

HAINFORD PARISH COUNCIL

STANDING ORDERS

1. Meetings

- a) 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. Smoking is not permitted at any meeting of the Council.
- b) When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- c) 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.
- d) Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e) In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- f) In accordance with standing order 1(e) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- g) A record of a public participation session at a meeting shall be included in the minutes of that meeting
- h) A person shall raise his hand when requesting to speak.
- i) Any person speaking at a meeting shall address his comments to the Chairman
- j) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- k) A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:
- a) film, photograph or make an audio recording of a meeting;
 - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- l) In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- m) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- n) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- o) Subject to standing order 1(v) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- p) The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- q) Voting on any question shall be by a show of hands or, if at least two members so request, by signed ballot. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- r) The minutes of a meeting shall record the names of councillors present and absent
- s) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- t) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- u) 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 3.

v) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

w) Meetings shall not exceed a period of two and a half hours.

2. Ordinary Council Meetings

a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.

b) 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 may direct.

c) The annual meeting of the Council shall take place at 7:30pm.

d) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.

e) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.

f) The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.

g) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

h) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

i) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

j) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business where applicable shall be as follows.

- i. In an election year, delivery by councillors of their declarations of acceptance of office.
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
- iii. Review of delegation arrangements to committees, working groups or to the Clerk as appropriate and as agreed by the Council.
- iv. Review of the terms of references for committees and working groups.
- v. Receipt of nominations to committees and working groups.
- vi. Review and adoption of appropriate standing orders and financial regulations.
- vii. Review of representation on or work with external bodies and arrangements for reporting back.
- viii. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- ix. Review of inventory of land and assets including buildings and office equipment.
- x. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xi. Review of the Council's and/or employees' memberships of other bodies.
- xii. Establishing or reviewing the Council's complaints procedure.
- xiii. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xiv. Establishing or reviewing the Council's policy for dealing with the press/media
- xv. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3. Proper Officer

a) The Council's Proper Officer shall be either (i) the clerk or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

b) The Council's Proper Officer shall do the following:

- i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.**
- ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

- iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] above.**
- iv. Make available for inspection the minutes of meetings
- v. **Receive and retain copies of byelaws made by other local authorities.**
- vi. **Receive and retain declarations of acceptance of office from councillors.**
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings.
- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xv. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within 2 working days of receipt to facilitate an extraordinary meeting if an extension to the response time cannot be obtained and the nature of the planning application requires consideration before the next ordinary meeting of the Council. Where appropriate the Council are encouraged to visit neighbouring properties.

4. Motions

a) Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To dispose of business, if any, remaining from the last meeting.
- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a committee, working group or to the clerk.
- x. To appoint a working group of 1-3.
- xi. To receive nominations to a committee or working group.
- xii. To dissolve a working group.
- xiii. To consider a report and/or recommendations made by a working group.
- xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xv. To authorise legal deeds signed by two councillors and witnessed.
- xvi. To authorise the payment of accounts due.
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To exclude the press and public for all or part of a meeting.
- xix. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xx. To give the consent of the Council if such consent is required by standing orders.
- xxi. To suspend any standing order except those which are mandatory by Law.**
- xxii. To adjourn the meeting.
- xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxiv. To answer questions from councillors.

b) If a motion falls within the terms of reference of a committee or working group or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or working group or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

c) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5. Rules of Debate

a) Items included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

- b) Subject to standing orders 4 above, a motion shall not be considered unless it has been proposed and seconded.
- c) A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e) Any amendment to a motion shall be either:
- i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- f) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- g) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h) Subject to Standing Order 6(g) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- i) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- j) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- k) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- l) During the debate of 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 he considers has been breached or specify the irregularity in the meeting he is concerned by.
- m) A point of order shall be decided by the Chairman and his decision shall be final.
- n) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- o) When a councillor's motion is under debate no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to exclude the public and press;
 - vii. to adjourn the meeting;
 - viii. to suspend any standing order, except those which are mandatory.
- p) In respect of standing order 6(o) (iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

