

# **Hadlow Down Parish Council**



## **Standing Orders and Chairmanship**

**May 2022**

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## PREFACE

This booklet contains two major sections. Part I is intended as a guide for those presiding at meetings of Local Councils and a source to refer to when there is a procedural difficulty during a meeting. Part II provides a complete model set of Standing Orders incorporating various new requirements, such as those to be observed under the Code of Conduct and the Data Protection Act 2018. Even if Standing Orders have not been formally adopted, a Chairman can use them as a basis for rulings on procedures if there is a dispute.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

If the words "Local Councils" are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

## TOWN MAYORS

The Chairman of a Town Council is entitled to use the title "Town Mayor". The title confers no additional powers on the Chairman, and in particular, has no implications for his conduct in meetings.

*(In the following pages the word "Chairman" includes "Town Mayor" and the word "Vice-Chairman" includes "Deputy Town Mayor". In addition, where appropriate use of the word "he" is to include the meaning "she".)*

## PART I - CHAIRMANSHIP

**(NOTE: In this part, the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee," where any function has been delegated. The Standing Orders in Part II may be applied or modified accordingly.)**

### BASIC PRINCIPLES

1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions that they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action, is such an instruction.
3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to *reach, without unreasonable delay, an intelligible and lawful decision for the right reasons*. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-
  - (a) protect the Council against *outside interference*;
  - (b) ensure that everything to be discussed is *lawful*;
  - (c) ensure that the Council is invited to deal with *clear issues*;
  - (d) ensure that as far as possible *information is complete*;

- (e) permit every point of view to have a *fair hearing*;
- (f) ensure that opinions expressed are *relevant* to the matter in hand;
- (g) ensure that business is transacted with *reasonable speed*;
- (h) ensure as far as possible that proceedings are *friendly* and *free from personalities*;
- (i) co-operate with the officers and councillors.

## THE AUTHORITY OF THE CHAIR

### Origin

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

### Nature and Limitations

5. Whether or not the Council has passed any Standing Orders, the Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the Chair ought to be very rare.
6. The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

## PRELIMINARY

7. Before any meeting, the Chairman should study the items on the agenda with either the Clerk or any other officers, and should in effect ask in respect of each item the following questions:-

What does it mean?

Is it lawful?

Do we know enough about it?

Has any member special knowledge of this problem?

Is there any member who may have a disclosable pecuniary interest?

## OUTSIDE INTERFERENCE

### Public Disturbances

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but may be necessary.

***The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to***

***exclude the public from any future meeting. The press is in a privileged position in as much as its representatives must so far as possible, be given facilities for taking their reports.***

The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the interest is a disclosable pecuniary interest (England) the member should withdraw from the meeting and take no further part in the relevant proceedings or seek to influence those proceedings. The Chairman should, before a meeting, consider whether any member (including himself) may have any such interest, and may draw the individual member's attention to the possibility before it starts. However, ultimately, it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or disclosable pecuniary) can lead to an investigation by the Standards Board (England) or the Commission (Wales).

#### Rulings on notices

10. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

#### Quorum

11. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a disclosable pecuniary interest (England) or a personal interest requiring withdrawal (Wales) should consider making an application to the Clerk or to the Full Council for dispensation.

#### Ultra Vires Proposals

12. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The section 137 power (*contained in the Local Government Act 1972*) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

### A CLEAR ISSUE

13. Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman's second

or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:-

- (a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;
- (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

#### The Affirmative Form

14. The most exact method of putting a question to the vote is by the use of the following formula:-

"The resolution is as follows: -

**(e.g.) 'That the Clerk's salary be raised to £5,000 a year.'**

The motion is that this resolution be agreed to."

(Note: A *resolution* is a proposal of the action intended to be taken: for example "That the Council buy a mower". A *motion* is the procedural formula by which the Council disposes of business: for example "The motion is that the resolution be amended by \_\_\_\_" or "The motion is that the Council do now adjourn".)

#### Separating the Issues

15. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.

16. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

"If the Council is to spend its money would it prefer a swimming pool or a playing field?"

In more formal language the issue is put to the vote by substantive resolution and amendment: -

"The resolution is that the swimming pool be provided. To this the following amendment has been moved: -

**leave out the words 'swimming pool' and substitute the words 'new playing field.'**

The motion is that this amendment be agreed to."

