

CHISELDON PARISH COUNCIL

STANDING ORDERS

Effective from 22nd July 2019

Reviewed June 2020

Reviewed July 2020 – Section 42b, 42d, 74c

Reviewed Oct 2020 – Section 23t approved.

Reviewed April 2021 – Section 3c and 5 approved

Reviewed June 2021 – annual approval

Reviewed Sept 2021 - sections 35, 41, 81,84 amended

Reviewed Oct 2021. Section 8 and 42(b) amended

Reviewed May 2022 – no changes made.

To be reviewed in July 2022 – item 74. NALC updates to Procurement. Taken from NALC model standing orders. Approved July 2022 Full Council meeting.

Reviewed in May Annual meeting 2023 changes made from 80 to 85 to include all staff.

Reviewed Oct 23 Full Council – changes to 35,41,42,43

Reviewed May 24. No changes.

Reviewed June 24. 74b and f - Public Contract Finder regulations updated to current legislation. Item 39 update from 3 Cllrs to 2.

April 2025 – Item 39 updated to match current CPC Financial Regulations. Approved April 25 Full Council meeting.

To be reviewed May 2025

DEFINITIONS

1. In these orders the use of the male gender shall include the female gender where appropriate.

MEETINGS

- 2 a. Meetings of the council shall be held at 7.30pm at such place as the council shall decide at the previous annual council meeting.
- b. Smoking is not permitted at any meeting of the council
- c. Whilst the law that allows remote virtual meetings (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime panel meetings) (England and Wales) Regulations 2020) is in place the council will have discretion as to whether to hold their meetings virtually. This will be published as part of the meeting agenda and members of the public invited to attend remotely for public recess. If this law is repealed then all meetings will revert to physical meetings in a suitable location.

3. **The statutory annual meeting shall be held:**
 - a. in an election year on the Monday next following the fourth day after the ordinary day of election to the council, and
 - b. in a year which is not an election year on the second Monday in May.
 - c. Where it is not possible, due to exceptional circumstances, to adhere with Part (b) above, the Proper Officer of the Council shall have the delegated authority to amend the annual meeting date to another date in May in consultation with the Chairman of the Council, or in his absence, the Vice Chairman of the Council
4. **The three other statutory meetings shall be held on the second Monday in the months of February, August and November.**
5. **Eight additional meetings shall be held on the second Monday of the remaining months of the year.**

Provided that where such a meeting as is mentioned in Orders 3(b), 4 and 5 above falls upon a bank holiday such meeting shall be held on the Monday following.

The Proper Officer of the Council, in discussion with the Chairman, or in his absence, the Vice Chairman of the council can alter the dates of meetings noted in point 4 and 5, should legislation require alterations. Proper notice will be given.

CHAIRMAN OF MEETING

6. **The person presiding at a meeting may exercise all the powers and duties of the chairman in relation to the conduct of the meeting.**

PROPER OFFICER

7. Where a statute, regulation or order confers functions or duties on the proper officer of the council in the following cases, he shall be the clerk :-
 - a. to receive declarations of acceptance of office,
 - b. to receive and record notices disclosing pecuniary interests,
 - c. to receive and retain plans and documents,
 - d. to sign notices or other documents on behalf of the council,
 - e. to receive copies of bylaws made by the Borough Council,
 - f. to certify copies of byelaws made by the council,
 - g. to sign summonses to attend meetings of the council,
 - h. to keep proper records for all council meetings.

In any other case the proper officer shall be the person nominated by the council and, in default of nomination, the clerk.

QUORUM

8. **The quorum for the full council shall be no less than three or one third of the current council membership whatever is the greater.** Refer to SO47 for quorums of committees and sub-committees. For Chiseldon Parish Council this would be a minimum of 5 Cllrs present, as the total number of council members is 15.
9. If a quorum is not present when the council meet or, if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, no business shall be transacted and the business not transacted at the meeting shall be transacted at the next meeting or on such a day as the chairman may fix.

