

# Godstone Parish Council

(incorporating the Villages of Godstone, South Godstone and Blindley Heath)

## STANDING ORDERS

Note. "Council" refers to the Parish Council unless otherwise specified and "meeting" refers to all full council meetings, committee and sub-committee meetings

### Introduction

Standing orders define the ways the Council operates and the processes and procedures (rules) it follows to conduct business at meetings. If these are not followed any decision made or action taken could be unlawful. Some of these procedures are mandatory set down by statute and cannot be amended while others are under the control of the council. Mandatory requirements are shown in **bold italic font**.

### 1 Meetings

1.1 ***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.***

1.2 ***The agenda must be published and minimum of 3 days' notice must be given of meetings. When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.***

1.3 Notwithstanding 1.2 above the draft agenda for any full council meeting shall be circulated to Councillors for comment a minimum of 10 calendar days prior to the Council meeting. Councillors have 4 calendar days to comment and request items are included on the final agenda. The final Agenda will be circulated to Councillors, placed on the website, notice boards and to be available for public inspection 7 calendar days before the meeting. Last moment additions/changes may be made in accordance with 1.2 above.

1.4 All the supporting paperwork and meeting notes shall be provided to all Councillors at least 7 calendar days before the meeting. This must include copies of all reports and communications sent to the Council that will be discussed at the meeting. The supporting paperwork can be either sent electronically or in hard copy. This information is to be provided to Councillors only.

1.5 ***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.***

1.6 Subject to standing order 1.5 above, members of the public are permitted to make representations, raise questions and give evidence in respect of any item of business included in the agenda or of their concern during the period of time at the meeting for public participation. Any inputs outside of the time allocated for public participation will be at the discretion of the chair.

1.7 The period of time which is designated for public participation in accordance with standing order 1.6 above shall be a nominal 30 minutes. However, should circumstances require the Chair may extend this period provided it does not prevent other agenda items being addressed.

1.8 Any person speaking at a meeting shall initially address comments to the Chair.

1.9 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.

1.10 Every member of the public that speaks at a meeting must first identify themselves by giving their name and village; this will be recorded in the minutes. Subject to standing order 1.6 above, each member of the public is normally entitled to speak only once in respect of business itemised on the agenda or a matter of their concern and shall not speak for more than 5 minutes. However, at the discretion of the Chair they may be allowed to speak again on the matter or for longer especially where Councillors raise questions.

1.11 In accordance with standing order 1.6 above, a question or issue raised by a member of the public either in writing or verbally during a public participation session at a meeting or at another time will not necessarily receive an immediate response or the requirement to trigger a debate at a meeting.

1.12 In accordance with standing order 1.7 and 1.8 above, the Chair may direct that a response to a question or issue raised by a member of the public be referred to a Councillor or to an employee for an oral response at the meeting. If a written response is required the content must be agreed by resolution at a council meeting.

1.13 A record the issues and matters raised during the public participation session at a meeting shall be included in the minutes of that meeting.

1.14 ***Photographing, filming, recording, reporting or commenting on the proceedings of a meeting is permitted within the terms of the Public Bodies (Admissions to Meetings) Act 1960 as amended.***

1.15 ***In accordance with standing order 1.5 above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.***

1.16 ***Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).***

1.17 ***The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.***

1.18 ***Subject to standing order 1.25 below, all matters considered shall be decided by a majority of the Councillors present and voting thereon.***

1.19 ***The Chair 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 2.9 and 2.10 below.)***

1.20 ***Unless standing orders provide otherwise, voting on any question shall be by a show of hands and the minutes shall record the number of Councillors for and against the motion and those who abstained. At the request of any Councillor the vote on any matter the minutes shall record how each councillor present and voting gave their vote for or against that motion. Such a request shall be made before moving on to the next item of business on the agenda.***

1.21 ***The minutes of a meeting shall record the names of councillors present and those absent.***

1.22 If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

1.23 Should any Councillor not attend 6 full council meetings without making apologies that have been accepted by the parish council they would be deemed to have resigned. The parish council will then take the required steps to fill the vacant position

1.24 ***The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.***

1.25 ***An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing orders 7 and 8 below.). Thus the member must record, when signing in, the nature of the interest, i.e. whether Personal or Prejudicial, and also record the nature of the interest, as it will have to be recorded in the minutes.***

1.26 ***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 3.***

1.27 ***If a 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.***

1.28 Meetings shall normally not exceed a period of 3 hours but in circumstances, agreed by a vote of the Council, this time may be extended to address matters that cannot be deferred to a future regular meeting or to avoid calling an extraordinary meeting.

