

## FRANSHAM PARISH COUNCIL

### STANDING ORDERS

Adopted at the meeting held on 15<sup>th</sup> January 2019

To be reviewed January 2022

**Standing Orders in bold cannot be amended or removed**

#### Introduction

A degree of informality at parish council meetings is considered positive and constructive. Whilst this needs to be protected, there are specific areas where formality is needed or is mandatory, and the following standing orders are to be used for this purpose.

#### 1. Meetings generally

- 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.**
- 1.2 Meetings of the Council shall be held at Fransham Village Hall at 1900 hours unless the Council otherwise decides at a previous meeting.
- 1.3 **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.**
- 1.4 **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.**
- 1.5 A notice advertising the meeting will be placed by the Clerk on the four noticeboards and Parish website no later than three days before each meeting.
- 1.6 **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.**
- 1.7 Members of the public may make representations, ask questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. There is no obligation on the Chairman or the Clerk to reply to questions at that time. Public cannot request that letters are read out to the meeting. Correspondence of relevance to meetings is advertised on the website.
- 1.8 A member of the public may be allowed to speak at any time during a meeting, with the express permission of the Chairman.
- 1.9 The period of time designated for public participation at a meeting in accordance with standing order 1.7 above shall not exceed 20 minutes and the maximum time any one member of the public shall have to deliver their statement will be at the discretion of the chair.
- 1.10 A councillor or member of the public who speaks at a meeting shall direct their comments to the chairman of the meeting.

- 1.11 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.
- 1.12 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted**, please advise the Chairman or Clerk. If disruptive to the meeting the Chairman may ask the member of the public to leave.
- 1.13 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the Council Chamber.
- 1.14 **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.**
- 1.15 The person presiding at a meeting may exercise all powers and duties of the Chairman in relation to the conduct of the meeting.
- 1.16 **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 their absence be done by, to or before the Vice-Chairman of the Council (if any).**
- 1.17 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.
- 1.18 **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.**
- 1.19 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 their casting vote whether or not they gave an original vote. (excepting in the election of a Chairman).
- 1.20 **Unless standing orders provide otherwise, voting on a question shall be by a show of hands** or, if at least two members so request, by signed ballot. **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- 1.21 The minutes of a meeting shall include an accurate record of the following:
- a) the time and place of the meeting;
  - b) the names of councillors present and absent;
  - c) interests that have been declared by councillors and non-councillors with voting rights;
  - d) whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - e) if there was a public participation session and a very brief summary of that.
  - f) the resolutions made.
- 1.22 **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 their right to participate and vote on that matter.**
- 1.23 **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.**
- See standing order 3.1 below for the quorum of a committee or sub-committee meeting.

- 1.24 **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 the next meeting or on such day as the Chairman may fix.
- 1.25 A meeting shall not exceed a period of two hours.

## **2. Ordinary Council Meetings**

- 2.1 **In an election year, the annual parish council meeting shall be held on the fourth day after the date of the election or within 14 days following the day on which the new councillors elected take office.**
- 2.2 **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.**
- 2.3 **If no other time is fixed, the annual parish council meeting shall take place at 6pm.**
- 2.4 **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.** A further three additional meetings will also be held. Council meetings will be held on the third Tuesday of the month. The day may be varied if decided at a previous meeting.
- 2.5 **The first business conducted at the annual parish council meeting shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- 2.6 **The Chairman of the Council, unless they has resigned or becomes disqualified, shall continue in office and preside at the annual parish council meeting until their successor is elected at the next annual parish council meeting.**
- 2.7 **The Vice-Chairman of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- 2.8 **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, they 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.**
- 2.9 **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chairman of the Council has been elected. They 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.**
- 2.10 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 parish council meeting shall include:
  - a) 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 their acceptance of office form unless the council resolves for this to be done at a later date;
  - b) To appoint committees and representatives, if required.
  - c) To consider the payment of any subscriptions falling to be paid annually and shall thereafter follow the order set out in standing order 2.13.

- 2.11 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman or Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.
- 2.12 In every other 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.
- 2.13 After the first business has been considered, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:
- a) To read and consider the minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend 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.
  - g) To receive and consider reports from County & District councillors.
  - h) To authorise the signing of orders for payment.
  - i) To consider resolutions in the order in which they have been notified.
  - j) Any other business specified in the summons.
  - k) A motion to vary the order of business on the grounds of urgency 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.
  - l) Shall be put to the vote without discussion.

