

# BALSHAM PARISH COUNCIL STANDING ORDERS

## 1. Meetings

- i Meetings may only take place in venues where alcohol is being supplied if no other suitable venue is available.
- ii A minimum of three clear days must be given for a meeting: these days do not include Sundays or bank holidays: neither do they include the day on which the notice was issued or the day of the meeting.
- iii Members of the public may attend meetings unless confidential matters are to be discussed: reasons shall be given for any exclusion of the public.
- iv Members of the public may ask questions and give opinions in respect of matters on the agenda.
- v The time allotted for public participation shall be limited to 15 minutes unless the Chairman directs otherwise. No member of the public shall speak for more than five minutes.
- vi A question asked by a member of the public shall not require an immediate response, unless the Chairman rules that it is in the public interest to do so.
- vii All comments shall be directed to the Chairman.
- viii If more than one person wishes to speak at any one time, the Chairman shall determine the order in which they address the council.
- ix If the Chairman is absent, then the Vice-Chairman shall preside. If both are absent, another councillor shall be chosen to preside.
- x All matters to be voted on at a meeting shall be decided by a majority vote of those councillors present at the meeting.
- xi The Chairman has the casting vote in the event of a tie.
- xii Voting shall be by a show of hands.
- xiii The minutes of a meeting shall include a record of:
  - (a) the time and place of the meeting
  - (b) the names of councillors present and absent
  - (c) the interests that have been declared by councillors
  - (d) whether a councillor left a meeting when matters in which they declared an interest were being considered
  - (e) if there were a public participation session
  - (f) resolutions made
- xiv A councillor who has disclosed personal or pecuniary interest in a matter under consideration is subject to statutory restrictions on his right to vote on the issue.

- xv Business may not be transacted unless at least one-third of the council members are present and, in no case, shall a quorum be less than three.

## 2. Committees

- i The council may appoint a committee and decide its terms of reference: these may include:
- (a) the appointment of a chairman of the committee
  - (b) the number of times a committee shall meet
  - (c) the notice requirements and quorum for meetings
  - (d) the reporting back to the council of any decisions
  - (e) whether members of the public are permitted to attend meetings
- ii The members of the committee may include non-councillors, unless it is a committee which controls the finances of the council. Non-councillors shall number no more than two.

## 3. Ordinary Council meetings

- i In a year in which an election is held the annual meeting of the council shall be within 14 days of the day on which the new councillors take office.
- ii In a year when an election is not held the annual meeting of the council shall take place in May.
- iii The annual meeting shall be held at 7.30pm unless the council decrees otherwise.
- iv In addition to the annual meeting, at least three other ordinary meetings shall be held each year, on dates decided by the council.
- v The first item of business on the agenda at the annual meeting shall be the election of the Chairman and Vice-Chairman of the council.
- vi The Chairman shall hold office, unless he resigns or becomes disqualified until his successor is elected at the next annual meeting of the council.
- vii In an election year, if the current Chairman has not been re-elected as a member of the council, he shall preside at the meeting until his successor has been elected. The current Chairman may not vote in respect of the election of a new Chairman, but must give a casting vote in the event of a tied vote.
- viii In an election year, if the current Chairman has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman has been elected. He may vote in respect of the election of a new Chairman and must give a casting vote in the event of a tied vote.
- ix The business of the annual meeting of the council shall include:
- (a) In a year in which an election has been held, the delivery of the Chairman and councillors of their acceptance of office forms. In a

year which is not an election year, the delivery by the Chairman of his acceptance of office form.

- (b) Approval of the accuracy of the minutes of the last meeting of the council.
- (c) Appointment of councillors to committees and other local bodies
- (d) Review of inventory of land and other assets, unless the council has decreed that this be done at a later date.
- (e) Confirmation of insurance cover in respect of all insured risks.
- (f) Review and adoption of the council's standing orders and financial regulations, unless the council has decreed for this to be done at a later date.
- (g) Confirmation of the council's procedures for dealing with requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, unless the Council has decreed for this to be done at a later date.
- (h) Confirming the time and place of all ordinary meetings of the council.

#### 4. Extraordinary Meetings of the Council

- i The Chairman may call an extraordinary meeting of the council at any time.