17. A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to

decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended to the vote*. (See also paragraph 34 below.)

## METHOD OF VOTING

18. The rules on the manner in which decisions are taken are peremptory and admit no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

## COMPLETENESS OF INFORMATION

19. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The Chairman should before the meeting, consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.

## IMPARTIALITY

20. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own, if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.
21. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

## RELEVANCE

### General Rule

22. A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

### Personalities

23. The Chairman should do his best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the Chairman, should



only be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.

#### Methods of Enforcement

24. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

#### Revival of Decided Issues

25. The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to “hark back” to a previous agenda item should be firmly ruled out of order as irrelevant to the matter *now* under discussion, even if the member who raises it was not present when the item was considered.

#### Minutes

26. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

#### Other Problems

- 27.
- (a) If any substantial issue arises on a matter dealt with in the Minutes, it is better to have a separate agenda item than to discuss it under “Matters Arising”. That heading should be used only for reports of progress and not for new or additional decisions.
  - (b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example “Mrs Smith of \_\_\_\_\_ has written asking the Council to get the pile of rubbish removed from outside 48 \_\_\_\_\_ Lane”.

#### REASONABLE DISPATCH

#### Intervals

28. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

### Obstruction at Meetings

29. Deliberate obstruction is rare, but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (*For points of order see paragraph 32 below.*)

### Repetition

30. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

### References

31. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

## SOME PROCEDURAL POINTS

### Points of Order

32. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the clerk) must give a ruling and if the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion. (See Standing Order 34(a)).

### Procedural Resolutions

33. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

### Closure Motions

34. The following are the respective effects of closure resolutions:-

- (a) On the passing of a resolution to proceed to *next business* proceedings on the business in hand come to a stop and no decision upon it can be taken.

- (b) On the passing of a resolution that the *question be now put* the mover is usually entitled to reply before the matter is put to the vote. By custom the Chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
- (c) A resolution to *adjourn a discussion or a meeting* stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.

#### Amendments

35.

- (a) An amendment, which in substance negates the principle resolution, should not be allowed because it is confusing and unnecessary.
- (b) An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 17).

#### Any Other Business

- 36. The summons to a meeting of a Local Council must by law *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under “A.O.B.” or the giving of a preliminary notification of important business for next time.

#### “Urgent” Business

- 37. The law makes no provision for dealing with “urgent” business. If it is “urgent” only because it was not notified in time to appear on the agenda, it should be left until the next meeting. If it is genuinely “urgent”, that it was too late for the agenda *and* it will be too late for action if left until the next ordinary meeting an additional meeting should be called *or* the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

### USE OF CHAIRMAN'S VOTES

- 38. Save on one occasion the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, and it is obviously undesirable and undignified for him to wait and then say “the voting is 5 to 4 against; I therefore vote in favour which makes it even.”
- 39. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution *not* carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

## PRESENCE OF THE PUBLIC AND PRESS

40. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is of the opinion that such exclusion is reasonable and in the public interest. Where the public and Press have been excluded the *decisions* made in the closed session must be minuted: a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion *must* be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

## MALADMINISTRATION

41. Parish and Community Councils are not subject to the jurisdiction of the Local Ombudsman. There is, therefore, no outside body that can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly.

## PUBLIC PARTICIPATION

42. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.

## LENGTH OF MEETINGS

43. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a Standing Order.

## **PART II**

### **MODEL STANDING ORDERS 2018 FOR ENGLAND (REVISED 2020)**

#### **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.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chairman 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. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- 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 Chairman of the meeting, is expressed in writing to the Chairman.
- h A councillor may move an amendment to 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 Chairman of the meeting.
- j Subject to Standing Order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k One or more amendments may be discussed together if the Chairman 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 Chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. 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 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 Chairman of the meeting and his decision shall be final.
- r When a 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 no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend 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 Chairman 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 his right of reply.

- t Excluding motions moved under Standing Order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the Chairman of the meeting.
- u A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- v 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 Chairman.
- w Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- x Whenever the Chairman speaks during a debate all other members shall be silent.

## **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.
- d If anyone recording, photographing, broadcasting or transmitting a Council OR committee or sub-committee meeting acts in a disruptive manner in any of the following ways:
  - i. By moving into the Councils area;
  - ii. By creating excessive noise;
  - iii. By using intrusive light and flash photography and;
  - iv. Asking for people to repeat what has been said for the recording,
 they may be expelled from the meeting by the Chairman of the meeting.

