

HIGH BICKINGTON PARISH COUNCIL

Standing Orders

May 2006

These Standing Orders were adopted by the Council at its meeting held on 10 May 2006
(Minute ref: 14(a))

Amendment 4(g) and (i) adopted by the council at its meeting held on 9 December 2009
(Minute ref: 8)

Amendment Clause 30 adopted by the council at its meeting held on 10 September 2014.

Reviewed 9 March 2016 – no amendments – minute ref 9(c) – page 996

Reviewed 10 May 2017- no amendments – minute ref 11(c) – page 1060

Reviewed 21 August 2019 – Reference Data Protection added – page 9

Addendum Added May 2020 (Remote Parish Meetings) adopted at meeting 13/5/20

HIGH BICKINGTON PARISH COUNCIL

STANDING ORDERS

1. Meetings

- (a) Meetings of the Council shall be held monthly at 7.30pm on the second Wednesday in each month apart from September in each year at such place as the Council may direct.
- (b) Smoking is not permitted at any meeting of the Council.

2. The Statutory Annual Meeting

- (a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and
- (b) in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.

3. Chairman of the Meeting

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

4. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he/she shall be the clerk or nominated officer:

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing interests at meetings.
- (c) To receive and retain plans and documents.
- (d) To sign notices or other documents on behalf of the Council.
- (e) To receive copies of by-laws made by another local authority.
- (f) To certify copies of by-laws made by the Council.
- (g) To sign and issue the summons to attend meetings of the Council. The Proper Officer is authorised to issue agendas for meetings electronically where appropriate.
- (h) To keep proper records for all Council meetings.
- (i) To communicate information electronically where appropriate.

5. Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

6. Voting

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.

- (a) Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- (b) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- (c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

7. Order of Business

At each Annual Parish Council Meeting the first business shall be:

- (a) To elect a Chairman of the Council
- (b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- (c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- (d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- (e) To elect a Vice-Chairman of the Council.
- (f) To appoint representatives to outside bodies.
- (g) To appoint committees.

At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 35 must be read in conjunction with this requirement.

After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:

- (a) To allow a period of time for members of the public to speak.
- (b) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day before the meeting, the Minutes may be taken as read.
- (b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- (c) To deal with business expressly required by statute to be done.

- (d) To dispose of business, if any, remaining from the last meeting.
- (e) To receive such communications as the person presiding may wish to lay before the Council.
- (f) To answer questions from Councillors.
- (g) To receive and consider reports and minutes of committees.
- (h) To receive and consider resolutions or recommendations, and to consider business notified for consideration, in the order in which these resolutions, recommendations and business have been notified.
- (i) To authorise the sealing of documents.
- (j) If necessary, to authorise the signing of orders for payment.

8. Urgent Business

A motion to vary the order of business on the ground of urgency:

- (a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) Shall be put to the vote without discussion.

9. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 5 clear days before the next meeting of the Council.

Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

10. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice:

- (a) To appoint a Chairman of the meeting.
- (b) To correct the Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a committee.
- (h) To appoint a committee or any members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a motion.
- (l) To give leave to withdraw a resolution or amendment.
- (m) To exclude the press and public (see Standing Order 59 below).
- (n) To silence or eject from the meeting a member named for misconduct.
- (o) To give the consent of the Council where such consent is required by these Standing Orders.
- (p) To suspend any Standing Order (see Standing Order 70 below).
- (q) To adjourn the meeting.

11. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council.

No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

Every question shall be put and answered without discussion.

A person to whom a question has been put may decline to answer.

12. Rules of Debate

No discussion of the Minutes shall take place except upon their accuracy.

Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

- (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- (c) Whenever the Chairman speaks during a debate all other members shall be silent.

13. Disorderly Conduct

- (a) All members must observe the Code of Conduct which was adopted by the council on 7 March 2002 (minute ref. 11).
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board.
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

14. Right of Reply

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

15. Alteration of Resolution

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

16. Rescission of Previous Resolution

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a resolution of the Council passed by a recorded vote. The number of original votes required to pass this resolution must be greater than half the total number of members (whether present or not) who are not excluded from participating by virtue of a declared interest.
- (b) When any resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months except by a special resolution, the written notice whereof bears the names of at least three members of the Council. Such a resolution will also be subject to the requirements of paragraph (a).

17. Voting On Appointments

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

18. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee has decided whether or not the press and public shall be excluded.

