

**STAPLEHURST
PARISH COUNCIL**

Standing Orders

September 2016

History

- Adopted by Staplehurst Parish Council on 7th April 2014 (Min 1340)
- Updated 17th November 2014 (Min 1394) - deletion of former clause 3(l) 'recording of proceedings'
- Updated 7th March 2016 (Min 1513) -
 - (1) insertion at end of clause 3q 'The option exists for a vote to be held by a signed ballot upon agreement to a motion received on the night and proposed and seconded appropriately';
 - (2) insertion after item 10a ii of new item 10a iii: 'to hold a vote by signed ballot' with renumbering of subsequent items.
- Update 5th September 2016 (Min 1559) –
 - (1) Clause 18c: insertion of new regulatory threshold and reference to relevant legislation: '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 £25,000 shall be procured on the basis of a formal tender in accordance with the relevant Public Contracts Regulations 2015 as set out in the financial regulations.'
 - (2) Clause 18d: insertion of new regulatory thresholds, deletion of reference to 2006 regulations and insertion of reference to 2015 regulations: 'Where the value of a public services or supplies contract is likely to exceed £164,176, or for public works £4,104,394, (or other thresholds specified in the relevant Public Contracts Directive from time to time) the council must follow the full requirements of the Public Contracts Regulations 2015 as set out in the financial regulations.'

CLAUSE	CONTENTS	PAGE
1	Rules of debate at meetings	2
2	Disorderly conduct at meetings	3
3	Meetings generally	3-5
4	Committees and groups	6
5	Ordinary council meetings	6-7
6	Extraordinary meetings of the council and committees	7
7	Previous resolutions	8
8	Voting on appointments	8
9	Motions for a meeting that require written notice to be given to the Proper Officer	8-9
10	Motions at a meeting that do not require written notice	9-10
11	Handling confidential or sensitive information	10
12	Draft minutes	10-11
13	Code of conduct and dispensations	11-12
14	Code of conduct complaints	12
15	Proper Officer	12-13
16	Responsible Financial Officer	13
17	Accounts and accounting statements	13
18	Financial controls and procurement	13-14
19	Handling Staff Matters	14
20	Requests for information	14-15
21	Relations with the press/media	15
22	Execution of legal deeds	15
23	Restrictions on councillor activities	15
24	Standing orders generally	15-16
25	Planning Committee special function	16

1. Rules of debate at meetings

- a Matters on the agenda shall be considered in the order in which they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A matter on the agenda that is not proposed by its proposer may be treated by the chairman of the meeting as withdrawn, but may be proposed by another councillor.
- c A matter shall be described in enough detail in the agenda to allow an elector to decide whether to attend the meeting at which it will be debated.
- d The agenda for the immediately forthcoming meeting shall be advertised in accordance with standing order 15.
- e No matter shall be discussed at a meeting unless it is on the agenda or is an urgent matter.
- f An urgent matter is one that a councillor introduces as such at the beginning of the meeting as requiring discussion or decision before the next appropriate meeting and which is accepted as such by the meeting.
- g All councillors may speak on a matter subject to any necessary dispensation.
- h The chairman shall allow debate at the meeting on each matter until, in the chairman's discretion, the matter has been sufficiently ventilated, whereupon the proposer or another councillor shall frame a resolution upon which the meeting can vote.
- i The chairman shall call for a seconder to the resolution. Any councillor may second a resolution except for the proposer.
- j A resolution that is not seconded shall be treated as having been defeated.
- k As soon as a resolution has been seconded the chairman shall put it to a vote.
- l During the debate of a matter, a councillor may interrupt only on a point of order and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- m A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- n When a matter is under debate, no other matter shall be proposed except:
 - i. to amend the matter;
 - ii. to proceed to the next business;

- iii. to adjourn the debate;
 - iv. to put the matter to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a matter to a committee or group for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- o. A matter proposed under standing order 1(n) above shall be put to a vote immediately it is proposed 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 standing order 2(b) above 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

- Council meetings
 - 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 **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- ■ d **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.**
- e 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.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) is at the Chairman's discretion.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e) 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.
- i A member of the general public 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.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k 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.
- ■ l **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.**
- m **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 any).**
- n **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.

- o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- p **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.**
See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the council at the annual meeting of the council.
- q **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** and to show which councillor(s) abstained. Such a request shall be made before moving on to the next item of business on the agenda. The option exists for a vote to be held by a signed ballot upon agreement to a motion received on the night and proposed and seconded appropriately.
- r 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.
- s **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.**
- t **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.**
- u **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.
- v A meeting shall not exceed a period of 3 hours unless the members present agree otherwise.

4. Committees and groups

- a **Unless the council determines otherwise, a committee may appoint a sub-committee or group 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 a group, an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint informal discussion groups as may be necessary from time to time and shall determine their terms of reference. Discussion groups have no authority but may make recommendations to the council which shall decide the matter.

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 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 directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) 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 (if any) of the council at the annual meeting of the council, the business of the annual meeting 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.