VOTING

10. Members shall vote by show of hands, or, if at least two members so request, by secret ballot.
11. **If a member so requires, the clerk shall record the names of the members who voted on any questions so as to show whether they voted for or against it.**
12.
 - a. **Subject to (b) and (c) below the chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.**
 - b. **If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the chairman and vice-chairman until the end of their term of office he may not give an original vote in an election for chairman.**
 - c. **The person presiding must give a casting vote whenever there is an equality of votes in an election for chairman.**

ORDER OF BUSINESS

13. **At each annual meeting the first business shall be:**
 - a. **to elect a chairman.** (who shall during his term of office hold the chairman's and shall wear the insignia at official public meetings, (other than council meetings) and functions which he attends as chairman of the council).
 - b. **to receive the chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
 - c. **in the ordinary year of election of the council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - d. **to decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
 - e. to elect a vice-chairman.
 - f. to determine the place where the statutory and additional monthly meetings of the Council shall take place for the ensuing year.
 - g. to appoint school governors, if requested.
 - h. to appoint committees.
 - i. to appoint representatives to outside bodies and to appoint individual members to such particular responsibilities as the council considers necessary.
 - j. to appoint trustees of local charities as may be necessary.
13. k. to receive a statement detailing any deeds and trust instruments in the custody of the council as determined by an audit conducted by at least two members of the council: and shall thereafter follow the order set out in SO 16.
14. **At every meeting other than the annual meeting the first business shall be to appoint a chairman if the chairman and vice-chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**

15. In every year not later than the meeting at which the estimates for the next year are settled the council shall review the pay and conditions of service of existing employees. (see also SO37).
16. After the first business has been completed, the order of business, unless the council otherwise decides on the grounds of urgency, shall be as follows :-
- a. to receive apologies for absence of members;
 - b. to read and consider the minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read;
 - c. **after consideration to approve the signature of the minutes by the person presiding as a correct record;**
 - d. **to deal with business expressly required by statute to be done;**
 - e. to dispose of business, if any, remaining from the last meeting;
 - f. to receive such communications as the person presiding may wish to lay before the council;
 - g. to answer questions from councillors;
 - h. to receive and consider reports and minutes of committees;
 - i. to receive and consider reports from officers of the council;
 - j. to authorise the sealing of documents;
 - k. to authorise the signing of orders for payment;
 - l. to consider resolutions or recommendations in the order in which they have been notified;
 - m. any other business.
17. A motion to vary the order of business on the ground of urgency
- a. may be proposed by the chairman or by any member and, if proposed by the chairman, may be put to the vote without being seconded, and
 - b. shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

18. Except as provided by these standing orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the clerk or the mover has given notice in writing of its terms and has delivered the notice to the clerk at least seven working days before the next meeting of the council.
19. The clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the council, be treated as withdrawn and shall not be moved without fresh notice.
21. If the subject matter of a resolution comes within the province of a committee of the council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such

other committee as the council may determine for report; provided that the chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved

22. Every resolution or recommendation shall be relevant to some subject over which the council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

23. Resolutions dealing with the following matters may be moved without notice:
- a. to appoint a chairman of the meeting;
 - b. to correct the minutes;
 - c. to approve the minutes;
 - d. to alter the order of business;
 - e. to proceed to the next business;
 - f. to close or adjourn the debate;
 - g. to refer a matter to a committee;
 - h. to appoint a committee or any member thereof;
 - i. to adopt a report;
 - j. to authorise the sealing of documents;
 - k. to amend a motion;
 - l. to give leave to withdraw a resolution or an amendment;
 - m. to extend the time limit for speeches;
 - n. to exclude the public (see also SO66);
 - o. to silence or eject from the meeting a member named for misconduct (see also SO 32);
 - p. to invite a member having an interest in the subject matter under debate to remain and to take no part in the subsequent debate and/or vote unless invited by the chairman to do so;
 - q. to give the consent of the council where such consent is required by these standing orders;
 - r. to suspend any standing orders (see also SO 76);
 - s. to adjourn the meeting.
 - t. Meetings of Council or Committee's/Sub-Committees should aim to finish in a timely fashion for the well-being of the Cllrs, Staff and members of the public. If a meeting is still in session at 9.30pm then the Chairman of the meeting should ask Cllrs to vote on whether to continue the meeting until the last item of business has been transacted, or whether to defer items to the next applicable agenda, or convene an extra meeting with 3 days-notice to complete the items to be transacted. This rule will also apply for any meeting lasting longer than 2 hours. Usual voting procedures will apply.

