

**SWANWICK PARISH COUNCIL**  
**STANDING ORDERS**



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## Introduction

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of Full Council, Councillors, the Responsible Financial Officer (RFO) and Proper Officer (PO) are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

**Standing orders that are in bold type are statutory requirements.** Standing orders not in bold are designed to help the council operate effectively but do not contain statutory requirements so they may be amended to suit the council's needs.

For convenience, the word "councillor" is used in standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

To avoid any gender bias the term 'Chair' is used to indicate the person presiding at the meeting; the terms 'his', 'hers' and 'his/hers' are interchangeable and should not be construed to infer any gender bias. Where the use of the term 'chairman' is used in the statutory requirements, this has not been altered.

Standing orders do not include financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

"Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).

NALC Legal Topic Note 87 (Procurement) and L05 - 15 (Public Contracts Regulations 2015 - impact on the standing orders and financial regulations adopted by councils) have been updated because the financial thresholds in the Public Contracts Directive 2014/24/EU which apply to the Public Contracts Regulations 2015 were amended in November 2015 and take effect from 1 January 2016.

The revised Legal Topic Note and Legal Briefing can be found on the DALC website under Documents/Legal Topic Notes

## **1. Meetings**

- 1.1. **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.**

## **2. Notice of Meetings**

- 2.1. Three clear days public notice of a meeting will be given.
- 2.2. **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.**
- 2.3. The notice of a meeting will include the date, place and time and the agenda of business to be conducted.
- 2.4. A meeting shall not exceed a period of 2 hours.

## **3. Annual Parish Meeting**

- 3.1. The Annual Parish Meeting is an important opportunity for the electors, organisations and businesses within Swanwick Parish to celebrate their achievements and express their aspirations for our village community.
- 3.2. The meeting will be held on such date within the month of April and a time as the council directs.
- 3.3. The order of business shall be:
  - 3.3.1. The first business conducted at the annual parish meeting shall be the appointment of a clerk to record the minutes of the proceedings (this does not have to be the Clerk to the Parish Council).
  - 3.3.2. To receive the minutes of the last Annual Parish Meeting
  - 3.3.3. To receive the Chair's Report
  - 3.3.4. To address any matters for the attention of the Police
  - 3.3.5. To receive reports on activities, achievements and aspirations from the community
  - 3.3.6. Open forum - question and answer session
  - 3.3.7. Closure

## **4. Statutory Annual Parish Council Meeting**

- 4.1. **In an election year, the statutory annual meeting of the parish council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- 4.2. **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 may direct.

- 4.3. If no other time is fixed, the annual meeting of the council shall take place at 6pm.
- 4.4. 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.
- 4.5. 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.
- 4.6. 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.
- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. 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:
  - 4.10.1. **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;**
  - 4.10.2. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - 4.10.3. Receipt of the minutes of the last meeting of a committee [if any];
  - 4.10.4. Consideration of the recommendations made by a committee [if any];
  - 4.10.5. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - 4.10.6. Review of the terms of reference for committees;
  - 4.10.7. Appointment of members to existing committees;
  - 4.10.8. Appointment of any new committees in accordance with Standing Order 6 below;

- 4.10.9. Review and adoption of appropriate standing orders and financial regulations;
- 4.10.10. 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;
- 4.10.11. Review of representation on or work with external bodies and arrangements for reporting back;
- 4.10.12. 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;
- 4.10.13. Review of inventory of land and assets including buildings and office equipment;
- 4.10.14. Confirmation of arrangements for insurance cover in respect of all insured risks;
- 4.10.15. Review of the council's and/or staff subscriptions to other bodies;
- 4.10.16. Review of the council's complaints procedure;
- 4.10.17. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- 4.10.18. Review of the council's policy for dealing with the press/media; and
- 4.10.19. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **5. Ordinary Parish Council Meeting**

- 5.1. At least three ordinary meetings shall be held in each year on such dates and times as the council directs.
- 5.2. Unless there is a requirement of an extra-ordinary meeting called under Standing Order 7 below, there shall not be an ordinary parish council meeting held in the month of August.

