

# BOTESDALE PARISH COUNCIL

## STANDING ORDERS

These Standing Orders were adopted by Botesdale Parish Council at its meeting on 10 October 2016. Standing orders that are in bold type contain statutory requirements.

### 1. Ordinary Meetings of the Council

- a. **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.** Meetings will normally be held on the first Monday of every month with the exception of the month of August when a meeting will be held only if there are planning matters.
- b. **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.** Meetings will normally be held at Botesdale Village Hall and commence at 7:30pm unless otherwise advertised.
- c. **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.**
- 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. **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 their absence be done by, to or before the Vice-Chairman of the Council.**
- f. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- g. **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.**
- h. **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.
- i. After the first business has been completed, the order of business, unless the council otherwise decides on the grounds of urgency, shall be as follows:-
  - i. To confirm the accuracy of the minutes of the last meeting of the council.
  - ii. To accept members' Declarations of Interest.
  - iii. To hold the Public Forum.
  - iv. To deal with the business expressly required by statute to be done, e.g. planning.
  - v. To consider motions or recommendations in the order in which they have been notified.
  - vi. To deal with any other business specified in the summons that does not involve a financial or legal decision to be made.
  - vii. To receive any financial statements and authorise the signing of orders for payment.
  - viii. To receive and consider reports from the Officers and Members of the council.
- j. A meeting shall not normally exceed a period of 2 hours.

## **2. Annual Meeting of the Council**

- a. In an election year 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 shall be held on the second Monday of May.
- c. If no other time is fixed, the annual meeting of the council shall take place at 6pm.
- d. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the council.
- e. The Chairman of the council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.
- f. The Vice-Chairman of the council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the council at the next annual meeting of the council.
- g. In an election year, if the current Chairman of the council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Chairman of the council has been elected. The current Chairman of the council shall not have an original vote in respect of the election of the new Chairman of the council but must give a casting vote in the case of an equality of votes.
- h. In an election year, if the current Chairman of the council has been re-elected as a member of the council, they shall preside at the meeting until a new Chairman of the council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the council and must give a casting vote in the case of an equality of votes.
- i. Following the election of the Chairman of the Council and Vice-Chairman of the council, the business of the annual meeting shall be as follows:
  - i. In an election year, delivery by the Chairman and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a non-election year, delivery by the Chairman of their acceptance of office form unless the council resolves for this to be done at a later date.
  - ii. In an election year, to fill any vacancies left unfilled by reason of insufficient nominations.
  - iii. Review of delegation arrangements to committees, sub-committees and staff.
  - iv. Review of representation on or work with external bodies.
  - v. Review of inventory of land and assets.and shall thereafter follow the order set out in Standing Order 1(i).

## **3. Extraordinary Meetings of the Council**

- 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 or refuses to 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 must be signed by the two councillors.

## **4. Proper Officer**

- a. The Proper Officer shall be either the clerk or someone 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 and a sub-committee serve on councillors a summons confirming the time, place and the agenda by post or email, provided any such email contains the electronic signature and title of the Proper Officer; See standing order 1(c) above for the meaning of clear days for a meeting of a full council.**
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
  - iii. **convene a meeting of full council for the election of a new Chairman of the council, occasioned by a casual vacancy in their 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. retain acceptance of office forms from councillors;
  - vii. retain a copy of every councillor's register of interests;
  - viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - xi. arrange for legal deeds to be executed; *See also standing order 16 below.*
  - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
  - xiii. refer a planning application received by the council to the Chairman, or in their absence the Vice-Chairman, 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. manage access to information about the council via the publication scheme; and
  - xv. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect. *See also standing order 16 below.*

## **5. Responsible Financial Officer**

- a. The Responsible Financial Officer (RFO) shall be either the clerk or someone nominated by the council to undertake the work of the RFO when the RFO is absent.

## **6. Rules of Debate**

- a. A motion (including an amendment) shall not be discussed unless it has been moved and seconded.
- b. 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.
- c. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- d. If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- e. A councillor may move an amendment to their 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.

- f. 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.
- g. Subject to standing order 6(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- h. 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.
- i. A councillor may not move more than one amendment to an original or substantive motion.
- j. The mover of an amendment has no right of reply at the end of debate on it.
- k. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- l. A point of order shall be decided by the Chairman of the meeting and their decision shall be final.
- m. 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.