QUESTIONS

- 24. A member may ask the chairman or the clerk any question concerning the business of the council.
- 25. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26. Every question shall be put and answered without discussion.
- 27. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 28. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the chairman.
- 29.
 - a. A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
 - b. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - c. No speech shall exceed five minutes, except by the consent of the council.
 - d. An amendment shall be either:
 - i. to leave out words.
 - ii. to leave out words and insert or add others.
 - iii. to insert or add words.
 - e. An amendment shall not have the effect of negating the resolution before the council.
 - f. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
 - g. A further amendment shall not be moved until the council has disposed of every amendment previously moved.
 - h. A member, other than the mover of a resolution, shall not without leave of the council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - i. A motion or amendment may be withdrawn by the proposer with the consent of the council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - j. When a resolution is under debate no other resolution shall be moved except the following:
 - i. to amend the resolution.
 - ii. to proceed to the next business.
 - iii. to adjourn the debate.
 - iv. that the question be put now.
 - v. that a member named be not further heard.
 - vi. that a member named do leave the meeting.

29. j.(cont'd) vii. that the resolution be referred to a committee.
- viii. to exclude the public and press.
- ix. to adjourn the meeting.
30. a. The ruling of the chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b. Members shall address the chairman.
- c. A member desiring to speak shall indicate such desire by raising an arm and shall not speak until and unless permitted to do so by the chairman.
- d. Whenever the chairman speaks during a debate all other members shall be seated and silent.

CLOSURE

31. At the end of any speech a member may, without comment, move "that the question be put now", "that the debate be now adjourned" or "that the council do now adjourn". If such motion is seconded the chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before the council has been sufficiently debated. If the motion "that the question be put now" is carried, he shall call upon the mover to exercise or waive his right to reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the council shall not prejudice the mover's right to reply at resumption.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting)

DISORDERLY CONDUCT

32. a. **All members must observe the code of conduct adopted by the council, a copy of which is annexed to these standing orders.**
- b. No member shall at a meeting persistently disregard the ruling of the chairman, wilfully obstruct business, or behave irregularly, offensively, improperly, or in such a manner as to scandalise the council or bring it into contempt or ridicule.
- c. If, in the opinion of the chairman, a member has broken the provisions of paragraph 32(b) of the order, the chairman shall express the opinion of the council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall put forthwith and without discussion. **If a member reasonably believes that another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Committee of Swindon Borough Council.**
- d. If either of the motions mentioned in paragraph (c) is disobeyed, the chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT TO REPLY

33. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce any new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

34. A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

35. a. A decision (whether affirmative or negative) of the council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least five members of the council, or by a resolution moved in pursuance of the report or recommendation of a committee. OR if new information/evidence comes to light that makes the previous decision invalid or unsound.
- b. When a special resolution or any other resolution moved under the provisions of paragraph (a) of this order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

36. Where more than two members have been nominated for any position to be filled by the council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

37. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the council, it shall not be considered until the council or committee (as the case may be) has decided whether or not the public shall be excluded. (see also SO 66).

RESOLUTIONS ON EXPENDITURE

38. Any resolution which is moved otherwise than in pursuance of a recommendation of the finance committee or of another committee after recommendation by the finance committee and which, if carried, would in the opinion of the chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council, and any committee affected by it shall consider whether it desires to report thereon, and the finance committee shall report on the financial aspects of the matter.

EXPENDITURE

39. **REMOVE - Orders for payment of money shall be authorised by resolution of the council and signed by two members authorised to sign cheques.**
ADD – (To match the councils Financial Regulations) - Orders for payment of money shall be authorised by resolution of the council and approved by two members who are bank signatories. The clerk and RFO shall have delegated authority to authorise payments in the following circumstances:
- In the event of a payment on the councils banking system being overdue or urgent, and there are insufficient Cllrs available to make that approval, the Clerk and RFO are authorised to approve the payment. This includes any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998
 - Fund transfers within the councils banking arrangements of any amount, provided that such payments shall be included within the appropriate monthly list of payments submitted to the council at the next appropriate meeting.