## **6. Committees and Sub Committees**

- 6.1. The council may appoint standing committees or other committees as may be necessary, and:
  - 6.1.1. shall determine their terms of reference;
  - 6.1.2. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
  - 6.1.3. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - 6.1.4. shall, subject to standing orders 6.3 below and 6.4 below, appoint and determine the terms of office of members of such a committee;
  - 6.1.5. may, subject to standing orders 6.3 below and 6.4 below, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days

- before the meeting that they are unable to attend;
- 6.1.6. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - 6.1.7. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - 6.1.8. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - 6.1.9. shall determine if the public may participate at a meeting of a committee;
  - 6.1.10. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - 6.1.11. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - 6.1.12. may dissolve a committee.
- 6.2. Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 6.3. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- 6.4. Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

## **7. Extraordinary meetings of the council and committees and sub-committees**

- 7.1. The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- 7.2. 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.**
- 7.3. The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- 7.4. If the Chair of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].



## **8. Presence of Non-Members of Committees at Committee Meetings**

- 8.1. A member who has proposed a resolution, which has been referred to any committee of which he/she is not a member, may explain his/her resolution to the committee but shall not be entitled to vote within the committee or sub-committee

## **9. Quorum**

- 9.1. **No business may be transacted at a meeting unless the meeting is quorate.** The quorum is three or one third of total membership, whichever is the greater.
- 9.2. If a quorum is not present when the Council meets or if during a meeting the number of Councillors falls below a quorum, the business not transacted at that meeting shall be transacted at the next meeting or on any such other days as the Chair may fix.

## **10. Order of Business**

- 10.1. Unless the Council otherwise decides on the grounds of urgency as determined subject to Standing Order 10.3, the order of business of the Ordinary Parish Council meeting shall follow the agenda as published.
- 10.2. The published agenda will include:
- 10.2.1. Apologies for absence
  - 10.2.2. Proposals for variation of Order of Business (see Standing Orders 10.3 below & 10.4 below )
  - 10.2.3. Declarations of Interest
  - 10.2.4. Public Participation:
    - 10.2.4.1. Public Speaking: at the start of the meeting a period is available for members of the public to ask questions or submit comments. This is LIMITED TO THREE MINUTES PER PERSON – at the sole discretion of the Chair.
    - 10.2.4.2. Parish Council Members observations will be taken alongside Reports from any Borough and County Councillors attending.
    - 10.2.4.3. Police Matters: an Officer in attendance may offer information or respond to questions on Police Matters.
    - 10.2.4.4. Representations or Evidence from Members Declaring a Prejudicial Interest: Members indicating that they have a prejudicial interest in an agenda item and who wish to make a representation before leaving the meeting shall do so at this stage.
  - 10.2.5. Minutes of Full Council: To receive the Minutes of the previous Meeting
  - 10.2.6. Minutes of committees (if any)
  - 10.2.7. Planning Matters for comment
  - 10.2.8. Planning Decision Notices

- 10.2.9. Neighbourhood Plan: Progress Report and monitoring of compliance of planning applications
- 10.2.10. Clerk's Report
- 10.2.11. Chair's Report
- 10.2.12. Councillors' Updates and reports
- 10.2.13. Correspondence & Circulars
- 10.2.14. Accounts to include:
  - 10.2.14.1. To approve urgent payments made
  - 10.2.14.2. To approve payments
  - 10.2.14.3. Income Received
  - 10.2.14.4. Bank Reconciliation
- 10.2.15. Motion to Exclude Press & Public if appropriate
- 10.2.16. Items for the next Agenda
- 10.2.17. Date of Next Meeting
- 10.3. A motion to vary the order of business on the ground of urgency may be proposed by the Chair and may be put to the vote without being seconded, and shall be put to the vote without discussion.
- 10.4. A motion to vary the order of business by any member shall require a seconder and may be put to the vote without further discussion at the discretion of the Chair.