## **3. Meetings generally**

Mandatory for Full Council meetings	*
Mandatory for Committee meetings	#
Mandatory for 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 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, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with Standing Order 3(e) shall not exceed 10 minutes unless directed by the Chairman of the meeting.
- g Subject to Standing Order 3(f) above, a member of the public is entitled to speak only once in respect of business itemised on the agenda, for a period of not more than two minutes, unless invited by the Chairman to add further comment or answer a question.
- h Nothing contained in clauses 3e, 3f or 3g will prevent the Chairman of the meeting from, at any time and without suspending Standing Orders, asking a member of the public a question or allowing a fellow Councillor to ask a member of the public a question or from inviting a member of the public to comment on the topic under discussion.
- i In accordance with Standing Order 3(e) above, 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.
- j A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- k Any person speaking at a meeting shall direct his comments to the Chairman of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.



- \* # m **Subject to Standing Order 3(n), 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 on 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.**
- \* # n **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- \* # o **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.**
- \* p **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.**
- \* q **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. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- \* # ~ r **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- \* # ~ s **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. *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.***
- \* t **Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. 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.**
- u **The minutes of a meeting shall include an accurate record of the following:**
  - i. the time and place of the meeting;
  - ii. the names of councillors present and the names of councillors who are

- absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- v If at least two members so request, voting may be done by a signed ballot.
- \*  
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~ w **A councillor or a non-councillor with voting rights 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.**
- \* x **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
- See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*
- \*  
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~ y **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.
- z A meeting shall not exceed a period of two hours.
- aa Meetings of the Council shall be held in the committee room of the Hadlow Down Village Hall on the first Tuesday of each month at 7pm, unless this falls on a Bank Holiday in which case the meeting will be on the following Tuesday. If the meeting has to be changed for any reason, it will be agreed at the previous monthly meeting and published in those minutes. A quarterly financial report will be given at the January, April and July meetings and at the precept meeting on the 3rd Tuesday in October. The January meeting will be held on the 2nd Tuesday of the month. In an election year the date of the Annual Meeting may need to be changed depending on the date of the election.
- bb Smoking is not permitted at any meeting of the Council.
- cc Any planning applications received between the date of the issue of the agenda and the date of the meeting, can still be discussed and a response agreed at the meeting. Details of the application will be shown on the village

website and on twitter. All Councillors will be informed of the addition to the agenda of the planning application.

- dd Any planning applications that fall outside the timescale for meetings, the Clerk will initially request an extension to time from the Planning Authority, in order that the application can be discussed at the next meeting. If an extension isn't granted the Clerk will, at their discretion, following agreement by the Chair, or in their absence the Vice-Chair, send the application to councillors for their email comments and will then respond to the Planning Authority. The Parish Council's decision on the application will then be reported at the next meeting. If there isn't agreement between Councillors to the response to the application a planning meeting will be held.

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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, working party 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:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of members of such a committee, so as to hold office no later than the next annual meeting;
  - v. may, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer seven days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee who shall hold office

until the next annual meeting;

- vii. shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee, the Chairman will hold office until the next annual meeting
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee or a sub-committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend;
- xii. may dissolve a committee or a sub-committee;
- xiii. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with Standing Order 4 (d) (v)) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- xiv. the Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee;
- xv. a member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote;
- xvi. the Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings;
- xvii. a committee may make recommendations and give notice thereof to the Council.

## **5. Ordinary Council meetings**

See also Standing Order 3

- 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 6pm.**
- 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 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 of the Council, 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 and for the minutes to be signed by the person presiding as a correct record;
  - 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 of representation on or work with external bodies including The Mayfield Trust, Hadlow Down Playing Field Committee, Hadlow Down Village Hall Committee, Hadlow Down Community Centre Committee and WDALC and arrangements for reporting back;
  - x. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xi. Review of inventory of land and other assets including buildings and office equipment;
  - xii. Review of the Council's policy for dealing with the press/media;
  - xiii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the General Power of Competence.
  - xiv. Ensure that Councillor's Register of Interests is up to date and where it is an election year that a new Register is completed and signed.
  - xv. In an election year to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- k A motion to vary the order of business on the ground of urgency:
- i. May be proposed by the Chair or by any member, and, if proposed by the Chair, may be put to the meeting without being seconded, and
  - ii. Shall be put to the vote without discussion.