SEALING THE DOCUMENTS

40. a. A document shall not be sealed on behalf of the council unless its sealing has been authorised by a resolution.
- b. Any two members of the council named in a resolution moved under the provision of paragraph (a) of this order may seal, on behalf of the council, any document required by law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

41. When the council appoints committees at the annual meeting the following shall apply:
 - a. the council shall not appoint any member of a committee so as to hold office later than the next annual meeting.
 - b. the council may appoint persons other than members of the council to any committee but without voting rights, and
 - d. the following committees shall be constituted and the appropriate number of persons shall be appointed to sit on each:
 - i. Environment, General Purpose and Amenities
 - ii. Planning, Transport Development and Highways
 - iii. Finance, Policies and HR
42. a. The chairman and vice-chairman shall be ex officio members of every committee.
- b. No person shall be appointed to sit on all committees except the chairman and vice-chairman of the council.
- c. Subject to the provisions of SO 35 the council may at its annual meeting appoint other standing committees and may at any other time appoint such other committees as may be necessary.
- d. All Councillors shall sit on at least 1 committee unless granted a special dispensation voted on at full council.
43. a. Every committee shall at its first meeting before proceeding to any other business, elect a chairman and vice-chairman, if required from amongst its appointed members.
- b. Every committee chairman shall ensure that minutes of each and every committee meeting for which he is responsible shall be kept and presented at the next practical meeting of the council; and every sub-committee chairman shall ensure that minutes of each and every sub-committee for which he is responsible shall be kept and presented as soon as practical to the chairman of the committee of which it is a sub-committee.
44. The chairman of a committee or the chairman of the council may summon an additional meeting of the committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a half of the members of the committee (including ex officio members). If such a calculation produces a fraction that fraction shall be disregarded. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
45. Every committee may appoint sub-committees for purposes to be specified by the committee.
46. The chairman and vice-chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

47. **The council unanimously voted (in August 2008) to set the quorum for each committee to be three members, irrespective of its size.** This supersedes the original requirement that the quorum of a committee or sub-committee shall be one-half of its members (including ex officio members), rounded down if necessary.
48. The standing orders on rules of debate (except those parts relating to standing and to speaking more than once) and the standing order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
48. a. A planning meeting may have extra meeting scheduled if a planning application requires a reply to Swindon Borough Council before the next meeting date, and Swindon Borough Council are unable to offer a suitable extension to the deadline.
If upon reviewing the planning application by email and all Planning committee members indicate "no objection" with no comments then the Clerk has delegated powers to write to Swindon Borough Council indicating that this is the Planning Committees decision. If one member of the committee has an objection or comments to make then an earlier meeting may be called subject to the conditions above.

ADVISORY COMMITTEES

49. a. There may be advisory committees, whose name, and number of members, and the bodies to be invited to nominate members, shall be as required by the council.
- b. The clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c. An advisory committee may make recommendations and give notice thereof to the council.
- d. An advisory committee may consist wholly of persons who are not members of the council.

VOTING IN COMMITTEES

50. Members of committees and sub-committees entitled to vote shall vote by show of hands or, if at least two members so request, by signed ballot.
51. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

52. A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

ACCOUNTS AND FINANCIAL STATEMENTS

53. a. Except as provided in paragraph (b) of this standing order or by statute, all accounts for payments and claims upon the council shall be laid before the council.
- b. Where it is necessary to make payment before it has been authorised by the council, such payment shall subsequently be authorised by the committee, if any, having charge of the business to which it relates, or by the chairman or vice-chairman of the council.
- c. All payments ratified under sub-paragraph (b) of this standing order shall be separately included in the next schedule of payments laid before the council.