## **2 Ordinary Council Meetings**

(See also standing order 1 above)

2.1 ***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.***

2.2 ***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.***

2.3 ***If no other time is fixed, the annual meeting of the Council shall take place at 6pm.***

2.4 ***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.***

2.5 ***The election of the Chair and Vice-Chair (if any) of the Council shall be the first business completed at the annual meeting of the Council.***

2.6 ***The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.***

2.7 ***The Vice-Chair of the Council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.***

2.8 ***In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.***

2.9 ***In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.***

2.10 Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the Council, the typical order of business is set out in Appendix A

## **3 Proper Officer**

3.1 The Council's Proper Officer shall be either:

- (i) The clerk or such other employee as may be nominated by the Council from time to time. or
- (ii) Another employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. or
- (iii) A Councillor who temporarily covers the duties of the Proper Officer on an unpaid basis

3.2 The Proper Officer, the employee appointed to act as such during the Proper Officer's absence, or the Councillor covering for the Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders and their job description/terms of reference.

3.3 Details of the Council's Proper Officers key duties are contained at Appendix B.

#### **4 Motions requiring written notice**

4.1 All motions must be moved by a Councillor and before being discussed must be seconded by another Councillor at the meeting.

4.2 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 7 clear days before the next meeting.

4.3 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.

4.4 It is the responsibility of the Proper Officer to ensure all correctly moved motions appear on the agenda.

4.5 The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4.1 and 4.2 above, correct obvious grammatical or typographical errors in the wording of the motion.

4.6 If the Proper Officer considers the wording of a motion received in accordance with standing order 4.1 and 4.2 above is not clear in meaning the Proper Officer must contact the mover immediately detailing the concerns. 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 7 clear days before the meeting.

4.7 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall immediately contact the mover detailing the concerns. The Proper Officer will also consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, and the mover of the motion to consider whether the motion shall be included or rejected in the agenda.

4.8 There will be an agenda item at every meeting to allow any Councillor to propose a motion or matters for discussion at the next meeting. The Proper Officer/minute taker will record all motions and matters raised in the minutes and ensure they appear on the agenda for the next meeting.

#### **5 Motions not requiring written notice**

5.1 The motions in respect of the matters given in Appendix C may be moved without written notice.

5.2 If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee the motion shall be referred to such committee or sub-committee or employee unless the Chair directs for it to be dealt with at the present meeting for reasons of urgency or expedience.

5.3 If between regular meetings a non-controversial matter arises that while is not of a nature that would justify the calling of an extraordinary Council meeting but does require a formal decision from the Council the Chair may decide to contact all Councillors by email or telephone to seek their views. Provided no Councillor objects to the matter being decided outside of a meeting the Chair will conduct

a poll and accept the decision of the majority. The Chair will keep a record of the emails/telephone conversations and report the decision at the next Council meeting where the decision will be formally ratified by a vote.

5.4 If there are exceptional circumstances that require prompt action on an item not on the agenda that cannot be deferred to a future date, at the sole discretion of the Chair may allow the matter to be discussed and a decision made.

## **6 Rules of debate**

6.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's direction for reasons of expedience or by motion agreed by the Council.

6.2 Subject to standing orders 4.1 to 4.8 above, a motion shall not be considered unless it has been correctly proposed, seconded and it appears on the agenda or is allowed under standing order 5.1 and Appendix C.

6.3 Subject to standing orders 4.1 to 4.8 above, a motion included in an agenda not moved by the councillor who tabled it due to absence, at the discretion of the Chair may be discussed at the meeting, deferred to a future meeting or treated as withdrawn.

6.4 Guidance on the handling of amendments and changes to motions and conduct of the debate of motions is contained in Appendix D.

## **7 Code of conduct**

7.1 All Councillors shall observe the code of conduct adopted by the Council.

7.2 ***If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, Councillors may exercise the rights contained in standing order 7.3 below only if members of the public are permitted to also:***

- i. Make representations***
- ii. Answer questions and***
- iii. Give evidence relating to the business being transacted.***

7.3 ***Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting must not be part of the decision making process. They will normally leave the room or chamber but may remain if agreed by the Council. They may prior to their withdrawal from the meeting and decision being made:***

- i. Make representations***
- ii. Answer questions***
- iii. Give evidence relating to the business being transacted.***

## **8 Questions**

8.1 A Councillor may seek an answer to a question concerning any business of the Council provided 7 clear days' notice of the question has been given to the Proper Officer.

