

# BAWDESWELL PARISH COUNCIL

## STANDING ORDERS

### 1. Rules of debate at meetings

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

### 2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under the above standing order, is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. Meetings generally

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c 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

- d Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e The period of time designated for public participation at a meeting in accordance with standing order 3(d) above shall be at the discretion of the chairman of the meeting.
- f In accordance with standing order 3(d) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- g A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- h A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- i Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- j Persons may photograph, record, broadcasting or transmit the proceedings of a meeting by any means to enable persons not present to see or hear proceedings at a meeting as it takes place or later; providing that the clerk and/or chairman are informed that this will take place before the meeting commences. Any recording must cease if the council resolves to move into confidential session as per the Public Bodies (Admissions to Meetings) Act 1960 as amended under Section 3 of The Openness of Local Government Bodies Regulations 2014. Refer to Protocol for the reporting at Meetings of Bawdeswell Parish Council.
- k The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- l Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.
- m The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- n Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors.
- o The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

- p Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- q The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- r A councillor who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- s No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.
- t If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- u A meeting shall not exceed a period of 2 1/2 hours.

#### 4. Committees

- a The Council may appoint committees as appropriate
- b Each committee shall determine their terms of reference which must be approved by Council.
- c Committees shall determine the number and time of its meetings
- d Committees may be dissolved at any time subject to Council approval
- e. Unless the Council determines otherwise, Committees may be made up from Councillors and Non Councillors.

#### 5. Ordinary council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c If no other time is fixed, the annual meeting of the council shall take place at 7.30pm.
- d Meetings are to be held on the first Thursday of each month with the exception of January or August. Meetings will start at 7pm and be held in the Village Hall or other suitable venue as directed by the chair.
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:

In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;  
Confirmation of the accuracy of the minutes of the last meeting of the council;  
Review and adoption of appropriate standing orders and financial regulations;  
Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;

In an election year, to make arrangements with a view to the council becoming

eligible to exercise the general power of competence in the future;

Review of inventory of land and assets;

xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;

xv. Review of the council's and/or staff subscriptions to other bodies;

xvi. Review of the council's complaints procedure;

xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;

xviii. Review of the council's policy for dealing with the press/media; and

xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## 6. Extraordinary meetings of the council

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

## 7. Voting on appointments

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

## 8. Draft minutes

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

Following receipt of the draft minutes, Councillors should forward any amendment to the Proper Officer for consideration prior to the next meeting so that they may be amended and recirculated.

- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.

- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:  
 “The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 9. Code of conduct and dispensations

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest or another interest if so required by the council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- c Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- d A decision as to whether to grant a dispensation shall be made by the Proper Officer or by a meeting of the council for which the dispensation is required and that decision is final.
- e A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- f A dispensation may be granted in accordance with standing order 13(e) above if having regard to all 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 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.

## 10. Code of conduct complaints

- a Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall subject to standing order 8 above, report this to the council.
- b Where the notification in standing order 11(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 11(d) below.
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the District Council that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## 11. Proper Officer

- a The Proper Officer shall be either the Clerk or other officer nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. at least three clear days before a meeting of the council serve on councillors a summons, by email or by delivery or post at their residence where appropriate, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
  - ii. give public notice of the time, place and agenda at least three clear days before a meeting of the council (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
  - iii. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
  - iv. facilitate inspection of the minute book by local government electors
  - v. receive and retain copies of byelaws made by other local authorities;
  - vi. retain acceptance of office forms from councillors;

- vii. retain a copy of every councillor's register of interests;
- viii. Carry out duties in accordance with their job description, which may be amended to reflect new duties and responsibilities

## 12. Responsible Financial Officer

- a The Clerk (Proper Officer) acts as the Responsible Financial Officer.

## 13. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Clerk shall supply to each councillor prior to or at each Council meeting a statement to summarise:
  - i. the council's receipts and payments to date;
  - ii. the balances held at the end of the period reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Clerk shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments for the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 2 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 14. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Clerk, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement policies) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c 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 £60,000 shall be procured on the basis of a formal tender.

## 15. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above.
- b The adopted grievance and disciplinary policies must be followed.
- c Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

## 16. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 17. Management of information

See also standing order 18.

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## 18. Responsibilities to provide information

See also standing order 19.

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

## 19. Responsibilities under Data Protection Legislation

(Below is not an exclusive list). See also standing order 17.

Bawdeswell Parish Council is the Data Controller and the Town Clerk is the Data Processor.

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.
- g. The Council / staff must know about Data Protection and receive training

## 20. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be referred to the Chairman of the Council (Vice Chairman in his absence) in the first instance.

## 21. Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 19(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

## 22. Communicating with District and County councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to ward councillor(s) of the District and County Council.
- b Where deemed appropriate by Council, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

## 23. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## 22. Data Protection

- a. The Council is the Data Controller and the Parish Clerk is the Data Protection Officer

## 23. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- c The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Standing Orders last reviewed 2<sup>nd</sup> May 2024