**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. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The Chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chairman of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by

two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## **7. Previous resolutions**

- a A resolution whether affirmative or negative of the Council shall not be reversed within six months except either by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. 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.

## **9. Motions for a meeting that require written notice to be given to the Proper Officer**

- a A 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.
- b In accordance with Standing Order 15 (b) (ii), no motion may be moved at a meeting unless it is included on the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(b) 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 Proper Officer in clear and certain language at least five clear days before the meeting.
- e If the wording or subject of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman 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.

- f Having consulted the Chairman or councillors pursuant to Standing Order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Notice of every motion received in accordance with the Council's Standing Orders shall be inserted in the summons for the meeting, unless the member giving a notice of motion, has stated in writing that he intends to move at some later meeting or that he withdraws it.
- h Every notice of resolution or recommendation shall be recorded in the monthly minutes which shall be open to inspection by all Councillors.
- i 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 Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- j Motions rejected shall be recorded in the minutes, with an explanation by the Proper Officer for their rejection.

**10. Motions at a meeting that do not require written notice**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee or an employee;
  - v. to appoint a person to preside at a meeting;
  - vi. to alter the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speeches;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;



- xiii. to exclude from the meeting a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend any Standing Order except those which are mandatory by law;
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting;
  - xviii. to note the absence of councillors;
  - xix. to receive nominations to a committee or sub-committee;
  - xx. to note the minutes of a meeting of a committee or sub-committee;
  - xxi. to consider a report and/or recommendations made by an employee, professional adviser, expert or consultant;
  - xxii. to authorise the payment of monies in accordance with Financial Regulations;
  - xxiii. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
  - xxiv. to give the consent of the Council if such consent is required by Standing Orders;
  - xxv. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
  - xxvi. to answer questions from Councillors.
- b. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **11. Management of information**

See also standing order 19.

- 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.**

## **12. Draft minutes**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda 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 10(a)(i).
- c Minutes, including any amendment to correct their accuracy, 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 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 Hadlow Down Parish Council held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e **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.**
- f Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes on social media and notes of the meeting, for which approved minutes exist shall be destroyed.

## **13. Code of conduct and dispensations**

See also Standing Order 3(w).

- a All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council and shall declare their level of interest as

defined by the Code of Conduct, as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He can stay in the room and may return to the meeting after it has considered the matter in which he has the interest. At the Council's discretion they may be asked to leave the room.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's Code of Conduct. He can stay in the room and may return to the meeting after it has considered the matter in which he had the interest. At the Council's discretion he may be asked to leave the room.
- 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 made by the Proper Officer OR 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 by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting 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.**

#### **14. Code of conduct complaints**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 11, report this to the Council.
- b Where the notification in Standing Order 14(a) above 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 two Councillors 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 in accordance with Standing Order 14(d).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d **Upon notification by the District Council that a councillor or non-councillor with voting rights 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.**

#### **15. Proper officer and Responsible Financial Officer**

- a The Council's Proper Officer shall be the clerk and Responsible Financial Officer who shall fulfil the duties assigned to the Proper Officer in Standing Orders.
- b The Council's 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**
    - **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).**

*See Standing Order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to Standing Order 9, include on the agenda all motions received

unless a councillor has given written notice at least four days before the meeting confirming his withdrawal of it;

- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection. To also receive and record notices disclosing interests at meetings;
- viii. 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;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. 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);
- xi. arrange for legal deeds to be signed by two councillors and witnessed by the Clerk;  
(see also *Standing Order 22*);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 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 an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority within the minutes of the Council's meeting.
- xv. manage access to information about the Council via the publication scheme;
- xvi. action or undertake activity or responsibilities instructed by resolution or

contained in Standing Orders;

- xvii. to sign notices or other documents on behalf of the Council;
- xviii. to certify copies of byelaws made by the Council;
- xix. to decide whether a site visit is required before a planning application is discussed at a Council meeting;
- xx. to act in line with the Scheme of Delegation and to ensure that all delegated decisions are recorded in writing.

