

# Brimpton Parish Council

## Standing Orders

The standing orders in bold type contain statutory requirements.

### **1. Rules of debate at meetings**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

### **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**

- 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 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 OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**
- 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 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- g **a person may not orally report or comment about a meeting as it takes place if they are present at the meeting of a parish council or its committees but otherwise they may:**
  - a) film, photograph or make an audio recording of a meeting;
  - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- h 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.
- i Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).
- j 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.
- k 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.
- l 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(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.*
- m 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.
- n The Minutes of a meeting shall include an accurate record of the following:
  - the time and place of the meeting;
  - the names of councillors present and absent;

- interests that have been declared by councillors and non-councillors with voting rights;
  - whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - the resolutions made.
- o 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.
- p **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.**
- q **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.

#### **4. 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.**

#### **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 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:
  - 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;
  - Confirmation of the accuracy of the minutes of the last meeting of the council;

**6. Extraordinary meetings of the council and committees and sub-committees**

- a** The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b** If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

**7. Motions for a meeting that require written notice to be given the Proper Officer**

- a** 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.
- 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 7

clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

## **8. 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;

- to correct an inaccuracy in the draft minutes of a meeting;
- to move to a vote;
- to defer consideration of a motion;
- to refer a motion to a particular committee or sub-committee;
- to appoint a person to preside at a meeting;
- to change the order of business on the agenda;
- to proceed to the next business on the agenda;
- to require a written report;
- to appoint a committee or sub-committee and their members;
- to extend the time limits for speaking;
- to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- to not hear further from a councillor or a member of the public;
- to exclude a councillor or member of the public for disorderly conduct;
- to temporarily suspend the meeting;
- to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- to adjourn the meeting; or
- to close a meeting.

## **9. 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.

## **10. Draft Minutes**

- a If the draft minutes of a preceding meeting have been served on councillors with or before the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b 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.

## **11. Code of conduct and dispensations**

- 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 **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.
- e **A dispensation may be granted in accordance with standing order 11(d) above if having regard to all relevant circumstances the following applies:**
  - **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**
  - **granting the dispensation is in the interests of persons living in the council's area or**
  - **it is otherwise appropriate to grant a dispensation.**

## **12. Code of Conduct complaints**

- a Upon notification by the District 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 11 above, report this to the council.
- b **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.**

## **13. 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:
  - **At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, a summons, by email (providing the councillor has consented to service by email), confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer. See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.**
  - **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of**

**an extraordinary meeting of the council convened by councillors is signed by them);** See *standing order 3(b)* above for the meaning of *clear days* for a meeting of a full council and *standing order 3(c)* above for a meeting of a committee.

- **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- **receive and retain copies of byelaws made by other local authorities;**
- retain acceptance of office forms from councillors;
- retain a copy of every councillor's register of interests;
- record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;

#### **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:
  - each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
  - 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. 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 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. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. 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.
- f. 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.

#### **16. Execution and sealing of legal deeds**

A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

This is applicable to a council without a common seal.

#### **17. 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
- 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.

#### **18. 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

**19. 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.

**20. Standing Orders generally**

Unless authorised by a resolution no councillor shall Issue orders, instructions or directions.

- a The Proper Officer shall provide a copy of the Parish Council's Standing Orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- b The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.