

HERSTMONCEUX PARISH COUNCIL

STANDING ORDERS

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1. 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 discretion for reasons of expediency.
- b Subject to Standing Order 9(a)–(e) below, a motion shall not be considered unless it has been proposed and seconded.
- c A motion included in an agenda not moved by the proposer may be treated by the Chairman of the meeting as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to, or withdraw his own motion. If a motion has already been seconded, an amendment to or withdrawal of it shall be permitted with the consent of the seconder.
Any amendment to a motion shall be either:
 - i. to leave out words
 - ii. to add words
 - iii. to leave out words and add in other words
- f A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- g Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h Subject to Standing Order 1(g) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- i Pursuant to Standing Order 1(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- j If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- k If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- l The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding three minutes.
- m Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- n Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another Councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- o Subject to Standing Orders 1(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- p 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.

- q A point of order shall be decided by the Chairman and his decision shall be final.
- r Subject to Standing Order 1(o) above, when a Councillor's motion is under debate no other motion shall be moved except:
 - i to amend the motion;
 - ii to proceed to the next business;
 - iii to adjourn the debate;
 - iv to put the motion to a vote;
 - v to ask a person to be silent or for him to leave the meeting;
 - vi to refer a motion to a committee or sub-committee for consideration;
 - vii to exclude the public and press;
 - viii to adjourn the meeting;
 - ix to suspend any Standing Order, except those which are mandatory.
- s Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under Standing Order 1(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chairman of the meeting.
- u In respect of Standing Order 1(r)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

2. Disorderly Conduct at Meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman of the meeting may move that the person be no longer heard or 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.

3. Meetings Generally – Full Council , Committee & Sub Committee

- 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 **The minimum 3 clear days for notice of a Full Council Meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a Committee Meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**

- d** 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.**
- e Subject to Standing Order 3(d) 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.
- f The period of time which is designated for public participation in accordance with Standing Order 3(e) above, shall not exceed 15 minutes at the Chairman's discretion.
- g Subject to Standing Order 3(f) 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 3 minutes.
- h In accordance with Standing Order 3(e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response at the meeting nor start a debate on the question or debate. i The Chairman of the meeting may direct that a written or oral response be given.
- j A summary of a public participation session at a meeting shall be included in the minutes of that meeting.
- k A person shall raise his hand when requesting to speak.
- l Any person speaking at a meeting shall address his comments to the Chairman.
- m 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.
- n Subject to Standing Order 3(o), a person who attends a Full Council or Committee meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- o A person present at a Full Council or Committee meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- p The press shall be provided with reasonable facilities for the taking of their report of all or part of a Full Council or Committee meeting at which they are entitled to be present.**
- q 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.**
- r The Chairman of the Council, if present, shall preside at a Full Council meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at a meeting shall preside at the meeting.**
- s Subject to a Full Council, Committee or Sub-Committee meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.**
- t The Chairman of a Full Council, Committee or Sub-Committee meeting may give an original vote on any matter put to the vote and, in the case of an equality of votes, may exercise his casting vote whether or not he gave an original vote.**

(See also Standing Orders 5 (i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.)

- u **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.** Such a request shall be made before moving on to the next item of business on the agenda.
- v The minutes of a meeting shall include an accurate record of the following:
 - i shall determine their terms of reference;
 - i the time and place of the meeting;
 - ii the names of councillors who are present and the names of councillors who are absent; interests which have been declared by councillors and non-councillors with voting rights, that have arisen from the councils adopted code of conduct, the nature of which are required to be disclosed at the meeting.
 - iii the grant of dispensations (if any) to 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.
- w **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a Full Council, Committee or Sub-Committee meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- x **No business may be transacted at a Full Council meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
(See Standing Order 3(x) for the quorum of a committee or sub-committee meeting)
- y A Councillor who has missed three consecutive Full Council meetings without notifying the Clerk will be deemed to have resigned.
- z The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- aa **If a Full Council, Committee or Sub-Committee meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- bb A meeting shall not exceed a period of two and a half hours.

4. Committees, Sub-Committees and Working Groups

(See also Standing Order 3 above)

- 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 and working groups as may be necessary, and:

- ii. shall determine their terms of reference;
 - iii. may permit committees to determine the dates of their meetings;
 - iv. shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - v. may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer three days before the meeting that they are unable to attend;
 - vi. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with Standing Order 4(d)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - vii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - viii. may in accordance with Standing Orders dissolve a committee or working group at any time.
- e Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

5. Ordinary Council Meetings

- a In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the 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 decides.**
- c If no other time is fixed, the Annual Meeting of the Council shall take place at 6.00 p.m.**
- 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 election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f The election of the Chair and Vice Chair of the F&GP, Planning and Amenities Committees shall be the first business of the respective committee's first meeting that takes place after the Annual Meeting of the Council.
- g 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.**
- h 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 .**
- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he/she 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.**
- j 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.**
- k Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business shall include:-