## **7. Resolutions Moved with Notice**

- a. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk, or notified to the Clerk seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

## **8. Resolutions Moved Without Notice**

- a. The following motions may be moved at a meeting without 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 working party for consideration;
  - v. to appoint a person to preside at a meeting;
  - vi. to change 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 speaking;
  - 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 a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## **9. Voting**

- a. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- b. **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 their casting vote whether or not they gave an original vote.** *See standing orders 2(g) and (h) for the different rules that apply in the election of the Chairman at the annual meeting of the council.*
- c. **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- d. When voting on appointments, 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.

## **10. Previous Resolutions**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 7(a) above.
- b. When a motion moved pursuant to standing order 10(a) above has been disposed of, no similar motion may be moved within a further six months.

## **11. 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 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) above 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.

## **12. 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. 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 absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.

### **13. Committees/Advisory Committees/Working Parties**

- 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 or working party may be non-councillors.**
- d. The terms of reference of the committee/advisory committee/working party will be noted by the Clerk.
- e. A committee/advisory committee/working party may make recommendations and give notice thereof to the council.

### **14. Accounts & 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. The Responsible Financial Officer shall supply to members as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the council's aggregate receipts and payments for the year to date;
  - ii. the balances held at the end of the quarter being reported; and
  - iii. a comparison of those figures with the budget for the financial year, highlighting any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide members with a statement summarising the council's receipts and payments for the last quarter and the year to date for information, and the accounting statements for the year.
- e. The year-end accounting statements shall be prepared in accordance with proper practices for a year to 31 March. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.
- f. The council shall approve estimates for the coming financial year in time for the agreed precept no later than its meeting in the month of January.

### **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 receipt of annual reports from the internal auditor;

- iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement and award of contracts covered by the 2015 Regulations which have an estimated value of £25,000 must satisfy the requirements of the 2015 Regulations which includes use of the Contracts Finder website.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
  - c. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be covered by the 2015 Regulations which include the use of the Contracts Finder website.**
  - 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. **The 2015 Regulations are engaged where the value of a contract for a) public works, public service or public supply contract with an estimated value of £25,000 or more and b) i) a public works contract with an estimated value of currently £4,104,394 or more or ii) a public service or public supply contract with an estimated value of currently £164,176 or more. The financial thresholds for proposed contracts in b) are set by the European Commission and are confirmed in the Public Contracts Directive 2014/24/EU. The thresholds will be adjusted every two years and will usually take effect on 1 January.**

## **16. 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. **Subject to standing order 16(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

## **17. Code of Conduct and Dispensations**

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b. Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c. Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which they 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 made by the Proper Officer, in consultation with the Chairman, 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 17(d) and (f) above, dispensations requests 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 17(e) above if having regard to all relevant circumstances the following applies:**
  - 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 or**
  - 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.**

## **18. 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, subject to standing order 21 below, report this to the council.
- b. Where the notification in standing order 18(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of this fact, and the Chairman shall 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 18(d) below.
- c. The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of 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 that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

## **19. Restrictions on Councillor Activities**

- a. Unless authorised by the council, 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.

## **20. 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 21 below.
- b. Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman or in their 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.
- c. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the council, this shall be communicated to another member of the council, which shall be reported back and progressed by resolution of the council.
- d. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

## **21. 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 and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **22. Requests for Information**

- a. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman. The Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **23. Relations with the Press/Media and the Public**

- a. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the council's policy in respect of dealing with the press and/or other media.
- b. **Filming, photographing, recording, broadcasting or transmitting the proceedings of any meeting of council, should be conducted in accordance with the council's Protocol for Reporting at Meetings.**
- c. **Any person wishing to report on the proceedings of a meeting as in paragraph (l) above 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.**

## **24. Liaison with County & District Councillors**

- a. An invitation to attend a meeting of the council shall be sent, together with an agenda, to the councillors for the District Council and the County Council representing the area of the council.
- b. Unless the council determines otherwise, a copy of each letter sent to the District Council and the County Council shall be sent to the ward councillors representing the area of the council.

## **25. Standing Orders Generally**

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 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 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 7 above.
- c. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their 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.