

# Briston Parish Council

# STANDING ORDERS

These Standing Orders are based on Model Orders issued in 2018. These have been written for the largest Councils, therefore we have modified the Standing Orders to suit a smaller Council with Committees, although we have retained those in bold which contain legal and statutory requirements. Note the Clerk/RFO is referred to as the "Proper Officer".

Hayley Quinsey/Noeleen Woodhouse  
3-1-2020

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## **1. RULES OF DEBATE AT MEETINGS**

- 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.
- Only one proposal will be taken at a time.
- An amendment is a proposal to add words but will not negate the motion.
- All proposals shall be purposeful at the discretion of the Chairman.
- Unless permitted by the Chairman of the meeting a Councillor may speak once on a debate or may raise a point of order. The Chairman makes the decision of the point of order. His decision is final.

## **2. DISORDERLY CONDUCT AT MEETINGS**

Councillors must follow the Code of Conduct which includes the 7 Nolan's principle.

A person who disrupts a meeting may be asked by the Chairman to behave, and if they continue to act in a disruptive manner the Chairman is within their rights to ask them to leave the meeting. The Chairman may also suspend the meeting if necessary

## **3. MEETINGS GENERALLY**

- |                        |   |
|------------------------|---|
| Full Council meetings  | ● |
| Committee meetings     | ○ |
| Sub-committee meetings | ● |

- 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 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.
- d **Subject to standing orders 3 (e) a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public, To “report” means to film, photograph, make an audio recording of the meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- e **A person present at the meeting may not provide an oral commentary about a meeting as it takes place without permission.**
- f **The press shall be provided with reasonable facilities for taking their report of all or part of a meeting at which they are entitled to be present.**

- g Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).
- h The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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.
- i Subject to a meeting being quorate, all proposals at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- j 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.
- k The minutes of the meeting shall include an accurate record of the following:-
  - i. The time and place of the meeting
  - ii. The names of Councillors who are present and the names of Councillors who are absent
  - iii. Interests that have been declared by Councillors and non-Councillors with voting right
  - iv. The resolutions made
- l A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- m If a meeting is or becomes inquorate no business shall be transacted.

#### **4. COMMITTEES AND SUB-COMMITTEES**

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

#### **5. ORDINARY COUNCIL MEETINGS**

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held

on such day in May as the Council decides.

- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) 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 there is one, 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 annual 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 shall 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 annual 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 shall give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
  - i. 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;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee

## 6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Council does not 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 shall be signed by the two councillors.

## **7. PREVIOUS RESOLUTIONS**

**A resolution shall not be reversed within six months except by a special motion, which requires written notices by at least five councillors to be given to the Proper Officer.**

## **8. VOTING ON APPOINTMENTS – CO-OPTION**

**Where more than two persons have been nominated and none of those persons have received an absolute majority of votes in their favour, the name of the person having the least number of vote shall be struck off the list and a fresh vote taken. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.**

## **9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (7) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.

## **10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

The following motions may be moved at a meeting without written notice to the Proper Officer:

- i. to correct an inaccuracy in the draft minutes of a meeting
- ii. to move to a vote
- iii. to defer consideration of a motion
- iv. to refer a motion to a particular committee or sub-committee (if there is such)
- v. to appoint a person to preside at a meeting
- vi. to change the order of business on the agenda
- vii. to proceed to the next business on the agenda
- viii. to require a written report
- ix. to appoint a committee or sub-committee and their members
- x. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest
- xi. to not hear further from a councillor or a member of the public
- xii. to exclude a councillor or member of the public for disorderly conduct
- xiii. to temporarily suspend the meeting

- xiv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements)
- xv. to adjourn the meeting; or
- xvi. to close the meeting.

## **11. MANAGEMENT OF INFORMATION**

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained 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.**

## **12. DRAFT MINUTES**

- Full Council meetings      •
- Committee meetings      •
- Sub-committee meetings      •

- 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.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(i).
- 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 Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken**

## **13. CODE OF CONDUCT AND DISPENSATIONS**

See also Standing Order 3(l)

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b **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.
- c A decision as to whether to grant a dispensation shall be made by the Council and that decision is final.
- d **A dispensation may be granted in accordance with standing order 13(c) if having regard to all relevant circumstances any of the following apply:**
  - 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;
  - 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.

#### **14. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall advise the Council and forward the complaint to the Monitoring Officer.
- b **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### **15. PROPER OFFICER**

- a. The roles, responsibilities and duties of the Proper Officer are contained in a Job Description. Job Description updated annually if deemed necessary.
- b. The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
  - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
  - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council*

- ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office**

- iii. facilitate inspection of the minute book by local government electors
  - iv. receive and retain copies of byelaws made by other local authorities
- d Delegation to the proper officer (LG Act 1972 s101)
- i. The proper officer has the authority of council to spend up to £500 in the event of the emergency. The Chairman and Vice Chairman (if Chairman absent) must be notified.
  - ii. The proper officer has authority to respond to planning applications which are received between meetings provided at least three councillors have responded with their views on that application. The Clerk will agree with the Chairman should an application require a special meeting.

## **16. RESPONSIBLE FINANCIAL OFFICER**

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the responsible Financial Officer is absent

## **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

The RFO will conduct all financial matters according to “proper practices” the detail of which is contained in the job description. These duties are detailed in the Accounts and Audits Regulations 2015 and in “Governance and Accountabilities for Local Councils 2019”.

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer according to proper practices and review at least every third year.
  - i. For contracts over £5000 the Council will be required to obtain three quotes
  - ii. For contracts over £10000 the Council must put out to tender
- 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 in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- f. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **19. HANDLING STAFF MATTERS**

A matter personal to a member of staff that is being considered by a meeting of the council shall be considered in private.

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

**The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

- 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 (the “information audit”).**

## **22. RELATIONS WITH THE MEDIA/PRESS**

Press releases will be made by the Clerk in consultation with the Chairman, if unavailable the Vice Chairman

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

A legal document must be authorised by resolution of the Council and signed by two Councillors and witnessed by the Proper Officer

## **24. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**

An Agenda and invitation to attend will be sent to the District and County Councillor

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

Unless duly authorised 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.

## **26. STANDING ORDERS GENERALLY**

- a All or part of a standing orders, except one that incorporates mandatory statutory or legal 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.
- c The Proper Officer shall review standing order and make recommendations to the Council on any changes. This review will take place at least every third year or sooner if the law requires.

- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Date Approved 8<sup>th</sup> April 2020

Date of Review April 2021

Signed: 

Name: Ian Chilton

Position: Chairman