## **11. Rules of Debate**

- 11.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- 11.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 11.3. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- 11.4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- 11.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 11.6. If an amendment to the original motion is carried, the amended motion becomes the substantive motion upon which further amendment(s) may be moved.
- 11.7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- 11.8. A councillor may move an amendment to his own motion if agreed by the meeting. If a

motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

- 11.9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- 11.10. Subject to Standing Order 11.11 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- 11.11. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- 11.12. A councillor may not move more than one amendment to an original or substantive motion.
- 11.13. The mover of an amendment has no right of reply at the end of debate on it.
- 11.14. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 11.15. Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
  - 11.15.1. to speak on an amendment moved by another councillor;
  - 11.15.2. to move or speak on another amendment if the motion has been amended since he last spoke;
  - 11.15.3. to make a point of order;
  - 11.15.4. to give a personal explanation; or
  - 11.15.5. in exercise of a right of reply.
- 11.16. During the debate of a motion, a councilor may interrupt only on a point of order or a personal explanation and the councilor who was interrupted shall stop speaking. A councilor 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.
- 11.17. A point of order shall be decided by the Chair of the meeting and his decision shall be final.
- 11.18. When a motion is under debate, no other motion shall be moved except:
  - 11.18.1. to amend the motion;
  - 11.18.2. to proceed to the next business;
  - 11.18.3. to adjourn the debate;
  - 11.18.4. to put the motion to a vote;
  - 11.18.5. to ask a person to be no longer heard or to leave the meeting;
  - 11.18.6. to refer a motion to a committee or sub-committee for consideration;

- 11.18.7. to exclude the public and press;
- 11.18.8. to adjourn the meeting; or
- 11.18.9. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

- 11.19. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- 11.20. Excluding motions moved under Standing Order 11.18 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chair of the meeting.

## **12. Questions**

- 12.1. A member may ask the Chair or the Proper Officer/Clerk any question concerning business of the Council, provided notice of the question has been given to the person who it addressed before the meeting begins.
- 12.2. No questions connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 12.3. Every question shall be put and asked without discussion.
- 12.4. A person to whom a question has been put may decline to answer at that time but to provide an answer at a later time.

## **13. Right of reply**

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

## **14. Resolutions**

- 14.1. All motions carried by any meeting of the Council, or committee or sub-committee if any, must be recorded in the draft minutes.
- 14.2. All resolutions of Council can be given immediate effect and there is no requirement that minutes need to be approved before such effect.
- 14.3. Resolutions of committees and sub-committees are subject to the terms of reference

and delegations made by Council and Standing Order 15 below

## **15. Motions of Expenditure**

- 15.1. Any motion which, if carried, would, in the opinion of the Chair, substantially increase the expenditure upon any service which is under the management of 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.

## **16. Motions that require Written Notice to be given to the Proper Officer**

- 16.1. 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.
- 16.2. 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 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 16.3. The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 16.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 16.4. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 16.2 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 9 clear days before the meeting.
- 16.5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 16.6. Subject to Standing Order 16.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 16.7. Motions received shall be recorded in a book for that purpose or electronically and numbered in the order that they are received.
- 16.8. Motions rejected shall be recorded in a book for that purpose or electronically with an explanation by the Proper Officer for their rejection.

## **17. Motions that do not require Written Notice**

- 17.1. The following motions may be moved at a meeting without written notice to the Proper

Officer;

- 17.1.1. to correct an inaccuracy in the draft minutes of a meeting;
- 17.1.2. to move to a vote;
- 17.1.3. to defer consideration of a motion;
- 17.1.4. to refer a motion to a particular committee or sub-committee;
- 17.1.5. to appoint a person to preside at a meeting;
- 17.1.6. to change the order of business on the agenda;
- 17.1.7. to proceed to the next business on the agenda;
- 17.1.8. to require a written report;
- 17.1.9. to appoint a committee or sub-committee and their members;
- 17.1.10. to extend the time limits for speaking;
- 17.1.11. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- 17.1.12. to not hear further from a councillor or a member of the public;
- 17.1.13. to exclude a councillor or member of the public for disorderly conduct;
- 17.1.14. to temporarily suspend the meeting;
- 17.1.15. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- 17.1.16. to adjourn the meeting; or
- 17.1.17. to close a meeting.

## **18. Alteration of Resolutions**

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

## **19. Rescission of Previous Resolution**

- 19.1. A resolution (whether affirmative or negative) shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with Standing Order 16 above, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 19.2. When a motion moved pursuant to Standing Order 19.1 above has been disposed of, no similar motion may be moved within a further six months.

## **20. Discussion of matters affecting Employees of the Council**

- 20.1. 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 (as the case may be) has decided whether or not the public shall be excluded (see Standing Orders 23.2 below and 26.2 below).