#### 5. Rules of debate

- i Proposals shall be debated in the order they appear on the agenda unless the Chairman rules otherwise.
- ii All proposals shall have a proposer and a seconder.
- iii Amendments are proposals to add or delete words. They shall not make the proposal invalid.
- iv If an amendment is carried, the proposal as amended shall be debated.
- v Amendments shall be notified to the Chairman before the meeting at which the proposal is to be debated. If there is more than one amendment, the Chairman may rule on the order in which they are considered.
- vi Each amendment shall be voted on separately and no councillor may put forward more than one amendment to a proposal.
- vii The proposer of an amendment has no right of reply at the end of the debate on it.
- viii The proposer of the original proposal shall have the right of reply either at the end of the first amendment or at the end of the final debate immediately before the final vote.
- ix A councillor may speak only once in a debate unless it has been amended, in which case he may speak on the amendment. A councillor may also speak on a point of order, or personal explanation, if he considers standing orders have been breached.
- x The Chairman shall determine the validity of a point of order: his decision is final.

- xi No councillor shall speak for more than five minutes on any proposal.
- xii If the vote on a resolution results in a tied vote, the Chairman has the casting vote, even though he may have already voted.
- xiii A resolution shall not be reversed within six months, except by a special proposal bearing the names of at least three councillors or as the result of a recommendation by a committee.

## 6. Disorderly conduct at meetings

- i No one shall behave improperly or obstruct the business of a meeting. The Chairman shall have the power to require persons to moderate their behaviour or be excluded from the meeting.
- ii The Chairman may take further steps to restore order and this may include temporarily suspending the meeting.

## 7. Proposals for meetings requiring written notice to be given

- i A proposal shall relate to the responsibilities of the meeting for which it is tabled and must relate to the performance of the council's statutory powers and obligations or to an issue specifically related to the council's area or its residents.
- ii No proposal may be moved unless it is on the agenda and the proposer has given seven clear days written notice of its wording to the Proper Officer. If the wording or the subject of the proposal is improper or unclear, the Proper Officer shall consult with the Chairman to agree whether the proposal shall be included in the agenda or rejected. Reasons shall be given for any rejection of the inclusion of a proposal.

## 8. Proposals which do not require written notice

- i The following proposals do not require written notice:
  - (a) To correct an inaccuracy in the draft minutes of a meeting
  - (b) To appoint a person to preside at a meeting
  - (c) To defer consideration of a proposal
  - (d) To change the order of business on the agenda, or to proceed to the next item on the agenda.
  - (e) To appoint a committee or members to a committee.
  - (f) To exclude the press or members of the public from a meeting in respect of confidential or sensitive information
  - (g) To exclude a councillor or a member of the public from a meeting for disorderly conduct.
  - (h) To suspend, adjourn or close a meeting.

## 9. Dealing with confidential or sensitive information

- i The agenda, supporting papers and the minutes of a meeting shall not disclose confidential or sensitive information which would not be in the public interest. Neither shall councillors disclose such information of a confidential or sensitive nature.

## 10. Draft Minutes

- i If draft minutes of a previous meeting have been issued to councillors at the same time as the agenda for the meeting at which they are due to be approved, they shall be taken as read.
- ii There shall be no discussion in respect of the draft minutes except in relation to their accuracy. (See 8i(a) above).
- iii The council shall confirm the accuracy of the minutes and they shall be signed by the Chairman: they shall then stand as an accurate record of the meeting to which they relate.

## 11. Code of Conduct

- i All councillors shall observe the code of conduct adopted by the council.
- ii A councillor shall withdraw from debate on a matter in which he has a disclosable pecuniary interest, or on which he has another interest.

## 12. Code of Conduct Complaints

- i Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the Code of Conduct, the Proper Officer shall report this to the council (subject to standing order 9 above).
- ii The council may provide information or evidence which is necessary to progress investigation into a complaint, and may seek information relevant to the complaint from the person or statutory body with responsibility for investigating the matter.
- iii Upon receipt of information from the district council that a councillor has breached the Code of Conduct, the council shall consider what action to take.

## 13. Proper Officer

- i The Proper Officer shall be the clerk, or other person nominated by the council to undertake the work of the clerk if the clerk is absent.
- ii The Proper Officer shall:
  - (a) Deliver notification to councillors, by post or by email, of the time, place and agenda of a council meeting at least three clear working days before the meeting (see 1ii above for definition of clear days).