54. The clerk or nominated Responsible Finance Officer (RFO) shall supply:
- a. to each member at the ordinary meeting next after the end of the financial year a statement of receipts and payments for the year and
 - b. to each member of the finance committee a monthly statement of receipts and payments at least seven days before the date of the next council meeting.

ESTIMATES

55. a. The council shall approve written estimates for the precept of the coming financial year as its meeting in the month of January.
- b. Any committee desiring to incur expenditure in the next financial year shall, not later than November give to the RFO a written estimate of the expenditure recommended for the precept for the coming year

INTERESTS – SEE ITEMS 90 & 91 FOR FURTHER CLARIFICATION

56. **If any member has any personal interest, direct or indirect, as defined by the code of conduct adopted by the council, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
57. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during the consideration of the item to which the interest relates.**
58. **The clerk may be required to compile and hold a register of members' Interests, or a copy thereof, in accordance with an agreement reached with the monitoring officer of the responsible authority and / or required by statute.**
59. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall declare it and thereupon be invited to withdraw from the meeting unless the council otherwise decides.
60. If a candidate for any appointment under the council is to his knowledge related to any member of or the holder of any office under the council, he and the person to whom he is related shall disclose the relationship in writing to the clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the council or to the appropriate committee any such disclosures. Where relationship to a member is disclosed SO 59 shall apply.

The clerk shall make known the purport of this standing order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

61. a. Canvassing of members of the council or of any committee, directly or indirectly, for any appointment under the council shall disqualify the candidate for such appointment. The clerk shall make known the purport of this sub-paragraph of this standing order to every candidate.
- b. A member of the council or of any committee shall not solicit for any person any appointment under the council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.
62. SOs. 59 and 60 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

63. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the council or a committee, and a copy shall be made available on request..
64. a. **All minutes kept by the council and by any committee shall be open for the inspection of any member of the council without charge.**
- b. The minutes of the council shall be open to inspection by parishioners on the electoral roll.

UNAUTHORISED ACTIVITIES

65. No member of the council or of any committee or sub-committee shall in the name of or on behalf of the council:
- a. inspect any lands or premises which the council has a right or duty to inspect; or
- b. issue orders, instructions or directions
- unless authorised to do so by the council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

66. **The public shall be admitted to all meetings of the council and its committees and sub-committees, which may, however temporarily exclude the public by means of the following resolution:**

"That in view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

Note: The special reasons shall be stated. If a person's advice or assistance is needed they may be invited to remain after the exclusion resolution is passed.

67. The clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
68. At all meetings of the council, the chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting to allow members of the public to address the meeting regarding the business to be transacted at that meeting.
69. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the council chamber.

CONFIDENTIAL BUSINESS

70. a. No member of the council or of any committee or sub-committee shall disclose to any person not a member of the council any business declared to be confidential by the council, the committee or the sub-committee as the case may be.
- b. Any member in breach of the provision of paragraph (a) of this standing order may be removed from any committee or sub-committee by the council.

LIAISON WITH BOROUGH COUNCILLORS

71. A notice of all council meetings shall be sent together with an invitation to attend to the Borough Councillors for the ward.
72. Unless the council otherwise orders, a copy of each letter ordered to be sent to the Borough Council shall be transmitted to the Borough Councillors for the ward as the case may require.

PLANNING APPLICATIONS

73. a. The clerk shall, as soon as it is received, retain on a file kept for the purpose a copy of every planning application received by the council for a minimum of five years.
- b. The clerk shall refer every planning application to the chairman of the planning committee or in the chairman's absence to the vice-chairman of that committee within forty eight hours of receiving it.
- c. The power to decide planning matters on behalf of the council is delegated to the planning committee.

STANDING ORDERS FOR TENDERS AND CONTRACTS

74. a. **Where it is intended to enter into a contract exceeding £1,000 in value for the supply of goods or materials or for the execution of works, the council, committee or sub committee shall endeavour to obtain at least three estimates.**
- b. **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 referred to in standing order 18(f) is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council

or a committee or sub-committee with delegated responsibility.

