

BRILLEY PARISH COUNCIL STANDING ORDERS

These Standing Orders were adopted by the Council at its Meeting held on Tuesday 24 May 2016

1. Meetings

- a. Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost
- b. When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count
- c. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion
- d. Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda, at the Chairman's discretion
- e. The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 20 minutes, unless at the Chairman's discretion
- f. Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 2 minutes, unless at the Chairman's discretion
- g. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate
- h. In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response
- i. A record of a public participation session at a meeting shall be included in the minutes of that meeting
- j. Any person speaking at a meeting shall address his comments to the Chairman
- k. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking
- l. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent
- m. In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present
- n. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman
- o. 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
- p. Subject to standing order 1 (v) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon
- q. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote (*See also standing orders 2 (h) and (i) below*)
- r. Unless standing orders provide otherwise, voting on any 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

- s. The minutes of a meeting shall record the names of councillors present and absent
- t. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting
- u. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes
- v. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3
- w. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned

2. Ordinary Council Meetings

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office
- b. In a year which is not an election year, the Annual Meeting of a Council shall be held on such day in May as the Council may direct
- c. The Annual Meeting of the Council shall take place at 7.30 pm or as agreed
- d. In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs
- e. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council
- f. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council
- g. The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes
- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes
- j. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows:
 - i. In an election year, delivery by councillors of their declarations of acceptance of office
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council
 - iii. Review and adoption of appropriate standing orders and financial regulations
 - iv. Review of representation on or work with external bodies and arrangements for reporting back
 - v. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility

3. Proper Officer

- a. The Council's Proper Officer shall be either the Clerk or such other employee as may be nominated by the Council from time to time. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders

- b. The Council's Proper Officer shall do the following:
- i. Electronically serve on councillors a summons confirming the time, date, venue and agenda of a meeting of the Council at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)
 - iii. Subject to standing orders 4(a) below, include in the agenda all motions received unless a councillor has given notice at least 4 days before the meeting confirming his withdrawal of it
 - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office
 - v. Make available for inspection the minutes of meetings
 - vi. Receive and retain copies of byelaws made by other local authorities
 - vii. Receive and retain declarations of acceptance of office from councillors
 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection
 - ix. Keep proper records required before and after meetings
 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same
 - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
 - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form
 - xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations
 - xiv. Record every planning application notified to the Council and the Council's response to the local planning authority
 - xv. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council

4. Motions Requiring Written Notice

- a. In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda
- b. The Proper Officer may correct obvious grammatical or typographical errors in the wording of the motion, before including a motion in the agenda
- c. If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it to the Proper Officer in clear and certain language at least 4 clear days before the meeting
- d. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or the Councillors who have convened the meeting to consider whether the motion shall be included or rejected in the agenda
- e. Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final
- f. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the

Proper Officer giving reasons for its rejection

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

5. Motions Not Requiring Written Notice

- a. Motions in respect of the following matters may be moved without written notice:
- i. To appoint a person to preside at a meeting
 - ii. To approve the accuracy of the minutes of the previous meeting
 - iii. To alter the order of business on the agenda for reasons of urgency or expedience
 - iv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant
 - v. To amend a motion relevant to the original under consideration provided the motion is not nullified
 - vi. To extend the time limit for speeches
 - vii. To exclude the press and public for all or part of a meeting
 - viii. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct
 - ix. To suspend any standing order except those which are mandatory by law
 - x. To adjourn the meeting
 - xi. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
 - xii. To answer questions from councillors
- b. If a motion falls within the terms of reference of the Clerk, a referral of the same may be made to the Clerk provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience

6. Rules of Debate

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience
- b. A motion shall not be considered unless it has been proposed and seconded
- c. A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn
- d. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder
- e. A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn
- f. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder
- g. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration
- h. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by
- i. A point of order shall be decided by the Chairman and his decision shall be final
- j. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused
- k. The Chairman must be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote

7. Code of Conduct

- a. All councillors shall observe the code of conduct adopted by the Council
- b. If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(c) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted
- c. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room

8. Questions

- a. A councillor may seek an answer to a question concerning any business of the Council provided 5 days notice of the question has been given to the Proper Officer
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions
- c. Every question shall be put and answered without discussion

9. Minutes

- a. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read
- b. 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
- c. 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 () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”
- d. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed

