

## **Swafield and Bradfield Parish Council**

### **Standing Orders 2019**

These Standing Orders are based on Model Orders issued in July 2018. These have been written for the largest Councils and then modified as recommended by Norfolk Parish Training and Support to suit a smaller Council without committees.

All items in bold type have been retained as they contain legal and statutory requirements.

**Note:** the Clerk/RFO is referred to as the "Proper Officer".

#### **How to use standing orders**

Standing orders are the written rules of a local Council. They are used to confirm a Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a Council but they may refer to them. A local Council must have Standing Orders for the procurement of contracts.

Meetings of full Council, Councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A Council should have Standing Orders to confirm those statutory requirements. A Council should have Standing Orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Model Standing Orders that are in bold type contain statutory requirements. It is recommended that Council adopts them without changing them. Other model standing orders not in bold are designed to help Council operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit the Council's needs.

The Model Standing Orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local Council. The Financial Regulations, as opposed to the Standing Orders of a Council, include most of the requirements relevant to the Responsible Financial Officer.

## 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. To ensure clarity only one motion may be moved at any one time.
- c. A motion (including an amendment) must have a proposer and a seconder.
- d. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- f. Discussion shall always be addressed to the Chairman, who controls debate.

## 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 and failing this be excluded from the meeting.

## 3. MEETINGS GENERALLY

- 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 exclusion of the public from part or all of a meeting shall be by a resolution which shall give reasons for the exclusion.**
- e. Public participation will be included in the middle of the agenda for a maximum of 15 minutes.
- f. subject to standing order 3 (e) above, a member of the public shall not speak for more than 3 minutes
- g. A question posed by a member of the public need not be answered or start a debate. The chairman may direct when a written or oral reply will be given.
- h. **Subject to standing order 3 (i), a person who attends a 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.**

- i. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- j. **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. **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 there is one).**
- l. **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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. **Subject to a 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.**
- n. **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.**  
*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- o. **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 a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of Councillors who are present and the names of Councillors who are absent;
  - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
  - iv. the grant of dispensations (if any) to Councillors and non-Councillors with voting rights;
  - v. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- q. **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.**

- r. **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.
- s. A meeting shall not exceed a period of 2 hours.

#### **4. COMMITTEES AND ADVISORY GROUPS**

- a. **The Council may appoint a committee whose terms of reference and members shall be determined by the Council. A committee will meet in public and have an agenda and minutes. Financial matters are excluded from committees.**
- b. **The Council may appoint an advisory group who need not meet in public.**

#### **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 Councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of the 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 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 decides.**
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) 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 there is one, 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 annual 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 shall 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 annual 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 shall 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 there is one) 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;
  - iii. In an ordinary election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL, 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 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 shall be signed by the two Councillors.**

## **7. PREVIOUS RESOLUTION**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 Councillors to be given to the Proper Officer.

## **8. VOTING ON APPOINTMENTS – Co-option**

- a. Where more than two persons have been nominated 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. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled 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.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting.
- c. The Proper Officer and the Chairman will decide on whether or not to include any motion on the agenda. An explanation on its exclusion shall be given by the Proper Officer.

## 10. 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 other information which is prejudicial to the public interest;
- xii. to not hear further from a Councillor or a member of the public;
- xiii. to exclude a Councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## 11. MANAGEMENT OF INFORMATION

- 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.**

## **12. DRAFT MINUTES**

- a. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. 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 to this effect.
- 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 not later than one month after the meeting has taken place.**
- f. Any notes or recordings taken at a meeting shall be destroyed once the minutes have been confirmed.

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

- a. All Councillors shall observe the code of conduct adopted by the Council. Details regarding this are contained in the Council's Code of Conduct Policy document.
- b. **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.
- c. **A dispensation may be granted in accordance with standing order 13(b) if having regard to all relevant circumstances any of the following apply:**
  - 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;**
  - 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.**

## **14. CODE OF CONDUCT COMPLAINTS**

- a. Upon notification by the District or Unitary 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 advise the Council and forward the complaint to the Monitoring Officer.

## 15. PROPER OFFICER

- a. The roles, responsibilities and duties of the Proper Officer are contained in a job description.
- b. **They include the issuing of summonses and advertising of the agenda within the time frame detailed in law.**
- c. Delegation to the Proper Officer (LG Act 1972 s101). The Proper Officer has the authority of Council to spend up to £500 in the event of an emergency. The Chairman or vice-Chairman (if the Chairman is absent) must be notified.

## 16. RESPONSIBLE FINANCIAL OFFICER (RFO)

- a. **The Council must appoint an RFO.**

## 17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. The RFO will conduct all financial matters according to “proper practices” the detail of which is contained in the job description. These duties are detailed in the Accounts & Audit Regulations 2015 and in “Governance & Accountability for Local Councils”.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer according to proper practices, and reviewed at least every third year.
- b. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- 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 18(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:
- e. a specification for the goods, materials, services or the execution of works shall be drawn up;
- f. 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;
- g. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- h. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

- i. 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;
- j. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- k. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- l. **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.**
- m. **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.**

## **19. HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of Council shall be considered in private.

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

- 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. **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- b. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c. **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.**
- d. **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.**
- e. **The Council shall maintain a written record of its processing activities.**

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

- a. Requests from the press or other media for an oral or written comment or statement from the Council, shall be dealt with by the Clerk and Chairman.

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

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution. It must be signed by 2 Councillors and witnessed by the Proper Officer.

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

- a. An invitation to attend a meeting of the Council shall be sent.

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no Councillor shall inspect any land and/or premises which the Council has a right or duty to inspect or issue orders, instructions or directions.

## **26. STANDING ORDERS GENERALLY**

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. The Proper Officer shall review Standing Orders and make recommendation to the Council on any changes.
- c. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Date approved.....5<sup>th</sup> March 2019

Date to be reviewed .....April 2020