

# Bethersden Parish Council

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## Bethersden Parish Council List of Standing Orders

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# **Standing Orders**

## **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- c. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- d. An amendment is a proposal to remove or add words to a motion; it shall not negate the motion.
- e. If there is more than one amendment to an original or substantive motion, only one amendment shall be moved and debated at a time and the amendments shall be moved in the order directed by the chairman.
- f. 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.
- g. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- h. When a motion is under debate, no other motion shall be moved until the chairman of the meeting is satisfied that the debate is complete.
- i. All motions and amendments shall be fully and fairly discussed to the satisfaction the chairman of the meeting before it is seconded and put to the vote.
- j. If a motion or amendment is continuing to be debated beyond what is a reasonable timescale it is at the discretion of the chairman of the meeting to defer the motion or amendment to a future or extra ordinary meeting.

## **1. DISORDERLY CONDUCT AT MEETINGS**

- a. No person, including a councillor, 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. 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.

## **2. MEETINGS GENERALLY**

- a. **Full Council 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. **For Full Council and Committee Meetings, 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. **Full Council and Committee 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. 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.
- e. Each member of the public is entitled to speak only once in respect of business in relation to the parish and shall not speak for more than 3 minutes.

- f. Should more than one person wish to speak in favour or against a particular subject, a spokesperson may need to be appointed for each group.
- g. 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.
- h. A question shall not require a response at the meeting nor start a debate on the question but may be added to the agenda of a future meeting. The chairman of the meeting may direct that a written or oral response be given.
- i. For Full Council and Committee Meetings, a person may not orally report or comment about a meeting as it takes place if he is present at the meeting but otherwise may film, photograph or make an audio recording; this must be declared at the start of the meeting and the chairman of the meeting may request that any undeclared recordings are forfeited to the Clerk.
- j. For Full Council and Committee Meetings, 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.
- k. For Full Council Meetings, 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 (if any).
- l. For Full Council Meetings, The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman (if any), 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.

- m. For All Meetings, 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.**
- n. For All Meetings, 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.**
- o. For all meetings, 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.**
- p. The minutes of Full Council Meetings 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 or non-councillor with voting rights 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.
- q. For All Meetings, the code of conduct adopted by the council shall apply to councillors and non-councillors in respect of the entire meeting.
- r. For All Meetings, 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 and shall be recorded in the minutes.**

- s. **For Full Council Meetings, 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. Should there be a relationship between councillors and those councillors are in attendance at meetings, then the quorum of the meeting shall increase appropriately to ensure perceived integrity.**
- t. **For All Meetings, 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.**

### **3. COMMITTEES AND SUB-COMMITTEES**

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

#### **4. 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 a day in May as the council may direct.**
- 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 directs.**
- e. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**



- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting 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 annual meeting of the council;
  - iii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - iv. Review of the terms of reference for committees;
  - v. Appointment of members to existing committees;
  - vi. Appointment of any new committees in accordance with standing order 4 above;
  - vii. Review and adoption of appropriate standing orders and financial regulations;
  - viii. Review of all of the council's policies and procedures.
  - ix. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - x. Review of representation on or work with external bodies and arrangements for reporting back;
  - xi. 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;
  - xii. Review of inventory of land and assets including buildings and office equipment;
  - xiii. Confirmation of arrangements for insurance cover in respect of all insured risks;

## **5. EXTRAORDINARY MEETINGS OF THE COUNCIL AND 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 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.**

## **6. PREVIOUS RESOLUTIONS**

A resolution shall not be reversed within six months unless further information/evidence has been forthcoming.

## **7. 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.

## **8. MOTIONS FOR A MEETING THAT REQUIRE NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a. No motion may be moved at a meeting unless it is on the agenda. Motions must be given to the Proper Officer at least seven days before the day of the meeting.**
- b. If the wording or nature of a motion is considered unlawful or improper, the Proper Officer shall consult with the chairman as to whether or not to include the motion in the agenda.**
- c. Every motion 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.**

## **9. MOTIONS AT A MEETING THAT DO NOT REQUIRE NOTICE**

The following motions may be moved at a meeting without written notice to the Proper Officer;