### **3. Committees & Sub-Committees**

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

### **4. Extraordinary Meetings of the Council and Committees and Sub-Committees**

- 4.1 The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- 4.2 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.**

## **5. Rules of debate at meetings**

- 5.1 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting. No motion will be a negative motion. Only one proposal can be accepted in any one motion.
- 5.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 5.3 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 5.4 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.
- 5.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 5.6 If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- 5.7 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.

## **6. Previous Resolutions**

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

## **7. 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.

## **8. Motions for a Meeting that require written notice to be given to the Proper Officer**

- 8.1 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 seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 8.2 The Proper Officer will discuss the motion with the Chairman before it is included on the agenda. The final decision concerning its inclusion rests with the Proper Officer. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) below, correct obvious grammatical or typographical errors in the wording of the motion. If the motion is unclear in its meaning then the Proper Officer can withhold it.

## **9. 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:

- a) to correct an inaccuracy in the draft minutes of a meeting;
- b) to approve the minutes;
- c) to appoint a person to preside at a meeting;
- d) to change the order of business on the agenda;
- e) to proceed to the next business;
- f) to close or adjourn the meeting;
- g) to refer the matter to a committee;
- h) to appoint a committee or any members thereof;
- i) to adopt a report;
- j) to amend a resolution;
- k) to give leave to withdraw a resolution or an amendment;
- l) to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- m) to exclude a councillor or member of the public for disorderly conduct;
- n) to invite a member having an interest in the subject matter under a debate to remain.
- o) to give the consent of the Council where such a consent is required by these standing orders.
- p) to temporarily suspend the meeting;
- q) to suspend a particular standing order (unless it reflects mandatory statutory requirements).

## **10. Disorderly conduct at meetings**

- 10.1 No person (councillor or member of the public) 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 scandalise the Council or bring it into contempt or ridicule.
- 10.2 If, in the opinion of the Chairman, a member has broken the provision of item 10.1 above of this Order, the Chairman shall express the opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named does leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- 10.3 If either of the motions mentioned in item 10.2 above is disobeyed, the Chairman may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

## **11. Code of Conduct & Dispensations**

- 11.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.

- 11.2 Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- 11.3 Unless they have 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 they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- 11.4 **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, and taken as detailed in the Council's Code of Conduct Policy.
- 11.5 **A dispensation may be granted if having regard to all relevant circumstances the following applies:**
- a) **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting.**
  - b) **transacting the business as to impede the transaction of the business or granting the dispensation is in the interests of persons living in the council's area or it is otherwise appropriate to grant a dispensation.**

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

- 12.1 Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph to every candidate.
- 12.2 A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a member may give a written testimonial for submission to the Council with an application for appointment.

## **13. Code of Conduct Complaints**

- 13.1 Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, report this to the council.
- 13.2 Where the notification 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.
- 13.3 The council may:
- a) provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - b) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- 13.4 **Upon notification by the District 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 them. Such action excludes disqualification or suspension from office.**

#### **14. Handling Confidential or Sensitive Information**

- 14.1 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.
- 14.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- 14.3 Any member in breach of the provision of item 14.2 of this Standing Order shall be removed by the Council.

#### **15. Inspection of Documents**

- 15.1 A member may for any purpose of their duty as such (but not otherwise) inspect any document in the possession of the Council and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 15.2 All Minutes kept by the Council shall be open for inspection of any member of the Council.

#### **16. Transparency and Publication**

The Council shall publish information generally in accordance with the Transparency Code for Smaller Authorities issued by the Department for Communities and Local Government, 1<sup>st</sup> April 2015.

#### **17. Draft Minutes**

- 17.1 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.
- 17.2 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 9.a).
- 17.3 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.
- 17.4 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. These include notes taken during the meeting.

#### **18. Proper Officer and Responsible Financial Officer**

- 18.1 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.