10. Disorderly Conduct

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

11. Rescission of Previous Resolutions

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except by a special motion, bearing the name of at least 3 councillors of the Council
- b. When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no

similar motion may be moved within a further 6 months

12. Voting on Appointments

- a. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote

13. Expenditure

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

14. Extraordinary Meetings

- 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 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors

15. Advisory Committees

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

16. Accounts and Financial Statement

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually
- b. The Responsible Financial Officer shall supply to each councillor at each Parish Council Meeting a statement summarising the Council's receipts and payments since the previous meeting and the balances held at the current date. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June

17. Estimates/Precepts

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

18. Canvassing of and Recommendations by Councillors

- a. Canvassing councillors, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate
- b. A councillor shall not solicit a person for appointment to or by the Council or recommend a person for such

appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment

- c. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment

19. Inspection of Documents

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

20. Unauthorised Activities

- a. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council:
- i. Inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. Issue orders, instructions or directions

21. Confidential Business

- a. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature

22. Power of Well-Being

- a. Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council
- b. The Council's period of eligibility begins on the date that the resolution under standing order 22 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections
- c. After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 22(b) above

23. Matters Affecting Council Employees

- a. If a meeting considers any matter personal to the Parish Clerk, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above
- b. Subject to the Council's policy regarding absences from work, the Parish Clerk shall notify the Chairman the Council or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to next Parish Council meeting
- c. The Chairman of the Council or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Parish Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council
- d. Subject to the Council's policy regarding the handling of grievance matters, the Parish Clerk shall contact the Chairman of the Council 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
- 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 Parish 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

- f. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters
- g. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected
- h. 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
- i. Only persons with line management responsibilities shall have access to employee records referred to in standing orders 23(g) and (h) above if so justified
- j. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 23(g) and (h) above shall be provided only to the Parish Clerk and/or the Chairman of the Council

24. Freedom of Information Act 2000

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above

25. Relations with the Press/Media

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media
- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media

26. Liaison with Ward or County Councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Ward Councillor
- b. Unless the Council otherwise orders, a copy of each letter sent to the County Councillor shall be sent to the Ward Councillor

27. Financial Matters

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. The accounting records and systems of internal control
 - ii. The assessment and management of financial risks faced by the Council
 - iii. The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually
 - iv. The inspection and copying by councillors and local electors of the Council's accounts and/or orders of payment
 - v. Procurement policies (subject to standing order 27(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £20,000
- b. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £20,000 shall be procured on the basis of a formal tender as summarised in standing order 27(c) below
- c. Any formal tender process shall comprise the following steps:

- i. A public notice of intention to place a contract to be placed in a local newspaper
 - ii. A specification of the goods, materials, services and the execution of works shall be drawn up
 - iii. Tenders are to be sent, in a sealed marked envelope, to the Parish Clerk by a stated date and time
 - iv. Tenders submitted are to be opened, after the stated closing date and time, by the Parish Clerk and at least one member of the Council
 - v. Tenders are then to be assessed and reported to the appropriate meeting of Council
- d. The Council is not bound to accept the lowest tender, estimate or quote
- e. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules

28. Allegations of Breaches of Code of Conduct

- a. On receipt of a notification that there has been an alleged breach of the code of conduct the Parish Clerk shall refer it to the Council
- b. Where the notification relates to a complaint made by the Parish Clerk, the Clerk shall notify the Chairman of the council, who shall nominate a person to assume the duties of the Clerk set out in the remainder of this standing order and who shall continue to act in respect of that matter until the complaint is resolved
- c. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Parish Clerk) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
- i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed
 - ii. Ensure that any background papers containing the information set out in standing order 28(a) above are not made public
 - iii. Ensure that the public and press are excluded from meetings as appropriate
 - iv. Ensure that the minutes of meetings preserve confidentiality
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter
- d. Standing order 28(c) above should not be taken to prohibit the Council (whether through the Parish Clerk or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law
- e. The Council shall have the power to:
- i. Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter
 - ii. Seek and share information relevant to the complaint
 - iii. Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council
- f. References in standing order 28 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor

29. Variation, Revocation and Suspension of Standing Orders

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in

relation to any specific item of business

- b. A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, after written notice which bears the names of at least 2 councillors

30. Standing Orders to be Given to Councillors

- a. The Parish Clerk shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office
- b. The Chairman's decision as to the application of standing orders at meetings shall be final
- c. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders

Signed:

Dated:

Chairman of Brilley Parish Council