- 20.2. A matter personal to a member of staff that is being considered by a meeting of council, committee, or sub-committee is subject to Standing Order 33 below.
- 20.3. Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chair of the council, if he is not available, the vice-chair of absence occasioned by illness or other reason and that person shall report such absence to the council at its next meeting.
- 20.4. The Chair or in his absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer and Responsible Financial Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution.
- 20.5. Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the Chair or in his absence, the vice-Chair in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of duly constituted panel.
- 20.6. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by most senior employee relates to the Chair or vice-chair, this shall be communicated to another member of the council with responsibility for HR advice, who shall report back and progress the handling of the grievance by resolution of a duly constituted panel.
- 20.7. 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.
- 20.8. 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.
- 20.9. Only persons with line management responsibilities or member of the council with responsibility for HR advice shall have access to staff records referred to in Standing Orders 20.6 above and 20.7 above if so justified.
- 20.10. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 20.6 above and 20.7 above shall be provided only to Proper Officer, the Chair of the Council and the HR adviser.

## **21. Voting on Appointments**

- 21.1. 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.
- 21.2. This process shall continue until a majority of votes is given in favour of one person.
- 21.3. Where only two persons remain and there is a tie in votes, this may be settled by the

casting vote exercised by the Chair of the meeting.

## **22. Canvassing of and Recommendations by Members**

- 22.1. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Proper Officer/ Clerk shall make known the purport of this sub paragraph of this Standing Order to every candidate.
- 22.2. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion.
- 22.3. Standing Order 22.2 above shall apply to tenders as if the person making the tender were a candidate for the appointment.
- 22.4. Members, in their private capacity, may give a written testimonial of a candidate's ability, experience or character for submission to another Council with an application for appointment.

## **23. Public Attendance and Participation**

- 23.1. 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.**
- 23.2. The public's exclusion from part or all of a meeting shall be by a resolution pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 which shall give reasons for the exclusion.**
- 23.3. A period of time designated for public participation at a meeting shall be indicated in the agenda and shall not exceed 30 minutes unless directed by the Chair of the meeting.
- 23.4. Any member of the public wishing to speak needs to book in with the Clerk, preferably prior to the meeting by email/phone or immediately prior to the start of the meeting.
- 23.5. 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.
- 23.6. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- 23.7. A person who speaks at a meeting shall direct his or her comments to the Chair of the meeting
- 23.8. A member of the public wishing to speak shall be limited to 3 minutes; any extension of the time limit is entirely at the sole discretion of the Chair.
- 23.9. A question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.



## **24. Disruptive behaviour at meetings**

- 24.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- 24.2. If person(s) disregard the request of the Chair 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.
- 24.3. If a resolution made under Standing Order 24.2 above is ignored, the Chair 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.

## **25. Disorderly Conduct of Members**

- 25.1. At a meeting no member shall persistently disregard the ruling of the Chair, willfully obstruct the business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- 25.2. If, in the opinion of the Chair, a member has broken the provisions of Standing Order 25.1 above, the Chair shall clear the meeting of non-members before expressing that opinion only to the Council.
- 25.3. Thereafter any member may move that the member named shall no longer be heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 25.4. If the motion mentioned in Standing Order 25.3 above is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## **26. Attendance of Press**

- 26.1. **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.**
- 26.2. **The exclusion of the press from part or all of a meeting shall be by a resolution pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 which shall give reasons for the exclusion.**

## **27. Use of Social Media during Parish Council meetings**

- 27.1. The use, by members of the press or the public, of social media, filming, recording and reporting at its meetings is permitted provided this does not disrupt or otherwise have an adverse effect on the meeting.
- 27.2. Intention to use social media, filming or recording should be notified to the Clerk or the

Chair at the beginning of the meeting.