## **16. 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 (England)".
- 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 Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. If the payment exceeds £200 prior permission must have been obtained by two members of the Council. Payments in excess of £700 cannot be made without agreement by the Council.
- d All payments approved under sub-paragraph ( c) of this Standing Order shall be separately included in the next schedule of payments before the Council and the decision to approve will be ratified.
- e 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 so far for that financial year and the balances held at the end of the quarter being reported;
  - ii. the Fixed Asset Register;
  - iii. A comparison with the budget for the financial year, highlighting any actual or potential overspends.

The reports will be signed off at the meeting.

- f 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 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.

- g 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 sent to all councillors prior to the Annual Meeting in May. 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 and sent to the external auditor before 30 June.
- h At least once a quarter and at each financial year end, a councillor other than the Chair or a bank signatory, will need to verify the bank reconciliation.
- i Every year the Council will need to re-approve the financial Standing Orders and Direct Debits and record this in the minutes.
- j Any changes to reserves will need to be approved by the Parish Council.

#### **17. 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. The Council's Financial Regulations shall be reviewed every year for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 17(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. 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 with a value in excess of £25,000, 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 a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- a. **. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## **18. Handling staff matters**

- a. A matter personal to a member of staff that is being considered by a meeting of the Council OR the sub-committee is subject to Standing Order 11.
- b. Subject to the Council's policy regarding absences from work, the Proper Officer shall notify the Chairman or, if they are not available, the Vice-Chairman of any absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c. The Chairman of the Council and one other member shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer on the annual anniversary of the start of the Officer's employment with the Council, the Chairman will also conduct a review six months after the appraisal. A written record of the appraisal shall be kept. The review and/or appraisal shall be reported back to the Council.



- d Subject to the Council's policy regarding the handling of grievance matters, the Proper Officer shall contact the Chairman, or, in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council OR the committee.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Proper Officer relates to the Chairman or Vice-Chairman of this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the Council OR the committee.
- f 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.
- g In accordance with Standing Order 11(a) only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 18(f) and 18(h).
- h The Council shall keep written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- i 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.
- j In every year, on the anniversary of the commencement of employment, the Council shall review the pay and conditions of service of the Proper Officer. This should follow the guidelines published by NALC.
- k Access to computer passwords to records of employment shall be provided only to the post holder and the Chair of the Council.

#### **19. Responsibilities to provide information**

See also Standing Order 20.

- 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.**

#### **20. Responsibilities under data protection legislation**

Below is not an exclusive list. See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**
- e **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.**
- f **The Council shall maintain a written record of its processing activities.**

## **21. Relations with the press/media**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff should ideally be referred to the Chair or the Clerk to respond to them.
- b Councillors may speak to the press/media providing that they advise at the beginning of the conversation that they are speaking as an individual Parish Councillor rather than as the Parish Council and that this should be reflected in the report. They should then inform the Clerk of the content of the conversation.
- c. Any discussion that Councillor's have with the press/media shouldn't go against a decision made by the parish Council.
- d. Section 21 to be reviewed after each election.

## **22. Execution and sealing of legal deeds**

See also Standing Order 15(b)(xi).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 22(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**
- c. Any purchase of land by the Council needs to state in the minutes the purpose for which the land is being purchased.

## **23. 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 councillor of the District and County Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District or County Council shall be sent to the District or County Council councillor representing its electoral ward.

## **24. Restrictions on councillor activities**

- a. Unless authorised by a resolution no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **25. Standing Orders generally**

- a All or part of a Standing Order, except those which are mandatory by law, 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 three 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 after he has delivered his acceptance of office form.
- d The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

## **26. Co-option**

- a If the notice from the District Council of a vacancy on the Parish Council does not initiate the ten signatures of electors by the required date the clerk will display a co-option notice giving the date (normally 14 days ahead) by when she will require applications for the vacancy.
- b The Clerk will request confirmation from applicants that they are qualified to be councillors.
- c Where more than two persons have been nominated for a position to be filled by the Council, the applicant with the highest number of votes cast will be co-opted and where there is still a vacancy(s) and the remaining candidates have received the same number of votes a further vote will be taken until the number of candidates equals the number of vacancies. Where no-one 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 of the meeting's casting vote.

## **27. Handling Confidential or Sensitive Information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

- b Councillors, staff *and* members of committees or sub-committees shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c A councillor in breach of the provisions of Standing Order 27 (b) may be removed from the committee or sub-committee by a resolution of the Council.