- 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. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**
- f. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**

CODE OF CONDUCT ON COMPLAINTS

- 75. **The council shall deal with complaints of maladministration allegedly committed by the council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils or any circular amending or replacing the same.**

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 76. Any or every part of the standing orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business but a motion to suspend standing orders shall not be moved without notice unless supported by two thirds of the members present. If such a calculation produces a fraction that fraction shall be disregarded.
- 77. A resolution permanently to add, vary, or revoke a standing order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.
- 78. Where standing orders are varied in any way the clerk shall ensure that each member is supplied with an amended copy.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 79. **A copy of these standing orders shall be given to each new member by the clerk upon delivery to him of the member's declaration of acceptance of office.**

STANDING ORDERS FOR ANNUAL PARISH MEETING

- 1. **Proceedings shall not begin before 6 p.m.**

¹ The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

2. **The chairman of the council shall preside.**
3. **If the chairman is absent the vice-chairman shall preside.**
4. **If the chairman and vice-chairman are absent the meeting shall appoint a chairman before it proceeds to any other business.**
5. The clerk shall record the proceedings of the parish meeting.
6. If the clerk is absent the person presiding at the meeting may record the proceedings or may appoint another to do so.
7. **As soon as the chair has been filled and provisions made for recording the proceedings the minutes of the previous meeting shall be read, considered and agreed and if correct signed by the person presiding at the meeting.** Thereafter, the order of business shall be:
 - a. to record apologies for absence;
 - b. **to receive the annual report of the parish council** from the chairman and chairmen of committees.
 - c. **to receive a statement of the parish council's accounts for the year ended the previous 31st March.**
 - d. to receive the council's observations on its finances for the current year.
 - e. to receive the report of the persons appointed by the council to be governors of schools.
 - f. **to receive the observations of the Borough Councillors for the ward in which the parish is situated.**
 - g. **to receive the report of the delegates to the county association of parish councils.**
 - h. **to receive statements and reports from representatives of the voluntary organisations in the parish and local charity trustees as decided by the council.**
 - i. **to consider resolutions of which written notice has been given.**
 - j. **to deal with any other business.**

STAFF ANNUAL REVIEW AND SALARY/GRADE REVIEW (AS REQUIRED)

80. It shall be the duty of the Finance Committee in conjunction with the Council Chairman (if these are the same Cllr then the Finance Chairman will select one other Cllr from the Finance Committee) to carry out the Clerk's annual review in March each calendar year. This review shall include if required a salary/grade review but is not a requirement of the annual review. A salary/grade review can be called at any other period of time with approval from the Finance Committee by majority vote.

The Clerk will carry out the annual review of any other member of staff as their Line Manager.

82. Any increase in salary may be approved by majority vote of the Finance Committee. The Finance Committee hold final approval for this decision. This process is the same for any member of council staff.

83. The Clerks salary will be reviewed using the CPALC pay scale which is recognised as a national standard.

84. The overall performance of the clerk shall be reported in general terms to the finance committee but the appraisal itself shall not be shared unless by agreement of the committee.

In the event that deficiencies in the performance of the clerk or staff have been identified, whether or not during an appraisal, this will be reported to the committee in a confidential item. A performance improvement plan (PIP) shall be agreed by **two** councillors, the first being the chair of the committee and the second being

elected by the committee, in conjunction with the clerk or member of staff, again with the contents and progress of any PIP being reported regularly to the committee in a confidential item.

85. The Clerks and other members of staffs contract is to be updated with an addendum to reflect any changes in role, hours or salary after any such review.

- a. For any employed staff review the Clerk as line manager will follow steps 80, 81 and 82 above, reporting to Finance Committee or Full Council the outcome of any annual review and salary review for approval by majority vote. Any staff members' contract will be amended as per item 85.

TERMS OF REFERENCE

86. Each Committee, listed in item 41c, shall have a "Terms of Reference" document that is passed by a majority vote of that committee. This document details the structure, conduct, purpose, specific responsibilities, and delegated powers of the committee in regards to carrying out Parish Council orders.

87. Each member of the committees listed in item 41c will receive a new copy of the committees "Terms of Reference" document upon joining that committee and upon any changes to the Terms of Reference.