6. Code of conduct (England)

- a) All councillors shall observe the code of conduct adopted by the Council at its meeting on the 13th June 2012.**
- b) Councillors with a pecuniary interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber, unless a dispensation has been granted.**

7. Questions

- a) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions i.e. Public Participation.
- b) Every question shall be put and answered without discussion

8. Minutes

- a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 4(a) (iv) above.
- c) Minutes, including any amendment to correct their accuracy, shall be agreed by all present and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Chairman of this meeting does not believe that the minutes of the meeting of the Parish Council held on [date] in respect of (detail) were a correct record but his view was not upheld by the majority of the Council and the minutes are confirmed as an accurate record of the proceedings."

9. Disorderly conduct

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of standing order 9(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

10. Rescission of previous resolutions

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a working group.
- b) When a special motion or any other motion moved pursuant to standing order 10(a) above has been disposed of, no similar motion may be moved within a further 6 months.

11. Voting on appointments

- a) Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

12. Expenditure

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year.**
- c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

13. Execution and sealing of legal deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) In accordance with a resolution made under standing order 13(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

14. Extraordinary meetings

- a) The Chairman of the Council or in his absence the Vice Chair, may convene an extraordinary meeting of the Council at any time.**
- b) If the Chairman or Vice Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

15. Advisory Working Groups

- a) The Council may appoint advisory working groups comprised of a number of councillors and non-councillors.
- b) Advisory working groups may consist wholly of persons who are non-councillors.

16. Accounts and Financial Statement

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March in each year a statement summarising the Council's receipts and payments for the year and the balances held at the end of that year. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

17. Estimates/precepts

- a) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.**

18. Canvassing of and recommendations by councillors

- a) Canvassing councillors directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b) A councillor shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

19. Inspection of documents

- a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council and request a copy for the same purpose. The minutes of meetings of the Council shall be available for inspection by councillors.

20. Confidential business

- a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of standing order 20(a) above may be removed by a resolution of the Council.

21. Power of well-being (England)

- a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b) The Council's period of eligibility begins on the date that the resolution under standing order 21 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 21(b) above.**

22. Matters affecting council employees

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b) 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 for existing employees. The Clerk's wages to be increased in accordance with national pay scales.
- c) The Clerk shall contact the Chairman or in his absence the Vice Chair in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Parish Council.
- d) If an informal or formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the Parish Council this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the Parish Council.
- e) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- f) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

g) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

h) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(e) and (f) above shall be provided only to the Clerk and the Chairman of the Council.

23. Freedom of Information Act 2000

a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman. The said Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b) (ix) above.

24. Relations with the press / media

a) All requests from the press or other media for an oral or written statement or comment from the Council must be reported to the Parish Council meeting and agreed accordingly. .

b) Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media without prior approval of full Council.

25. Liaison with District and County or Unitary Councillors

a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County representing its electoral ward.

26. Financial matters

a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the accounting records and systems of internal control;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
- v. procurement policies

b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £500 shall be procured on the basis set out in the Financial Regulations of the Council.

c) The Council is not bound to accept the lowest tender, estimate or quote.

d) Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

27. Allegations of breaches of the code of conduct

a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the monitoring Officer at BDC and act on his instructions accordingly.

b) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

- i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
- ii. Ensure that any background papers containing the information set out in standing order 27(a) above are not made public.
- iii. Ensure that the public and press are excluded from meetings as appropriate.
- iv. Ensure that the minutes of meetings preserve confidentiality.
- v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.

c) Standing order 27(b) above should not be taken to prohibit the Council (or the Proper Officer) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

- d) The Proper Officer and Monitoring Officer at BDC shall have the power to:
- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- e) References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

28. Variation, revocation and suspension of standing orders

a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

29. Standing orders to be given to councillors

a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.

b) The Chairman's decision as to the application of standing orders at meetings shall be final.

c) A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

**These Standing Orders were agreed by the Parish Council
at their meeting on Wednesday 10th September 2014.**