in pursuance of the recommendation of a committee of the council.

5.1.2 When a motion moved pursuant to standing order 5.3.1 has been disposed of, no similar motion may be moved for a further six months.

### **5.2 Voting on appointments**

5.2.1 Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

### **5.3 Motions for a meeting that require written notice to be given to the Clerk**

5.3.1 Except as provided by these standing orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the council. The 7 clear days for notice of a meeting does not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break or Easter break or a bank holiday, or a day appointed for public thanksgiving or mourning.

5.3.2 Any such motion shall relate to the responsibilities of the meeting for which it is tabled, and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.

5.3.3 The Clerk may, before including a motion on the agenda received in accordance with standing order 5.3.1, correct obvious grammatical or typographical errors in the wording of the motion.

5.3.4 If the Clerk considers the wording of a motion received in accordance with standing order 5.3.1 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Clerk at least 5 clear days before the meeting.

5.3.5 If the wording or subject of a proposed motion is considered improper, the Clerk shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

5.3.6 The decision of the Clerk as to whether or not to include the motion on the agenda shall be final.

5.3.7 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given, in the order in which they have been received, unless the member giving a notice of motion has stated in writing that (s)he intends to move it at some later meeting or that (s)he withdraws it.

5.3.8 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the council, be treated as withdrawn and shall not be moved without fresh notice.

5.3.9 If the subject matter of a resolution 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 that the Chair of the meeting, 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.

5.3.10 Motions received shall be recorded and numbered in the order that they are received.

5.3.11 Motions rejected shall be recorded with an explanation by the Clerk of the reason for rejection.

#### **5.4 Motions at a meeting that do not require written notice**

5.4.1 The following motions may be moved at a meeting without written notice to the Clerk:

- a) to correct an inaccuracy in the draft minutes of a meeting;
- b) to approve the draft minutes as a correct record;

- c) to move to a vote;
- d) to defer consideration of a motion;
- e) to refer a motion to a particular committee;
- f) to appoint a person to preside at a meeting;
- g) to change the order of business on the agenda;
- h) to proceed to the next business on the agenda;
- i) to require a written report;
- j) to appoint a committee and its members;
- k) to extend the time limits for speaking;
- l) to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- m) to not hear further from a councillor or a member of the public;
- n) to exclude a councillor or member of the public for disorderly conduct;
- o) to temporarily suspend the meeting;
- p) to suspend or vary a particular standing order (unless it reflects mandatory statutory or legal requirements);
- q) to adjourn the meeting; or
- r) to close the meeting.

5.4.2 A member may ask the Chair of the council or the Clerk any question concerning the business of the council, provided 7 clear days' notice of the question has been given to the person to whom it is addressed. The 7 clear days for notice of a meeting does not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break or Easter break or a bank holiday, or a day appointed for public thanksgiving or mourning.

5.4.3 Every question shall be put and answered without discussion.

5.4.4 A person to whom a question has been put may decline to answer.

## **6 MANAGEMENT OF INFORMATION INCLUDING PERSONAL DATA**

### **6.1 Generally**

**6.1.1 The council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

**6.1.2 The council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

**6.1.3 The agenda, papers that support the agenda, and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

**6.1.4 Councillors, staff, the council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **6.2 Freedom of information and the Transparency Code**

**6.2.1 In accordance with freedom of information legislation, the council shall publish information in accordance with its publication scheme and respond to requests for information held by the council.**

**6.2.2 If the gross annual income or expenditure of the council (whichever is higher) does not exceed £25,000, the council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

## **6.3 Responsibilities under data protection legislation**

**6.3.1 The council shall appoint a Data Protection Officer.**

**6.3.2 The council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning her/his personal data.**

**6.3.3 The council shall have a written policy in place for responding to and managing a personal data breach.**

**6.3.4 The council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

**6.3.5 The council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

**6.3.6 The council shall maintain a written record of its processing activities.**

## **7 CODE OF CONDUCT AND DISPENSATIONS**

### **7.1 Councillors**

7.1.1 Following election or co-option to the council, each councillor will be issued with a copy of the council's Code of Conduct and Standing Orders of the council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk, or of a councillor who has been specifically designated by the council for this purpose.

7.1.2 All councillors will observe the Code of Conduct at all times when on council business and no member will act in such a way that will bring the council into disrepute, behave offensively in meetings or obstruct the council's business.

7.1.3 The Code of Conduct adopted by the council will define when a councillor will declare a personal or prejudicial interest in an item for discussion at a council meeting. The councillor will declare that interest and the nature of the interest at the earliest opportunity.

## **7.2 Code of conduct complaints**

7.2.1 Upon notification by the District or Unitary council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Clerk shall, subject to standing order 7.2.2, report this to the council.

7.2.2 Where the notification in standing order 7.2.1 relates to a complaint made by the Clerk, the Clerk shall notify the Chair of the council of this fact, and the Chair shall decide how the duties of the Clerk in relation to the complaint shall be otherwise carried out until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 7.2.4.