8.2 Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions. There will be an agenda item for questions for every topic on the agenda.

## **9 Minutes**

9.1 It is the responsibility of the Proper Officer to produce the minutes of meetings unless the Chair has made alternative arrangements.

9.2 Meeting minutes shall record events in sufficient detail to enable an interested observer who did not attend the meeting to understand the business discussed, the decisions made and the reasons for the decision. All reports and statements recorded in the minutes must be attributed to a person and a record of all votes taken shall be in accordance with standing order 1.20 above. Also note standing orders 1.21 and 1.22 above.

9.3 A draft of the minutes shall be circulated to Councillors 5 calendar days after the meeting. If a Councillor considers there is a significant issue with the minutes, then this can be raised with the Clerk to be included as an agenda point at the next meeting when clarification can be sought. The Clerk's minutes will always be presented at the next meeting when any comments can be addressed and noted.

9.4 A motion to correct an inaccuracy in the draft minutes shall be raised in accordance with standing order 5.1 above. The minutes, including any amendment to correct their accuracy, shall be confirmed by resolution then shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

9.5 If the Chair 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 Chair of this meeting does not believe that the minutes of the meeting of the [title] held on [date] in respect of [item number] were a correct record but his view was not upheld by the majority and the minutes are confirmed as an accurate record of the proceedings."

9.6 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed and the draft removed from the Council website.

## **10 Disorderly conduct**

10.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

10.2 If, in the opinion of the Chair, there has been a breach of standing order 10.1 above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be voted on without discussion.

10.3 If a resolution made in accordance with standing order 10.2 above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11 Rescission of previous resolutions**

11.1 A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice which bears the names of at least 3 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

11.2 When a special motion or any other motion moved pursuant to standing order 11.1 above has been disposed of, no similar motion may be moved within a further 6 months.

## **12 Voting on appointments**

12.1 Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

## **13 Expenditure**

13.1 Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations. These are given in a separate document titled 'Godstone Parish Council Financial Regulations' and are available for public inspection on request.

13.2 ***The Council's financial regulations shall be reviewed once a year.***

13.3 ***The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.***

#### **14 Execution and sealing of legal deeds**

See also standing order 5.1 above

14.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

14.2 ***In accordance with a resolution made under standing order 14.1 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.***

#### **15 Committees**

See also standing order 1 above

15.1 The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such 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 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;
- iv. May in accordance with standing orders, dissolve a committee at any time.

#### **16 Sub-committees**

See also standing order 1 above

16.1 Unless there is a Council resolution to the contrary, every committee may appoint a subcommittee whose terms of reference and members shall be determined by resolution of the committee.

#### **17 Extraordinary meetings**

See also standing order 1 above

17.1 ***The Chair of the Council may convene an extraordinary meeting of the Council at any time in accordance with standing order 1.2.***

17.2 ***If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.***

17.3 The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time in accordance with standing order 1.2.

17.4 If the Chair of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 2 Councillors, those councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 Councillors.

#### **18 Advisory committees**

See also standing order 1 above

18.1 The Council may appoint advisory committees comprised of a number of Councillors and non-councillors.

18.2 Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

### **19 Accounts and Financial Statement**

19.1 All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations.

19.2 The Responsible Financial Officer shall supply to each councillor as soon as practicable after the end of each calendar month, a statement summarising the Council's receipts and payments for the month and the balances held at the end of the month. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May.

19.3 The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

### **20 Estimates/precepts**

20.1 ***The Council shall approve written estimates for the coming financial year and agree the precept at its meeting before the end of January.***

20.2 Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than November.

### **21 Canvassing of and recommendations by councillors**

21.1 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.

21.2 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.

21.3 This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **22 Inspection of documents**

22.1 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.

### **23 Unauthorised activities**

23.1 Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- i. Inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. Issue orders, instructions or directions.

### **24 Confidential business**

24.1 Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

24.2 A councillor in breach of the provisions of standing order 24.1 above may be removed from a committee or a sub-committee by a resolution of the Council.

## **25 Power of well-being**

25.1 *Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.*

25.2 *The Council's period of eligibility begins on the date that the resolution under standing order 25.1 above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.*

25.3 *After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25.2 above.*

## **26 Matters affecting council employees**

26.1 If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Finance committee has decided whether or not the press and public shall be excluded pursuant to standing order 1.4 above.