- (b) Give public notice of the time, place and agenda at least three clear days before a meeting of the council.
- (c) Call a meeting of the council for the election of a new Chairman, should a casual vacancy arrive in this office.
- (d) Enable inspection of the minute book by local electors.
- (e) Retain copies of byelaws made by local authorities.
- (f) Retain acceptance of office forms and register of interests of councillors.
- (g) Assist with responses to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with the council's policies and procedures.
- (h) Receive and circulate general correspondence and notices on behalf of the council.
- (i) Organise the storage of, access to and destruction of information held by the council in paper and electronic form.
- (j) Arrange for legal deeds to be executed.
- (k) Arrange and manage any payments to be made by the council, in accordance with the council's financial regulations.
- (l) Record all planning applications received by the council and the council's response to the local planning authority. Refer a planning application to the Chairman or, in his absence, the Vice-Chairman within two working days of receipt, to enable an extraordinary meeting to be called if the application requires a response before the next scheduled meeting of the council.
- (m) Manage access to information about the council via the publication scheme.

#### 14. Accounts

- i "Proper Practices" refer to the most recent version of "*Governance and Accountability for Local Councils – a Practitioners' Guide*".
- ii All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- iii The Responsible Financial Officer shall supply to each councillor a quarterly statement summarising:
  - (a) Receipts and payments for the quarter.
  - (b) Aggregate receipts and payments for the year to date.
  - (c) The balance held at the end of the quarter being reported.
 This statement should also highlight any actual or potential overspends.
- iv As soon as possible after the end of the financial year the Responsible Financial Officer shall provide the council with a full statement for the year in the form of Section 1 of the annual return, for consideration and approval.
- v The year end accounting statements (for the year ending 31 March) shall be drawn up in accordance with proper practices. A completed draft annual return shall be presented to each councillor before the end of the following May. The annual return which is subject to external audit, shall be formally approved before 30 June.

## 15. Financial Controls and Procurement

- i The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer. These regulations shall include:
  - (a) The keeping of records and systems of internal control.
  - (b) The assessment and management of financial risks faced by the council.
  - (c) The work of the independent internal auditor in accordance with proper practices.
  - (d) The inspection and copying by councillors and local electors of the council's accounts.
  - (e) Procurement policies.
- ii Financial Regulations shall be reviewed annually to ensure they are fit for purpose.
- iii Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender. The tender process shall include:
  - (a) A specification for the goods, materials, services or execution of works.
  - (b) A timescale for the acceptance of tenders and the council's response.Tenders are to be submitted in writing to the council's Proper Officer, who shall open them in the presence of at least one councillor after the deadline for submission has passed. Tenders will then be considered by the full council.
- iv The council is not bound to accept the lowest value tender.

## 16. Staff Matters

- i A matter personal to a member of staff is subject to standing order 9 above.
- ii Any grievance matters pertinent to a member of staff shall be considered by the full council.
- iii Any written records relating to the performance of a member of staff shall be treated as confidential and secure. Electronic records shall be protected.

## 17. Requests for Information

- i Requests for information held by the council shall be handled in accordance with the council's policy regarding the Freedom of Information Act 2000 and the Data Protection Act 1998.
- ii Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the council. The council shall have the power to do what is necessary to facilitate compliance with the Freedom of Information Act 2000.

18. Execution and Sealing of Legal Deeds

- i A legal deed shall not be executed unless authorised by a resolution.
- ii Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

19. Communication with District and County Councillors

- i District and County councillors representing the area of the council shall be invited to attend meetings of the council, and an agenda sent to them.

20. Standing Orders - general

- i. All or part of a standing order, except one incorporating mandatory statutory requirements, may be suspended by resolution in relation to the debate on an item on the agenda of a meeting.
- ii A proposal to add to, vary or revoke any standing order, except one that incorporates mandatory statutory requirements, may be considered by the council. Proper written notice shall be given.
- iii The Proper Officer shall provide a copy of the council's standing orders to each councillor, either in written form or electronically.
- iv The Chairman of a meeting shall have the final decision as to the application of standing orders.