6. Extraordinary meetings of the council and 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 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.
- c** The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d** If the chairman of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of a committee.

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 8 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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.

9. Motions for a meeting that require written notice to be given to the Proper Officer

- a. A matter 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 matter may be moved at a meeting unless it is on the agenda and the proposer has given written notice of its wording to the Proper Officer at least one clear day before the day on which the Proper Officer prepares the agenda for the next appropriate meeting, unless in special circumstances the Proper Officer has informed the council of an earlier date.

- c. The Proper Officer may, before including a matter on the agenda received in accordance with standing order 9(b) above, may correct obvious grammatical or typographical errors in the wording of the matter.
- d. If the Proper Officer considers the wording of a matter received in accordance with standing order 9(b) above is not clear in meaning the Proper Officer shall discuss it with the proposer and agree a draft that is clear. If agreement cannot be reached the discussion shall be referred to the Chairman whose decision shall be final.
- e. If the wording or subject of a proposed matter is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the matter shall be included in the agenda or rejected.
- f. Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the matter on the agenda shall be final.
- g. Matters received shall be recorded in permanent form, as shall Matters rejected. Rejected matters shall include an explanation by the Proper Officer for their rejection.
- h. Councillors shall have access at all reasonable times to the Proper Officer's lists of accepted and rejected matters, and may take copies of them.
- i. If councillors wish to reverse a resolution in accordance with standing order 7(a) they shall serve notice upon the Proper Officer at least 10 days before the meeting at which the resolution is to be heard. The Proper Officer shall inform all councillors as soon as possible after receiving such notice.

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 hold a vote by signed ballot;
- iv. to defer consideration of a motion;
- v. to refer a motion to a particular committee or group;
- vi. to appoint a person to preside at a meeting;
- vii. to change the order of business on the agenda;
- viii. to proceed to the next business on the agenda;
- ix. to require a written report;

- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. 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.

12. 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.
- 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(a)(i) above.
- 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 of the meeting for which approved minutes exist shall be removed from the Proper Officer’s records and any place where they have been published (such as the website).

13. Code of conduct and dispensations

See also standing order 3(s) above.

- 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 or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a discloseable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been 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 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.
- d **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.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the discloseable 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.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee,

for which the dispensation is required.

- h 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.**

14. Code of conduct complaints

- a** Upon notification by the District or Unitary 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, subject to standing order 11 above, report this to the council.
- b** Where the notification in standing order 14(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 14(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 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 Proper Officer shall be either (i) the clerk or (ii) other staff member(s) 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 or a committee, serve on councillors, by delivery or post** (or by email if a recipient has agreed to this) **at their residences, a signed summons confirming the time, place and the agenda;**
See standing order 3(b) above for the meaning of clear days for a meeting of a council and standing order 3 (c) above for a meeting of a committee.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee (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) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
 - 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. **receive and retain copies of byelaws made by other local authorities.**

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

All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

18. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.
- 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 £25,000 shall be procured on the basis**

of a formal tender in accordance with the relevant Public Contracts Regulations 2015 **as** set out in the financial regulations.

- d **Where the value of a public services or supplies contract is likely to exceed £164,176, or for public works £4,104,394, (or other thresholds specified in the relevant Public Contracts Directive from time to time) the council must** follow the full requirements of the Public Contracts Regulations 2015 as set out in the financial regulations.

19. Handling Staff Matters

- a A matter personal to a member of staff that is being considered by a meeting of the council is subject to standing order 11 above.
- b 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.
- c The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- d Only persons with appropriate responsibilities shall have access to staff records referred to in standing orders 19(b) and (c) above if so justified.
- e Employment records shall be kept appropriately secure.
- f The council shall consider and approve human resource specific policies, guidance and procedures.
- g Human Resource specific policies, guidance and procedures shall be regularly reviewed and monitored, with updates and amendments reflecting current law, legislation and best practice.

20. Requests for information

- a Requests for information held by the council shall be referred to the Policy Group and handled in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998.

- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. Relations with the press/media

Requests from the press or other media for an oral or written comment or statement from the council, its councillors or staff shall be handled by the Proper Officer and Chairman/Vice Chairman.

22. Execution of legal deeds

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

23. Restrictions on councillor activities

Unless authorised by a resolution, no councillor shall issue orders, instructions or directions.

24. 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 A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 8 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c 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.

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

25. Planning Committee special function

- a. The Planning Committee will comprise those members appointed at the Annual Meeting. The quorum of the committee shall be half the members appointed. The planning committee shall undertake the following roles and functions:
 - i. To make recommendations to the council:
 - a) In respect of representations to the Local Planning Authority in support of any departure application;
 - b) In relation to any arrangements between the parish council and the Local Planning Authority about the involvement of the parish council in the discharge of planning functions.
 - ii. To make recommendations to the Local Planning Authority on any application referred to the council and on any other planning matter that affects the parish, except where the council has decided that it will deal with the matter.

Adopted by Staplehurst Parish Council on 5th September 2016