26.2 Matters relating to the management of all council staff are contained in Appendix E.

## **27 Freedom of Information Act 2000**

27.1 All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

27.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chair of the Council. The said Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out in standing order 3.3 above.

## **28 Relations with the press/media**

28.1 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 and will be agreed by resolution.

28.2 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 in the name of the Council unless and until it has been agreed by resolution.

## **29 Liaison with District and County or Unitary Councillors**

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

29.2 Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council councillors representing its electoral ward.

## **30 Financial matters**

30.1 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 accounting records and systems of internal control;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the Internal Auditor 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;
- v. procurement policies (subject to standing order 30.2 below) including the setting of values for different procedures where the contract has an estimated value of less than £10,000.

**30.2 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£10,000] shall be procured on the basis of a formal tender as summarised in standing order 30.4 below.**

30.4 The Council may decide to apply the tender process to lower value contracts for the supply of goods and services as they decide by resolution.

30.3 Any formal tender process shall comprise the following steps:

- i. At the discretion of the Council a public notice of intention to place a contract will be placed in a local newspaper;
- ii. A specification of the goods, materials, services or the execution of works shall be drawn up and agreed by the Council and this will normally be sent to at least 3 potential suppliers;
- iii. A tender assessment panel agreed by the council or committee will prepare the tender assessment criteria;
- iv. Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
- v. Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council who is on the tender assessment panel;
- vi. The tender assessment panel shall review the tenders and reported recommendations to the appropriate meeting of Council or Committee.

30.4 Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

**30.5 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.**

### **31 Allegations of breaches of the code of conduct.**

31.1 On receipt of a notification that there has been an alleged breach of the code of conduct this shall be referred to the Proper Officer at the District Council

### **32 Variation, revocation and suspension of standing orders.**

32.1 Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

32.2 A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall be decided on a majority vote with the Chair holding a casting vote in the event of the original vote ending equal.

### **33 Standing orders to be given to councillors.**

33.1 The Proper Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his declaration of acceptance of office.

33.2 The Chair's decision as to the application of standing orders at meetings shall be final unless the meeting decides otherwise by resolution.

33.3 A Councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting.

### **Appendix A** **Order of Business for Annual Meeting**

Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the Council, the order of business is typically:

A1. ***In an election year, the delivery by councillors of their declarations of acceptance of office.***

A2. 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.

A3. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.

A4. Review of the terms of references for committees.

A5. Receipt of nominations to existing committees.

A6. 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.

A7. Review and adoption of appropriate standing orders and financial regulations.

A8. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.

A9. Review of representation on or work with external bodies and arrangements for reporting back.

A10. In a year of elections, if a Council's period of eligibility to exercise the power of wellbeing expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

A11. Review of inventory of land and assets including buildings and office equipment.

A12. Review and confirmation of arrangements for insurance cover in respect of all insured risks.

A13. Review of the Council's and/or employees' memberships of all bodies.

A14. Establishing or reviewing the Council's complaints procedure.

A15. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

A16. Establishing or reviewing the Council's policy for dealing with the press/media

A17. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead. These will normally be on the first working Monday of the month.

**Appendix B**  
**The Council's Proper Officers key duties**

- B1. Sign and serve on councillors by email or delivery or post to their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee as set down in 1.2 and 1.3 of the standing orders.**
- B2. Give public notice of the time, date, venue and agenda at least 3 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).**
- B3. Subject to standing orders 4.1 to 4.5 include in 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.
- B4. Supply all the supporting paperwork and meeting notes to all Councillors at least 7 calendar days before the meeting. This must include copies of all communications and reports sent to the Council that will be discussed at the meeting. The supporting paperwork can be either sent electronically or in hard copy. This information is to be provided to Councillors only.
- B4. Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 2.1 or 2.2.**
- B5. Produce as set out in section 9 of the standing orders minutes of meetings and make these available for inspection on the parish website and by arrangement in the parish office.
- B6. Receive and retain copies of byelaws made by other local authorities.
- B7. Receive and retain declarations of acceptance of office from councillors.
- B8. Retain a copy of every councillor's and council employees register of interests including membership of any organisations that operate within the parish and any changes to it keeping copies of the same available for inspection.
- B9. Keep proper records required before and after meetings.
- B10. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- B11. Receive and send general correspondence and notices on behalf of the Council where there is a resolution to do so.
- B12. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- B13. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- B14. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- B15. Record every planning application notified to the Council and the Council's response to the local planning authority.
- B16. Refer a planning application received by the Council to the Chair of the planning committee or in their absence the Vice-Chair of the planning sub-committee within 2 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.
- B17. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