88. No Committee shall exceed the remit of its Terms of Reference by dealing with another Committees responsibility without the express permission of the concerned committee or full council. This will approved by the means of a majority vote.

AUTHORITY OF THE PROPER OFFICER

89. The Clerk is the proper officer for any purpose in respect of which a proper officer is mentioned in any statute. [Except for any such purpose that will be voted on by Full Council and added to Standing Orders as required]

DISPENSATIONS

90a. Unless 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 an interest.

90b. Unless granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from making any input when it is considering a matter in which he has an interest if so required by the councils code of conduct. He may return to the meeting after it has considered the matter in which he had an interest. See SO 91.

90c. **Dispensation requests shall be in writing and submitted to the proper officer** as soon as possible before a meeting. Or failing that, at the start of the meeting for which the dispensation is required.

90d. A decision as to whether to grant a dispensation shall be made by The proper officer and that decision is final and will be recorded on the minutes.

90e. A dispensation request shall confirm:

- i. The nature of the disclosable pecuniary interest or other interest for which the request relates
- ii. Whether the dispensation is required to participate at a meeting in a discussion only, or discussion and vote.
- iii. The date of the meeting and period (Not exceeding 4 years) for which the dispensation is sought and
- iv. an explanation as to why the dispensation is sought.

Subject to SO's 90c and 90e above, dispensation requests shall be considered by The proper officer

90f. A dispensation will be granted in accordance with SO 90d if having regard to all the relevant circumstances the following applies:

- i. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as so to impede the transaction of the business or**
- ii. Granting the dispensation is in the interests of persons living in the council's area or**
- iii. It is otherwise appropriate to grant a dispensation.**

All dispensation decisions will be recorded on the minutes – including the duration that the dispensation is valid (Not exceeding 4 years)

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

91a. If a Councillor has declared a disclosable pecuniary interest then he must withdraw from the meeting whilst any discussion or vote takes place in respect of the matter in which the councillor has a disclosable pecuniary interest.

If it is a sensitive interest then the councillor must declare the existence of it, not the nature of it. (The Monitoring Officer must have approved the interest as sensitive which the Councillor must make clear)

91b. If a councillor has an interest which is not a pecuniary interest then he may remain in the meeting for the duration of the item but may not make comment or vote on the matter in hand. If he is the Chair or Vice Chair of the meeting or committee then he must arrange for another Councillor to chair this item and it should be noted on the minutes.

With regards to the above, a Councillor may speak in public recess only if the public are being permitted to speak.

VOTING ON APOLOGIES FOR ABSENCE AT A COUNCIL MEETING – BEST PRACTICE

92a. If a Councillor is unable to attend a meeting he has been summons to, best practice states they should formally seek approval for their absence. This should be in the form of written (or email) notice to the Proper Officer of the council. A reason for the absence should be stated. The request will be considered at the start of the meeting and a resolution voted on to approve the absence. If granted this will be noted in the minutes of the meeting.

COUNCILLOR ABSENCES & REASONS FOR REMOVAL FROM OFFICE

93a. If a Councillor does not attend any meeting of the whole council, committee, sub-committee, or joint committee for a period of six consecutive months and his absence is not approved before the expiry of the six months then he ceases to be a Councillor.

93b. If a Councillor does not sign his acceptance of office declaration before the first meeting of the council after election (or at a time the council considers suitable) then he ceases to be a Councillor.

93c. If a Councillor holds a paid office (Other than Chairman or Vice Chairman) or employment, the appointments to which are made to the council then he ceases to be a Councillor.

93d. If a Councillor is the subject of a bankruptcy restriction order or an interim bankruptcy restriction order, or a debt relief restriction order, or interim debt relief order under the Insolvency Act 1986 then he ceases to be a Councillor.

93e. If a Councillor has within 5 years before the day of election or since his election been convicted of an offence in the UK, Channel Islands, or the Isle of Man which has imposed a sentence or imprisonment of 3 months or more (whether suspended or not) without the option of a fine, then he ceases to be a Councillor.

93f. If the Councillor is disqualified from being a Councillor of a principle authority as a result of electoral offences then he ceases to be a Councillor.