- 18.2 The Proper Officer shall:
- a) **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by email or hard copy to their residences, a signed summons confirming the time, place and the agenda.**
  - b) **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);**
  - c) **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in the office;**
  - d) facilitate inspection of the minute book by local government electors;
  - e) **receive and retain copies of byelaws made by other local authorities;**
  - f) retain acceptance of office forms from councillors;
  - g) retain a copy of every councillor's register of interests;
  - h) 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;
  - i) receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - j) receive and retain plans and documents.
  - k) certify copies of bye-laws made by Council.
  - l) manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - m) arrange for legal deeds to be executed;
  - n) The Proper Officer, as Responsible Financial Officer is also required to undertake all financial matters according to proper practices as detailed in "Governance and Accountability 2016". (Please refer Job Description of the Proper Officer for full details on this matter). The Clerk / RFO is able to spend (L G Act 1972 s101) up to £250 in an emergency, but must advise the Chairman or Vice-Chairman in his absence.

## 19. Planning Applications

- 19.1 The Clerk shall, as soon as they are received, forward planning applications to all Councillors.
- 19.2 The Chair will, if there are likely to be objections on Material Planning grounds, call a site or special meeting to review the application. Any councillor may similarly request a meeting.
- 19.3 The Clerk shall ensure all applications and outstanding issues are discussed at the next Council meeting and immediately inform Breckland council of all decisions of the Council regarding the applications.
- 19.4 Where possible, all planning applications will be considered at a full council meeting. Where this is not possible, due to time constraints, the Clerk will provide details to Councillors and, where no queries arise by joint decision of all Councillors, the Clerk shall be delegated to inform the Planning Department, within the time allocated, of the decision of the Council. All Councillors must report directly back to the Clerk thereby avoiding discussion between members. Where queries arise the Chairman can

call for a site meeting and, in addition, the Clerk will make arrangements for an Extraordinary Meeting to decide upon the application. This adheres strictly to legal procedures set by NALC.

## 20. Expenditure

Orders for the payment of money shall be authorised by a proposal at a meeting and signed by two Councillors.

## 21. Financial Regulations

21.1 These are detailed in the Policy document “Financial Regulations”, or:

- a) Except as provided in item (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 Chairman or Vice-Chairman of the Council.
- c) All payments ratified shall be separately included in the next schedule of payments laid before the Council.
- d) The Clerk shall supply to each member at the Annual Meeting in May a statement of receipts and payments.

21.2 Financial regulations shall be reviewed annually.

## 22. Contracts

**22.1 Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value exceeding £1,000 but not in excess of £10,000 shall be procured on the basis of a formal tender as summarised below.**

- a) The Clerk shall give at least three weeks public notice of such intention, in the same manner as public notice of meetings of the Council is given. Where the value of the intended contract exceeds £10,000 similar notice shall be given in addition to all firms, included in the appropriate standing approval list of contractors maintained by the District Council. If no such list is maintained, then in such newspapers circulating the district as the Council shall direct.
- b) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom the tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- c) Tenders shall be opened by the Clerk, or person, to whom tenders are required to be addressed.
- d) The Council is not bound to accept the lowest tender.
- e) If no tenders are received or if all tenders are identical the Council may make such arrangements for procuring goods or materials or executing the work as it thinks fit.

22.2 The Council shall approve written estimates for the coming financial year.

22.3 Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

### **23. Donations**

Requests for donations received during the year shall be put aside until the September meeting when a decision will be taken on which to support. A provision will be made in the annual estimate for donations. The maximum will be as currently defined under section 137 of the LGA 1972.

### **24. Handling Staff Matters**

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 SO 1.6) .

### **25. Requests for Information**

Requests for information held by the council shall be handled in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998.

### **26. Relations with the Press/Media**

Requests from the press or other media for an oral or written comment or statement from the Council, should be undertaken by the Chairman in liaison with the Proper Officer.

### **27. Execution and Sealing 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.**

### **28. Communicating with District and County Councillors**

An invitation to attend a meeting of the council shall be sent, together with the agenda.

### **29. Restrictions on Councillor Activities**

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

### **30. Standing Orders Generally**

- 30.1 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.
  - 30.2 A resolution to permanently add, vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
  - 30.3 The Proper Officer shall provide a copy of the council's standing orders to councillors.
  - 30.4 The Clerk will bring to meetings their copy of the Standing Orders.
  - 30.5 The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.
  - 30.6 If requested by the Chairman, the Standing Orders can be reviewed at the Annual meeting, held in May, annually, and any necessary alterations made and a resolution passed to adopt the revised version.
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