**Appendix C**  
**Motions at meetings not requiring written notice**

- C1. To appoint a person to preside at a meeting.
- C2. To approve the absences of councillors.
- C3. To approve the accuracy of the minutes of the previous meeting.
- C4. To correct an inaccuracy in the minutes of the previous meeting.
- C5. To dispose of business, if any, remaining from the last meeting.
- C6. To consider a motion raised at the previous meeting understanding order 4.8
- C7. To alter the order of business on the agenda for reasons of urgency or expedience.
- C8. To proceed to the next business on the agenda.
- C9. To close or adjourn debate.
- C10. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- C11. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- C12. To receive nominations to a committee or sub-committee.
- C13. To dissolve a committee or sub-committee.
- C14. To note the minutes of a meeting of a committee or sub-committee.
- C15. To consider a report and/or recommendations made by a committee or a sub- committee or an employee.
- C16. To consider a report and/or recommendations made by a councillor, employee, professional advisor, expert or consultant.
- C17. To authorise legal deeds to be signed by two councillors and witnessed.  
*(See standing orders 14.1 and 14.2 below.)*
- C18. To authorise the payment of monies up to £1,000.00.
- C19. To amend a motion relevant to the original or substantive motion under consideration if this does not have the effect of nullifying the original motion.
- C20. To extend the time limit for speeches.
- C21. To exclude the press and public for all or part of a meeting.
- C22. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- C23. To give the consent of the Council if such consent is required by standing orders.
- C24. **To suspend any standing order except those which are mandatory by law.**
- C25. To adjourn the meeting.
- C26. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- C27. To answer questions from councillors.

**Appendix D**  
**Amendment of Motions and Conduct of Debate**

- D1. 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 Chair, be put to writing and handed to the Chair who shall determine the order in which they are considered.
- D2. A Councillor may move amendments to his own motion. If a motion has already been seconded, the amendment to it shall be with the consent of the seconder
- D3. Any amendment to a motion shall be either:  
i. to leave out words;  
ii. to add words;  
iii. to leave out words and add other words.
- D4. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- D5. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- D6. Subject to D5 above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.
- D7. Pursuant to D2 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- D8. If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- D9. 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.
- D10. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.
- D11. 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.
- D12. Subject to D2 and D5 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.
- D13. 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.
- D14. A point of order shall be decided by the Chair and their decision shall be final.
- D15. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- D16. Subject to standing orders 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.

D17. In respect of standing order D15.v above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair 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.

**Appendix E**  
**Management of Council employees**

- E1. Employees work for the Council and must not act on the instruction of any individual Councillor including the chair. They must not carry out any action unless they have been instructed to do so by the Council, it is covered by their written terms of reference/duties or it is covered by a delegated power they have been given by the Council in writing. However, employees will normally consider the Chair of the Council or in their absence the vice Chair of the Council as their day to day line manager when seeking clarification or guidance.
- E2. Employees must declare and register all external interests and should any matter arise during their employment or at a meeting make a declaration of interests that will be recorded
- E3. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chair of the Council or, in their absence, the Vice-Chair of the Council of any absence occasioned by illness or urgency and that person shall report such absence to Council at its next meeting.
- E4. The Chair of Council or in their absence, the Vice-Chair of the Council shall upon a resolution conduct a review of the performance and/or appraisal, normally on an annual basis, of the employee's performance and shall keep a written record of it. Prior to any review the Chair will ask all Councillors to provide comments on the employees' performance prior to the review and/or appraisal. The outcome of the review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council carried out in accordance with standing order 1.4.
- E5. Subject to the Council's policy regarding the handling of grievance matters, the employee shall contact the Chair of the Council or in their absence, the Vice-Chair of the Council in respect of an informal or a formal grievance matter, and this matter shall be reported back and progressed by resolution of Council.
- E6. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the Chair or Vice-Chair 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.
- E7. 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.
- E8. 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.
- E9. 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.
- E10. Apart from the Chair or in their absence the vice Chair only persons with justified reason supported by resolution shall have access to employee records referred to in vii and viii above
- E11. Unless agreed by resolution access and means of access by keys and/or computer passwords to records of employment referred to in E7 and E8 above shall be provided only to the Proper Officer and the Chair of the Council or in their absence, the Vice-Chair of the Council.
- E12. All keys, passwords, access codes and any other means of allowing access to any council papers of property must be surrendered on employment by the Council ceasing