- a. to correct an inaccuracy in the draft minutes of a meeting;
- b. to move to a vote;
- c. to defer consideration of a motion;
- d. to refer a motion to a particular committee or sub-committee;
- e. to appoint a person to preside at a meeting;
- f. to change the order of business on the agenda;
- g. to proceed to the next business on the agenda;
- h. to require a written report;
- i. to appoint a committee or sub-committee and their members;
- j. to extend the time limits for speaking;
- k. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- l. to not hear further from a councillor or a member of the public;
- m. to exclude a councillor or member of the public for disorderly conduct;
- n. to temporarily suspend the meeting;
- o. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- p. to consider an urgent item that cannot be deferred to the next meeting or to an extraordinary meeting.
- q. to adjourn the meeting; or
- r. to close a meeting.

## **10. 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. Any sensitive information that councillors may need to view in order to determine a motion shall be printed on pink paper, circulated at the meeting by the Proper Officer and all such papers must be returned to the Proper Officer at the close of the motion. The Proper Officer, where appropriate, shall arrange for such papers to be destroyed.
- c. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **11. DRAFT MINUTES**

- a. If the draft minutes of a preceding meeting have been served on councillors prior to the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the 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 but include a paragraph stating that he does not agree that the minutes are an accurate record.
- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

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

- a. All councillors and non-councillors with voting rights must observe the code of conduct adopted by the council.**
- 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 may return to the meeting after it has considered the matter in which he had the interest.**
- 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 may return to the meeting after it has considered the matter in which he had the interest.**
- d. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, verbally 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 a meeting of the council or the Proper Officer if, 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**
- 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 for which the dispensation is sought; and**
  - iv. an explanation as to why the dispensation is sought.**

- g. A dispensation may be granted in accordance with standing orders 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.**

### **13. CODE OF CONDUCT COMPLAINTS**

- a. Upon notification by the Borough 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 report this to the council.
- b. Upon receipt of a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall refer the matter to the Borough Council.
- c. Where the notification 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 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.
- d. 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;

- e. **Upon notification by the District or Unitary 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.**

## **14. PROPER OFFICER**

- a. The Proper Officer shall be the Clerk. The council may employ a temporary member of staff to undertake the work of the Proper Officer if the Proper Officer has a prolonged absence.
- 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 or non-councillors with voting rights a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
  - 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 or a sub-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 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. 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;
- 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. record every planning application notified to the council and the council's response to the local planning authority;
- xiv. refer a planning application received by the council to the Chairman or in his absence 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;
- xv. manage access to information about the council via the council's website.
- xvi. Action or undertake activities or responsibilities instructed by resolution or contained in standing orders.
- xvii. Provide councillors with copies of minutes or any document needed for the purpose of his official duties.

## **15. RESPONSIBLE FINANCIAL OFFICER**

The council Responsible Officer shall be the Clerk. The council may employ a temporary member of staff to undertake the work of the Responsible Officer if the Responsible Officer has a prolonged absence.

## **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.
- 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 the council a comparison with the budget for the financial year and highlight any actual or potential overspends.



- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments for the year for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e. A completed draft annual return shall be presented to each councillor as soon after the end of the financial year as is practical. 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.

## **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. procurement policies including the setting of values for different procedures where a contract has an estimated value of less than £25,000.

- b. Financial regulations shall be reviewed 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 procured on the basis of a formal tender**
- 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 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 on the council's website and any other manner that is appropriate;
  - iv. tenders are to be submitted in writing to the Proper Officer;
  - v. tenders are to be reported to and considered by the appropriate meeting of the council.
- e. The council is not bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 (SI No. 102, 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.**
- g. Grants may be awarded to charities or other organisations that benefit the residents of the Parish.

## **18. HANDLING STAFF MATTERS**

- a. If a meeting considers any matter personal to a council employee, the press and public shall be excluded.
- b. 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.
- c. The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- d. All matters regarding staff handling are contained within the contract of Employment.

## **19. 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 of the council or relevant Committee to which it refers. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **20. RELATIONS WITH THE PRESS/MEDIA**

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.

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

- a. A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b. **Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

## **22. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**

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

## **23. 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.

## **24. 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 two councillors to be given to the Proper Officer.
- 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.

- e. A councillor's failure to observe standing orders on more than two occasions in one meeting may result in him being excluded from the meeting.

**Adopted on:**

**To be reviewed annually at the Annual**