- i. **In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date.**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees;
- iii. Review of delegation arrangements to committees, sub-committees Officers and other local authorities;
- iv. Review of the terms of references for committees;
- v. Receipt of nominations to existing committees;
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute Councillors) and receipt of nominations to them.
- vii. Review and adoption of appropriate Standing Orders and Financial Regulations.
- viii. Review of representation on or work with external bodies and arrangements for reporting back.
- ix. Review of inventory of land and assets including buildings and office equipment.
- x. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xi. Review of the Council s and/or employees' memberships of other bodies.
- xii. Establishing or reviewing the Council's Complaints Procedure.
- xiii. Establishing or reviewing the Council's policy for dealing with the press/media
- xiv. Confirming the dates, times and place of ordinary meetings of the Full Council for the year ahead.
- xv. Review of the Council's employment policies and procedures.

6. **Extraordinary Meetings**

(See also Standing Order 3 above)

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

7. **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 five Councillors to be given to the Proper Officer in accordance with Standing Order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to Standing Order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on Appointments

- a Co-option will be carried out in accordance with the Council's agreed procedures.
- b Prospective candidates have the opportunity to provide a one-page written statement giving details of their experience and skills and stating why they wish to become a Parish Councillor. The written statement to be sent to the Clerk at least 7 days prior to the meeting where co-option is to be considered by the Council.
- c The Clerk will issue copies of all written statements to the Members prior to the meeting.
- d At the meeting, each candidate will be invited to add to their statement by speaking in front of members for a maximum of 3 minutes which will be done on an individual basis with any other candidates not being present.
- e After all the candidates have completed their statements Members will resolve whether to proceed with a vote. If Members agree to proceed, Members will vote by signed ballot. Candidates and any members of the public shall remain present. The ballot shall be counted. The Clerk will announce the result of the ballot. The successful candidate will then sign the acceptance. The details of the votes for and against will not be disclosed unless formally requested by a Councillor during the meeting. At the end of the meeting the ballot papers shall be destroyed.
- f If there are more than 2 candidates for one position then voting will take place in a series of rounds where the candidates receiving the lowest number of votes drops out until only 2 candidates are left.
- g The candidate receiving the highest number of votes will be offered the position and upon acceptance must sign the Declaration of Acceptance of Office before becoming a Councillor.
- h In the event of a tied vote, the Council Chairman has a second and deciding vote, if he/she chooses to exercise it.
- i If members consider that none of the applicants are suitable they will defer the co-option and re-advertise the vacancy.
- j Any member not present at the commencement of the candidate's verbal statement will not be entitled to vote on their co-option.

9. Motions requiring Written Notice to be given to the Proper Officer

- a 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.
- b A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- c In accordance with Standing Order 14(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 10 clear days before the next meeting.
- d The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 9(c) above, correct obvious grammatical or typographical errors in the wording of the motion.
- e If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(c) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least eight clear days before the meeting.
- f 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, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

- g Having consulted the Chairman and/or Vice Chairman or Councillors pursuant to Standing Order 9(f) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- h Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Councillors.
- i 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 in a book for that purpose, which shall be open to inspection by all Councillors.

10. 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 absences of Councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vi. To proceed to the next business on the agenda.
 - vii. To close or adjourn debate.
 - viii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - ix. To appoint a committee or sub-committee or any Councillors (including substitutes) thereto.
 - x. To receive nominations to a committee or sub-committee.
 - xi. To dissolve a committee or sub-committee.
 - xii. To note the minutes of a meeting of a committee or sub-committee.
 - xiii. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - xiv. To consider a report and/or recommendations made by professional advisor, expert or consultant.
 - xv. To authorise legal deeds signed by two Councillors and witnessed.
(See Standing Orders 23(a) and (b) below)
 - xvi. To authorise the payment of monies up to £ 2,500
 - xvii. To amend a motion relevant to the original or substantive motion under consideration, this shall not have the effect of nullifying it.
 - xviii. To extend the time limit for speaking.
 - xix. To exclude the press and public for all or part of a meeting in accordance with Section 52 Public Bodies (Admissions) Act 1960.
 - xx. To silence or exclude from the meeting a Councillor or a member of the public for inappropriate personal aggression.
 - xxi. To give the consent of the Council if such consent is required by Standing Orders.
 - xxii. To suspend any Standing Order, except those which are mandatory by law.
 - xxiii. To adjourn or close the meeting.
 - xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- b If a motion falls within the Terms of Reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

11. Management of Information

(See also Standing Order 20)

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature except in circumstances where by not disclosing may be in direct conflict with one of the Council's policies.
- f A Councillor in breach of the provisions of Standing Order 11(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

12. Draft 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 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 10(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The Chairman of this meeting does not believe that the minutes of the meeting of the () 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."
- e If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge no later than one month after the meeting has taken place.**
- f Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes of the meeting shall be destroyed.
- g All recordings of meetings must be kept for six years.