19. Resolutions on Expenditure

Any resolution which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

20. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

21. Sealing of Documents

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

22. Committees

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- (a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- (b) May appoint persons other than members of the Council to any Committee; and
- (c) May, subject to the provisions of Standing Order 13 above, at any time dissolve or alter the membership of any committee.
- (d) The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
- (e) Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council.

23. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon a meeting of that committee at any time. A meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

24. Voting in Committees

Members of committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

Chairmen of committees shall in the case of an equality of votes have a second or casting vote.

25. Accounts and Financial Statement

- (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- (c) All payments ratified under paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- (d) The Responsible Financial Officer (usually the Clerk) shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before

the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

26. Estimates / Precepts

- (a) The council shall approve written estimates for the coming financial year at its meeting before the end of the month of December.

27. Interests

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 7 March 2002 (minute ref. 11) then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that Interest as required.

If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

The Clerk may be required to compile and hold a register of Member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure.

28. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

29. Unauthorised Activities

No member of the Council or of any committee shall in the name of or on behalf of the Council:

- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions; unless authorised to do so by the Council or the relevant committee.

30. Admission of The Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public by means of the following resolutions:

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

The Council shall state the special reason for exclusion.

The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

The Council will follow Data Protection Rules in order to comply with the General Data Protection Regulation (GDPR) which became effective on 25th May 2018.

31. Confidential Business

- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

32. Liaison with County and District Councillors

A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.

33. Planning Applications

The Clerk shall keep the following particulars of every planning application notified to the Council:

- (a) the date on which it was received;
- (b) the name of the applicant;
- (c) the place to which it relates.

The Clerk shall refer every planning application received to the parish council meeting following receipt of the application.

34. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

Such Regulations shall include detailed arrangements for the following:

- (a) the accounting records and systems of internal control;
- (b) the assessment and management of risks faced by the Council;
- (c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
- (d) the financial reporting requirements of members and local electors.

Any 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 as summarised below.

Any formal tender process shall comprise the following steps:

- (i) a public notice of intention to place a contract to be placed in a local newspaper;
- (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
- (iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
- (iv) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;
- (v) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

Neither the Council, nor any Committee, is bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to improper activity as in Standing Order 27.

The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

35. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration.

36. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.

A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

37. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk.

REMOTE MEETINGS PROTOCOL AND PROCEDURES AMENDMENTS TO STANDING ORDERS

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allow local councils to hold remote meetings. The regulations give automatic authority to hold remote meetings and amend standing orders as required.

These regulations remain in force until May 7th, 2021 or earlier if repealed, and require a number of temporary changes to Standing Orders.

General

This Protocol and Procedures should be read in conjunction with the Council's standing orders.

The Regulations made under s78 of Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

1) Annual Meeting

- a) The requirement to hold an Annual Meeting of the Council is to be disregarded and prior to May 7th, 2021 may only take place
 - a.i) where called by the Chair or
 - a.ii) following a resolution calling for an annual meeting being passed at an ordinary or extra ordinary meeting of the Council.

2) Access to Information

- a) Where a document is required to be 'open to inspection' this shall include published on the website of the council.
- b) Where a document is required to be published and made available at the council's offices, this shall include published on the website of the council.
- c) Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the council.

3) Remote Access to Meetings

- a) The definition of meeting within the Council's standing orders is amended so that
 - a.i) 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
 - a.ii) 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and interactive streaming
 - a.iii) where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- b) If the Council becomes aware that its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.

- c) If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

4) Councillors in Remote Attendance

- a) A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
 - a.i) hear and where practicable see other members of the council
 - a.ii) hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the Chairman
- b) A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 4 a) are not met.
- c) Subject to 4 b) the Chairman may if appropriate
 - c.i) adjourn the meeting to permit conditions for remote attendance to be re-established
 - c.ii) count the number of councillors in attendance for the purpose of the quorum

5) Remote attendance by members of the public

- a) A member of the public is in remote attendance when they can :
 - a.i) hear and where practicable see and so be heard and where practicable seen by members of the council at the meeting
 - a.ii) hear and where practicable see and so be heard and where practicable seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the Chairman
- b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 5 a) are not met.
- c) Subject to 5 b) the Chairman may if appropriate
 - c.i) adjourn the meeting to permit conditions for remote attendance to be re-established
 - c.ii) vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.

6) Remote Voting

Unless a recorded vote is demanded, the Chair will take the vote by :

- a) confirmation of the meeting that there is agreement or
- b) a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

7) Code of Conduct – councillors excluded from the meeting

Where a councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote take place.

8) Exclusion of the press and public

Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then :

- a) The means of remote attendance and access to the meeting by members of the press and public will be severed
- b) Each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.