7.2.3 The council may:

- a provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
- b seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

**7.2.4 Upon notification by the District or Unitary council that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against her/him. Such action excludes disqualification or suspension from office.**

## **8 RESTRICTIONS ON COUNCILLOR ACTIVITIES**

### **8.1 Inspection of documents**

8.1.1 A councillor may, for the purpose of her/his official duties but not otherwise, inspect any document in the possession of the council and request a copy for the same purpose. Any personal data contained therein may be redacted by the council's data protection compliance officer (for the time being this function is exercised by the Clerk).

### **8.2.1 Issuing of orders or instructions**

8.2.1 Unless authorised by council no councillor shall issue orders, instructions or directions.

### **8.3 Confidential council business**

8.3.1 No member of the council or any of its committees shall disclose to any person not a member of the council any business declared to be confidential by the council or Committees.

8.3.2 Any councillor or employee of the council in breach of the provision in standing order 8.3.1 shall be removed from membership of any committee.

## **9 MEMBER INTERESTS**

9.1 If a member has a disclosable pecuniary interest or a personal interest as defined by the Code of Conduct adopted by the council then she/he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

9.2 Where the interest is a disclosable pecuniary interest, a councillor shall withdraw from the meeting when it is considering a matter where that interest is relevant, unless she/he has been granted a dispensation. She/he may return to the meeting after it has considered the matter in which she/he had the interest.

9.3 If a member who has declared a personal interest considers the interest to be prejudicial, and if no dispensation has been granted, she/he should, if required by the Chair of the meeting, withdraw from the room during consideration of the item to which the interest relates. If the member is permitted to remain in the room during the consideration, then she/he should not speak or vote on the matter.

9.4 If the interest is deemed by the member not to be prejudicial, then the member may remain in the meeting, speak and vote on the item.

9.5 **Dispensation requests shall be made in writing and submitted to the Clerk** as soon as possible before the meeting, or failing that, may be submitted to the meeting in writing or orally at the start of the meeting for which the dispensation is required.

9.6 A decision as to whether to grant a dispensation shall be made by the Chair of the meeting and that decision is final.

9.7 A dispensation request shall confirm:

a) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

b) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

c) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and



d) an explanation as to why the dispensation is sought.

9.8 A dispensation request shall be considered at the beginning of the meeting of the council, or committee for which the dispensation is required.

**9.9 A dispensation may be granted if having regard to all relevant circumstances any of the following apply:**

**a) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**

**b) granting the dispensation is in the interests of persons living in the council's area; or**

**c) it is otherwise appropriate to grant a dispensation.**

9.10 The Clerk is required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

9.11 If a candidate for any appointment under the council is to her/his knowledge related to any member of or the holder of any office under the council, she/he and the person to whom she/he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified from 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.

9.12 The Clerk shall make known the content of Standing Order 9.11 to every candidate.

## **10 PROPER OFFICER or CLERK**

10.1 The council may appoint one or more employees to assist it in the performance of its duties.

10.2 The council will appoint a Clerk to the council which will be on an employed basis, unless the Clerk is a member of the council, acting in an unpaid capacity.

10.3 The Clerk will act as the Proper Officer of the council, and amongst other duties (s)he will:

- a) receive and hold the Declarations of Acceptance of Office;
- b) receive and hold the notices disclosing interests;
- c) prepare and issue documents on behalf of the council;
- d) prepare in conjunction with Chair of the council or Vice Chair as required, meeting agendas;
- e) issue agendas and summons to councillors, and provide notices of meetings to the public;
- f) receive, record and distribute plans and documents to the Planning Committee or other committee (should there be one) on behalf of the council;

- g) receive, evaluate and distribute correspondence as required to councillors;
- h) if applicable, support and work in conjunction with the RFO in the collation of invoices and mandates and other financial matters;
- i) advise the bank of changes to mandates.

10.4 As an employee of the council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have to be supplied by the council with a contract of employment stating the terms and conditions under which they are employed. This will effectively be administered by the Chair of the council or designated councillor acting with the authority of the council.

**a) convene a meeting of the council for the election of a new Chair of the council, occasioned by a casual vacancy in their office;**

**b) facilitate inspection of the minute book by local government electors;**

**c) receive and retain copies of byelaws made by other local authorities;**

d) assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the council's relevant policies and procedures;

e) liaise, as appropriate, with the council's Data Protection Officer, should there be one;

f) receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;

g) assist in the organisation of, storage of, access to, security of and destruction of information held by the council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

h) arrange for legal deeds to be executed;

i) arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with its financial regulations;

j) manage access to information about the council via its compliance with the Transparency Code.

10.6 All correspondence from and on behalf of the council will be issued by the Clerk in the name of the Chair of the council or Vice-Chair (if there be such) as appropriate.

## **11 RESPONSIBLE FINANCIAL OFFICER (RFO)**

11.1 The RFO is a statutory office and is appointed by the council. The RFO is normally the Clerk, although the council may appoint a councillor as RFO. In such a case, the RFO will be supported in this role by the Clerk.