13. Code of Conduct and Dispensations

(See also Standing Order 3(d) above)

- a All Councillors shall observe the current Code of Conduct or any other subsequent updated version adopted by the Council.
- b Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights must withdraw from a meeting when it is considering a matter in which he/she has declared a prejudicial, disclosable pecuniary interest or any other interest as required by the Council's Code of Conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c 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.
- d A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- e 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.
- f Subject to Standing Orders 13(d) and (e) 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] OR [at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required].
- g A dispensation may be granted in accordance with Standing Order 13(d) 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.**
- h All Councillors are advised to undertake or arrange training in the Code of Conduct and Parish Council procedures within 6 months of the delivery of their declaration of acceptance of office. All training should be completed within 12 months of their declaration of acceptance of office.

14. Code of Conduct Complaints

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman or in his absence the Vice Chairman of the Council. The Council's current Complaints Procedure shall be followed.
- b Upon notification by the District or Unitary Council [(Wales) [County Borough] OR [County Council]] that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council 's code of conduct, the Proper Officer shall, subject to Standing Order 13 above, report this to the Council.

- c Where the notification in Standing Order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 14(d) below.
- d **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.**

15. Proper Officer

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

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

- ii. subject to Standing Order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least (7) days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other

legitimate requirements (e.g. the Limitation Act 1980);

- xii. arrange for legal deeds to be executed;
(see also *Standing Order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee within three 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] OR [(Planning) committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

(See also *Standing Order 23*)

16. Responsible Financial Officer

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Financial Controls and Procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 17(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**

- 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 in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

18. Matters affecting Council Employees

- a A matter personal to a member of staff that is being considered by a meeting of the Council or Personnel Sub-Committee Committee is subject to Standing Order 11 above.
- b If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to Standing Order 3(d) above.
- c Subject to the Council's policy regarding absences from work, the Clerk or RFO shall notify the Chairman of the Council or, in his/her absence, the Chair of the HR Committee, of any absence occasioned by illness or urgency and that person shall report such

absence at its next meeting.

- d The Chair of the Personnel Sub-Committee or in his/her absence, the Vice-Chair of the Personnel Sub-Committee Committee shall annually conduct a review of the performance and/or appraisal of the Clerk and RFO and shall keep a written record of it. An employee may request a meeting with the Personnel Sub-Committee to consider the terms and conditions of their employment. The review and/or appraisal and/or the notes of the employee's requested meeting shall be reported back to Finance and General Purposes Committee as a confidential matter.
- e Subject to the Council's Grievance Procedures regarding the handling of grievance matters, the Clerk shall contact the Chairman of the Personnel Sub-Committee Committee or in his absence, the Vice-Chairman of the Personnel Sub-Committee Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council. The Personnel Sub-Committee Committee shall follow the procedures as laid out in the Council's Grievance Procedure.
- f Subject to the Council's policies regarding the handling of grievance and disciplinary 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.
- g 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.
- h 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.
- i Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- j Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders 18(g) and (h) above if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 18(g) and (h) above shall be provided only to the Chairman of the Council.

19. Requests for Information

(See Standing Order 20)

- a In accordance with Freedom of Information Legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b 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 current data protection legislation.
- c Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council or in his/her absence the Vice Chairman of the Council. The Chairman of the Council or Vice Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 and Data Protection Act 1998 including exercising the powers of Proper Officer in respect of Freedom of Information requests as set out in Standing Order 15(b)(x) above.

20. Responsibilities under Data Protection Legislation

(See also Standing Order 11.)

- a The Council shall appoint a Data Protection Officer.**
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f The Council shall maintain a written record of its processing activities.**

21. Relations with the Press & Media

- a 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. The Clerk shall refer any applications for a press interview immediately to the Chair or Vice Chair of the Council, who will decide on the appropriate councillor or employee who should handle that enquiry.

22. Execution and Sealing of Legal Deeds

(See also Standing Order 15(b)(xii) above)

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under Standing Order 22(a) above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

23. Liaison with District and County or Unitary Councillors

- a An invitation to attend a meeting of the Full Council shall be sent, together with the agenda, to the Councillors of the District and County Councils representing its electoral ward.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the Ward Councillor/s representing the area of the Council.

24. Restrictions on Councillor Activities

- a Unless authorised by a resolution, no Councillor shall:
 - i inspect any land and/or premises which the Council has a right or duty to inspect;

or

- ii. issue orders, instructions or directions.

25. Canvassing of/and Recommendations by Councillors

- a Canvassing Councillors or the members of a committee or sub-committee, 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 or a member of a committee or sub-committee 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.

26. Inspection of Documents

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 or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

27. Standing Orders Generally

- a 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.
- b Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- c 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, the written notice whereof bears the names of at least three Councillors to be given to the Proper Officer in accordance with Standing Order 9 above.
- d The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.
- e Standing Orders will be reviewed and, where appropriate, amended should there be any changes to Acts of Parliament/Statutory instruments or any subsidiary regulations.