

# STANDING ORDERS FOR STILLINGFLEET PARISH COUNCIL

## INTRODUCTION

These Standing orders are the written rules of Stillingfleet Parish Council.

### 1. 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 chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

### 2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2.b is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

- Full Council meetings ●
- Committee meetings ●
- Sub-committee 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.
●	b	The minimum three clear days for notice of a meeting does not include 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

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	appointed for public thanksgiving or mourning.
● ●	c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice
● ●	d 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.
	e Members of the public may make representations in respect of the business on the agenda, answer questions and give evidence at a meeting which they are entitled to attend during the time allocated for public participation.
	f The period of time designated for public participation at a meeting in accordance with standing order 3.e shall not exceed 15 minutes unless directed by the chairman of the meeting.
	g Subject to standing order 3.f, a member of the public shall not speak for more than 5 minutes.
	h In accordance with standing order 3.e, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
● ●	i 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.
● ●	j A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
● ●	k 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.
●	l Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.

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<ul style="list-style-type: none"> <li>●</li> </ul>	<p>m The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council 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.</p>
<ul style="list-style-type: none"> <li>●</li> <li>●</li> <li>●</li> </ul>	<p>n Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.</p>
<ul style="list-style-type: none"> <li>●</li> <li>●</li> <li>●</li> </ul>	<p>o The chairman 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 his casting vote whether or not he gave an original vote.</p> <p><i>See standing orders 5.h and i for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.</i></p>
<ul style="list-style-type: none"> <li>●</li> </ul>	<p>p Unless standing orders provide otherwise, voting on a question shall be by a show of hands or, if at least 2 councillors so request, by signed ballot. If members so require the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.</p>
	<p>q The minutes of a meeting shall include an accurate record of the following:</p> <ul style="list-style-type: none"> <li>i. the time and place of the meeting;</li> <li>ii. the names of councillors who are present and the names of councillors who are absent;</li> <li>iii. interests that have been declared by councillors;</li> <li>iv. if there was a public participation session; and</li> <li>v. the resolutions made.</li> </ul>
<ul style="list-style-type: none"> <li>●</li> <li>●</li> <li>●</li> </ul>	<p>r 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 his right to participate and vote on that matter.</p>
<ul style="list-style-type: none"> <li>●</li> <li>●</li> <li>●</li> </ul>	<p>s If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.</p>

t	A meeting shall not exceed a period of 3 hours unless the Chairman declares exceptional circumstances apply in which case a longer period may be permitted.
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#### **4. COMMITTEES AND SUB-COMMITTEES**

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d The Council may appoint standing committees or other committees as may be necessary, and shall determine their terms of reference.

#### **5. 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 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 decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm.
- 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 decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman 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, 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 annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an

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original vote in respect of the election of the new Chairman of the Council but shall 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 annual 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 shall 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, the business shall include:
  - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of representation on or work with external bodies and arrangements for reporting back;
  - xi. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xii. Review of the Council's subscriptions to other bodies;
  - xiii. Review of the Council's complaints procedure;
  - xiv. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
  - xv. Review of the Council's employment policies and procedures;

- xvi. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xvii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman 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.

## **7. VOTING ON APPOINTMENTS**

- a 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 chairman of the meeting.

## **8. MANAGEMENT OF INFORMATION**

- a 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.
- b 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).
- c 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.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **9. DRAFT MINUTES**

- a. 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.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy
- c. 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.
- d. 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.

## **10. CODE OF CONDUCT AND DISPENSATIONS**

- a. All councillors shall observe the code of conduct adopted by the Council.
- b. Unless (s)he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which (s)he has a disclosable pecuniary interest. (S)He may return to the meeting after it has considered the matter in which (s)he had the interest.
- c. Unless (s)he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which (s)he has another interest if so required by the Council's code of conduct. (S)He may return to the meeting after it has considered the matter in which (s)he had the interest.
- d. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f. A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13.d and f, a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13.e if having regard to all relevant circumstances any of the following apply:
- i. 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;
  - ii. granting the dispensation is in the interests of persons living in the Council's area; or
  - iii. it is otherwise appropriate to grant a dispensation.

## **11. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall report this to the Council.
- b Where the relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take
- c Upon notification by the District Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **12. PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. at least three clear days before a meeting of the council, a committee or a sub-committee, serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and

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- ii. provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- ii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- iii. facilitate inspection of the minute book by local government electors;
- iv. receive and retain copies of byelaws made by other local authorities;
- v. hold acceptance of office forms from councillors;
- vi. hold a copy of every councillor's register of interests;
- vii. 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;
- viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- ix. 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);
- x. arrange for legal deeds to be executed;
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xii. record every planning application notified to the Council and the Council's response to the local planning authority in a register for such purpose;
- xiii.* refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within two working days of receipt to facilitate circulation or convene an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council. Where there is not a convenient council meeting for observations on the planning application to be discussed, the details will be circulated, until a date specified on or before which for return to the Chairman regardless of whether they have been seen by all members. The Chairman is then authorised to submit the Council's observations providing a copy to the District Councillor.
- xiv.* xv. manage access to information about the Council via the publication scheme;

## **13. RESPONSIBLE FINANCIAL OFFICER**

The Council shall appoint an appropriate person to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is unable to act.

## **14. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council’s receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 15. FINANCIAL CONTROLS AND PROCUREMENT

- 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 keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. 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;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in the Parish Magazine and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Chairman;
  - v. tenders shall be opened by the Chairman in the presence of the Clerk/RFO after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for

considering tenders, is bound to accept the lowest value tender.

- e. If no tenders are received or if all the tenders are identical the council may make such arrangements for procuring the goods, services or materials or executing the work as it thinks fit.

## **16. HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b. The Council will adopt and follow a policy regarding the handling of grievance matters.
- c. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

## **17. RESPONSIBILITIES TO PROVIDE INFORMATION**

- a. 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.
- b. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

## **18. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

- a. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b. The Council shall have a written policy in place for responding to and managing a personal data breach.
- c. 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.
- d. 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.
- e. The Council shall maintain a written record of its processing activities.

## **19. EXECUTION AND SEALING OF LEGAL DEEDS**

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a

resolution.

- b Any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## 20. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor of the District and County Council Councillor.

## 21. STANDING ORDERS GENERALLY

- a 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.
- b A motion to add to or vary or 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 3 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Reviewed by Stillingfleet Parish Council	Name	Date of Parish Council meeting at which these Standing Orders were reviewed & adopted
	Paul Elmhirst Chairman	2 April 2020

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