## **28. Role of Chair at Meetings**

- 28.1. The Chair, if present, shall preside at a meeting. The role is to ensure that the meeting progresses in an orderly manner, in accordance with the standing orders adopted by the Council.**
- 28.2. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside.**
- 28.3. 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.**
- 28.4. The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.**

## **29. Voting**

- 29.1. 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.**
- 29.2. Voting on a question shall be by a show of hands or, if at least two members request it, by signed ballot.**
- 29.3. 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.
- 29.4. The Chair 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. The exception that applies is**
- 29.5. If the person presiding at the Annual Parish Council Meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the chair and vice chair until the end of their term of office he/she may not give an original vote in an election of chair. The person presiding must give a casting vote whenever there is an equality of votes in election for chair.**

## **30. Voting in Committees**

- 30.1. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.**
- 30.2. Chair of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

## **31. Member's Interests**

- 31.1. 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.**
- 31.2. If any member has an interest, personal or prejudicial, in an agenda item, the interest(s) must be registered at the commencement of any meeting or committee meeting.**
- 31.3. Swanwick Parish Council have adopted The Code of Conduct Guide for Members from the Standards Board for England May 2007 and have adopted paragraph 12(2) which allows members who have declared a prejudicial interest in an item to make representation on this item before leaving the meeting, at this item.**
- 31.4. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- 31.5. 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 disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 31.6. 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.
- 31.7. 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.
- 31.8. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- 31.9. A dispensation request shall confirm:
- 31.9.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - 31.9.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - 31.9.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - 31.9.4. an explanation as to why the dispensation is sought.
- 31.10. Subject to Standing Orders 31.7 above and 31.9 above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-

committee for which the dispensation is required.

31.11. A dispensation may be granted in accordance with Standing Order 31.8 above if having regard to all relevant circumstances the following applies:

- 31.11.1. 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
- 31.11.2. granting the dispensation is in the interests of persons living in the council's area or
- 31.11.3. it is otherwise appropriate to grant a dispensation.

## **32. Minutes of Meetings**

32.1. The minutes of a meeting shall include an accurate record of the following:

- 32.1.1. the time and place of the meeting;
- 32.1.2. the names of councillors present and absent;
- 32.1.3. interests that have been declared by councillors and non-councillors with voting rights;
- 32.1.4. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- 32.1.5. if there was a public participation session; and
- 32.1.6. the resolutions made.

32.2. 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.

32.3. 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 17.1.1 above.

32.4. 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.

32.5. 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:

32.5.1. "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; the minutes are confirmed as an accurate record of the proceedings."

32.6. 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.

- 32.7. The minutes of the Council shall be open to inspection by a local government elector of the parish without charge. Any elector shall be entitled to request copies of Minutes, if any copies are supplied by the Clerk, a charge in line with the Freedom of Information Policy will be levied.

### **33. Confidential Business**

- 33.1. 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.
- 33.2. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

### **34. Unauthorised Activities**

- 34.1. Unless authorised to do so by the Council, or the relevant committee or sub-committee, no member of the Council (or of any committee or sub-committee) shall in the name of or on behalf of the Council:
- 34.1.1. Inspect any land or premises which the Council has a right or duty to inspect; or
  - 34.1.2. Issue orders, instructions or directions

### **35. Inspection of Documents**

- 35.1. 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.
- 35.2. All minutes kept by the Council and by any committee shall be open for the inspection by any member of the Council.

### **36. Expenditure**

- 36.1. Payment of money for goods/services shall be authorised by the council and signed by two Members.

### **37. Accounts and Financial Statements**

- 37.1. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- 37.2. Except as provided in Standing Order 37.3 below or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

- 37.3. 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 Responsible Financial Officer. Such payment shall be authorised by two members.
- 37.4. All payments ratified under Standing 37.3 above shall be separately included in the next schedule of payments laid before the Council.
- 37.5. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- 37.5.1. the council's receipts and payments for each quarter;
  - 37.5.2. the council's aggregate receipts and payments for the year to date;
  - 37.5.3. the balances held at the end of the quarter being reported and
  - 37.5.4. a comparison of the budget for the financial year and highlights any actual or potential overspends.
- 37.6. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- 37.6.1. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - 37.6.2. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- 37.7. 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, or income and expenditure) 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.

