

FROXFIELD AND PRIVETT PARISH COUNCIL STANDING ORDERS

1. Meetings generally

- Mandatory for Full Council meetings
- Mandatory for Committee meetings

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**

- ■ d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution, which shall give reasons for the public's exclusion.**

- e The Council may make appropriate arrangements for electors of the parish to ask questions of or make representations to the Council. Normally this will be before the start of a meeting where electors of the parish may speak on any matter for not more than two minutes. The Chairman may at his or her discretion allow further time.
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- f **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.**

- g **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.**

- h **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.**
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- i **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.**

- ■ j **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.

- k **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.
- l The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor 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.
- ■ m **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.**
- n **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.**
- ■ o **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.**

2. 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:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall, subject to standing orders 2(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - iv. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;

- v. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- vi. shall determine if the public may participate at a meeting of a committee;
- vii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- viii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- ix. may dissolve a committee.

3. 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 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 meeting of the council and
- iii. Receipt of the minutes of the last meeting of a committee.

4. Extraordinary meetings of the council and 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.**

5. 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 4 councillors, 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 5(a) above has been disposed of, no similar motion may be moved within a further six months.

6. Motions at a meeting that do not require written notice

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

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order except those which are mandatory statutory requirements;
- xvi. to adjourn the meeting; or

xvii. to close a meeting.

7. Handling confidential or sensitive information

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

8. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- 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.

9. Code of conduct

- a All councillors and non-councillors with voting rights shall 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, 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 committee for which the dispensation is required and that decision is final.
- f **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion**

- of the meeting transacting the business as to impede the transaction of the business or
- ii. **granting the dispensation is in the interests of persons living in the council's area or**
- iii. **it is otherwise appropriate to grant a dispensation.**

10. Code of conduct complaints

- a **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.**

11. Conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b The chairman of the meeting may take reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

12. Proper Officer

- a The Clerk to the Council shall be the Proper Officer
- b The Proper Officer shall:
 - i. **At least three clear days before a meeting of the council and a sub-committee serve on councillors, by email or delivery at their residences an agenda confirming the date, time and place.**
 - ii. **give public notice of the agenda confirming time, date, and place and agenda at least three clear days before a meeting of the council or a meeting of a committee or (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. **receive and retain copies of byelaws made by other local authorities;**
 - v. make available for inspection the minutes of the meetings.
 - 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 and
 - xi. record every planning application notified to the council and the council's

response to the local planning authority.

13. Responsible Financial Officer

The Clerk to the Council shall be the Responsible Financial Officer

14. Accounts and accounting statements

- a All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- b As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- c The RFO shall report to the Council the receipts and payments and cash balances held. A Financial Statement prepared on the appropriate accounting basis for a year to 31 March shall normally be presented to each councillor before the end of the month of May. The Statements of Accounts of the Council, including the annual governance statement, shall be present to the Council for formal approval.
- d The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. 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.

15. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the 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 (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£5,000].
- b **A proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5,000 shall be procured on the basis of a formal tender.**
- c Neither the council, nor any committee is bound to accept the lowest value tender.
- d **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.

16. Handling staff matters

- a The chairman and the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing.
- b Any grievance matter raised by the Clerk shall be reported to the Chairman.
- c 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.
- d 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.
- e Only the Chairman and Vice Chairman shall have access to staff records.
- f Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the Chairman of the Council and/or the Vice Chairman.

17. Requests for information

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.

18. Execution of legal deeds

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 18(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

19. Communicating with District and County Councillors

An invitation to attend a meeting of the council shall be sent, together with the agenda, to the Councillor of the District and County Council representing its electoral ward.

20. 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 The chairman's decision as to the application of standing orders at the meeting shall be final.

Updated and adopted by the Parish Council at the meeting of Thursday 1st June 2017