## **12 FINANCIAL MATTERS**

12.1 The council shall consider, approve and review at least annually its regulations in relation to the following:

- a) the keeping of accounting records and systems of internal controls;
- b) the assessment and management of financial risks faced by the council;
- c) the work of the independent internal auditor in accordance with proper practices, and the receipt of regular reports from the internal auditor, which shall be required at least annually;
- d) the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments;
- e) whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.

## **13 STAFF MATTERS**

13.1 A matter personal to a member of staff that is being considered by a meeting of council is subject to standing orders contained in section 6.

13.2 The Chair of the council, or in her/his absence the Vice-Chair, shall if required by a resolution of council conduct a review of the performance and appraisal of the work of the member of staff. The reviews and appraisal shall be reported in writing to the council.

13.3 Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to the staff member's performance, capabilities, grievance or disciplinary matters.

## **14 DEALING WITH PLANNING APPLICATIONS**

14.1 The Clerk shall as soon as it is received, enter in a record kept for the purpose the following particulars of every planning application notified to the council:

- a) the date on which it was received;
- b) the place to which it relates;
- c) the application registered number as indicated by the district council;
- d) a summary of the proposal;
- e) the decision made upon the application.

14.2 The Clerk shall refer every planning application received to the following in order that the council may consider and respond within the timetable set by the district council:

Chair of the council;

Chair and members of the Planning Committee, if such exists, or if not members of council.

## **15 RELATIONS WITH THE PRESS/MEDIA**

15.1 Requests from the press or other media for an oral or written comment or statement from the council, its councillors or staff shall be referred in the first instance to the Clerk, who shall if required refer it to the Chair of the council, or in her/his absence the Vice-Chair.

## **16 EXECUTION AND SEALING OF LEGAL DEEDS**

16.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution of the council.

**16.2 Subject to standing order 16.1 any two councillors may sign, on behalf of the council, any deed required by law and the Clerk shall witness their signatures.**

## **17 COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

17.1 An invitation to attend a meeting of the Parish council shall be sent, together with the agenda, to the ward councillor(s) of the District council or Unitary council representing the area of the council.

## **18 STANDING ORDERS GENERALLY**

18.1 These and any other standing orders will normally be reviewed annually by the Clerk, Chair of the council, and Vice-Chair (should there be one). Any proposed amendments will be reported to council for decision.

18.2 During the course of meetings of the council or any committee, the Chair's decision as to the interpretation of the standing orders will be final.

18.3 All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.

18.4 A motion to revoke one or more of the council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 5.3.

18.5 A copy of these standing orders shall be given to each member by the Clerk upon delivery to him/her of the members declaration of acceptance of office and written undertaking to observe the code of conduct adopted by the council.

## APPENDIX A – RULES OF DEBATE AT MEETINGS

- a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c) A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f) If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g) An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h) A councillor may move an amendment to her/his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i) If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j) Subject to standing order K below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k) One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l) A councillor may not move more than one amendment to an original or substantive motion.
- m) The mover of an amendment has no right of reply at the end of debate on it.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o) Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
  - a) to speak on an amendment moved by another councillor;
  - b) to move or speak on another amendment if the motion has been amended since she/he last spoke;
  - c) to make a point of order;
  - d) to give a personal explanation; or
  - e) to exercise a right of reply.

- p) During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which she/he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q) A point of order shall be decided by the Chair of the meeting and her/his decision shall be final.
- r) When a motion is under debate, no other motion shall be moved except:
  - f. to amend the motion;
  - g. to proceed to the next business;
  - h. to adjourn the debate;
  - i. to put the motion to a vote;
  - j. to ask a person to be no longer heard or to leave the meeting;
  - k. to refer a motion to a committee or sub-committee for consideration;
  - l. to exclude the public and press;
  - m. to adjourn the meeting; or
  - n. to suspend a particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

S. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

T. Excluding motions moved under standing order R above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

U. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.

V. A member shall remain seated when speaking unless requested to stand by the Chair. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.

X. Any person speaking at a meeting shall address the Chair. If two or more members wish to speak, the Chair shall decide who to call upon.

Y. Whenever the Chair speaks during a debate all other members shall be silent.

Z. At the end of any speech a member may, without comment, move that the question be now put, that the debate be now adjourned, or, that the council do now adjourn. If such motion is seconded, the Chair shall put the motion but, in the case of a motion that the question be now put, only if she/he is of the opinion that the question before the council has been sufficiently debated. If the motion that the question be now put is carried, she/he shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after that 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.

AA. All members must observe the Code of Conduct which was adopted by the council.

BB. No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the council into disrepute.

CC. If, in the opinion of the Chair, a member has broken the provisions of this Order, the Chair 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.

DD. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

EE. 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.

FF. 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 or committee (as the case may be) has decided whether or not the press and public shall be excluded.