## **38. Financial Controls & Procurement**

- 38.1. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- 38.1.1. the keeping of accounting records and systems of internal controls;
  - 38.1.2. the assessment and management of financial risks faced by the council;
  - 38.1.3. 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;
  - 38.1.4. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - 38.1.5. procurement policies (subject to Standing Order 38.3 below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000

38.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

**38.3. 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 as summarised in Standing Order 38.4 below.**

38.4. 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:

38.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;

38.4.2. 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;

38.4.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

38.4.4. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

38.4.5. 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;

38.4.6. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

38.5. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

**38.6. Where the value of a contract is likely to exceed £164,176 the council must consider whether the Public Contracts Regulations 2015/102 (the '2015 Regulations') apply to the contract and, if those Regulations (which may vary from time to time) apply, the council must comply with EU procurement rules and use of the Contract Finder website.**

## **39. Variation, Revocation and suspension of Standing Orders**

39.1. All or part of a standing order, except one that incorporates mandatory statutory requirements [indicated in **bold** in these standing orders], may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

39.2. 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 2 councillors to be given to the Proper Officer in accordance with Standing Order 16 above

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

## **40. Closure**

- 40.1. At the end of a speech a member may, without comment, move:

- 40.1.1. 'that the question be now put',
- 40.1.2. 'that the debate be now adjourned' or
- 40.1.3. 'that the Council do now adjourn'.

- 40.2. If such a motion is seconded the Chair shall put the motion, but, in the case of a motion 'to put the question', only if he is of the opinion that the question before the Council has been sufficiently debated.
- 40.3. If the motion 'that the question be now put' is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right had been exercised or waived.
- 40.4. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

## **41. Standing Orders to be given to Members**

- 41.1. 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.

## **42. Complaints of Breach of Code of Conduct**

- 42.1. A complaint by a customer of the Parish Council of maladministration allegedly committed by the Parish Council, an officer or employee will be progressed using the Parish Council's Customer Complaints Procedure.
- 42.2. The Council shall deal with complaints of breach of the Code of Conduct or of maladministration allegedly committed by a Member in the manner recommended by the Monitoring Officer of Amber Valley Borough Council.
- 42.3. Upon notification by the Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's adopted Code of Conduct, the Proper Officer shall, subject to Standing Order 33 above, report this to the council.
- 42.4. Where the notification in Standing Order 42.3 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the



Chair 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 42.6 below.

42.5. The council may:

- 42.5.1. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- 42.5.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

**42.6. Upon notification by the Borough 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.**

### **43. Proper Officer**

43.1. 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.

43.2. The Proper Officer shall:

- 43.2.1. At least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a signed summons by delivery or post at their residences or by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
- 43.2.2. See Standing Order 2.2 above for the meaning of clear days for a meeting of a full council and a meeting of a committee or sub-committee.
- 43.2.3. 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 or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
- 43.2.4. Subject to Standing Order 17 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- 43.2.5. Convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- 43.2.6. Facilitate inspection of the minute book by local government electors;
- 43.2.7. Receive and retain copies of byelaws made by other local authorities;
- 43.2.8. Retain acceptance of office forms from councillors;
- 43.2.9. Retain a copy of every councillor's register of interests;
- 43.2.10. Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;

- 43.2.11. Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- 43.2.12. Manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- 43.2.13. Arrange for legal deeds to be executed;
- 43.2.14. Shall witness the signature of two councilors in the execution and sealing of legal deeds in accordance with Standing Order 45 below
- 43.2.15. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- 43.2.16. Record every planning application notified to the council and the council's response to the local planning authority;
- 43.2.17. Refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council or the Planning Committee [if any] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council or committee;
- 43.2.18. Manage access to information about the council via the publication scheme

#### **44. Responsible Financial Officer (RFO)**

- 44.1. The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

#### **45. Execution and sealing of Legal Deeds**

- 45.1. A legal deed shall not be executed on behalf of the council unless authorised by a resolution of the Council.
- 45.2. Subject to Standing Order 45.1 above, two councilors, of whom one must be the Chair, may sign on behalf of the council any deed required by law; the Proper Officer shall witness their signatures.

#### **46. Requests from the Press/ Media**

- 46.1. 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 by the Proper Officer to the Chair. The Chair shall have the power to do anything to facilitate dealing with requests from the press and/or other media.

#### **47. Requests for Information**

- 47.1. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

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

## **48. Dissolution**

48.1. Dissolution of the Council will only take place after advice has been sought from, and under the guidance of the appropriate Officer of the Borough Council.

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