Standing Orders
Stoke by Nayland Parish Council

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The objective of the Standing Orders is to describe clearly and simply how the council will prepare for meetings and conduct business at meetings. The Standing Orders also set out requirements covering a limited number of related issues without duplicating matters covered by the council's policies and the clerk's job description.

Councillors should note that where Standing Orders contain bold text, they are designed to meet or exceed statutory requirements advised in NALC's model Standing Orders. All these statutory requirements are covered in this document, other than those covered by the council's Financial Regulations.

1. Arrangement of ordinary meetings

i. The clerk will schedule meetings every other month, usually on the first Tuesday. **A minimum of three ordinary meetings must take place each year in addition to the statutory annual meeting.**

ii. **The clerk will summon members by e-mailing a signed agenda, including venue and time of meeting, to them at least seven[1] days before meetings take place. On the same day, the clerk will place the signed agenda on the council's website and the village noticeboard.**

iii. The clerk will send the agenda to the relevant district and county councillors on the same day as it is sent to members.

iv. **Meetings will not take place in premises where alcohol is being served at the time of the meeting unless no other premises are available free of charge or at a reasonable cost.**

2. Ordinary meeting agenda process

i. The agenda for each ordinary meeting shall be drawn up by the clerk to ensure timely progression of planned business, statutory duties, new matters which require debate and the clerk's annual task list.

ii. The clerk will send a draft agenda to the chairman for comment 14 days before each meeting. They must provide any comments to the clerk in good time to allow issue of the final agenda to all members seven days before the meeting.

iii. Any member may request motions relevant to the meeting's responsibilities to be placed on the agenda. Subsequently, the member may request these motions to be amended or withdrawn. In all these cases, details, including wording of motions, must be provided to the clerk by email at least 10 days before the meeting. The clerk may discuss these motions with members to ensure appropriate wording. The clerk's decision on whether to include a motion on the agenda is final and should be made following discussion with the chairman.

iv. Any papers required to accompany agenda items must be provided to the clerk for circulation with the agenda. Papers may only be distributed after the agenda is issued if the chairman gives an exception. This provision applies to full council meetings and committee meetings.

[1] In certain circumstances, a summons for an ordinary meeting may need to be issued more than seven days before a meeting to comply with legal requirements to make the summons at least three clear days before a meeting. **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.**

3. The Annual Meeting

i. **The council's Annual Meeting will be in May other than in an election year when it will take place within 14 days of the newly-elected councillors taking office. The meeting will start at 7.30pm.**

ii. **The first business conducted will be the election of the chairman and vice-chairman of the council. Unless they resign or are disqualified, they will remain in office until the next chairman is elected at the following year's Annual Meeting.**

iii. **The chairman will preside at the Annual Meeting until a successor is elected. This includes election years where the chairman has not been re-elected as a member of the council.**

iv. **The chairman must exercise a casting vote if votes for the new chairman are tied. In election years, this Standing Order applies even if the chairman has not been re-elected as a member of the council and is therefore ineligible to take part in the original vote.**

v. **The chairman, and in an election year all councillors, must sign the acceptance of office form at the Annual Meeting unless the council resolves for this to be done at a later date.**

vi. Following the election of the council chairman and vice-chairman and signing of acceptance of office forms, the business of the annual meeting shall include:

   a. Appointment of members to committees and review of committees' terms of reference;
   b. Confirmation that members Register of Interest Forms are up to date:
   c. Review of Standing Orders and Financial Regulations;
   d. Review of members' responsibilities and representation on external bodies;
   e. Review of the council's policies and procedures;
   f. Inspection of deeds and trust investments in the custody of the council as required.

vii. The annual meeting shall be arranged and the agenda issued in line with Standing Orders 1 and 2.

4. Arrangement of extraordinary meetings

i. **The chairman of the council or a committee may convene an extraordinary meeting at any time.**

ii. **If the chairman of the council or a committee does not call an extraordinary meeting within seven days of a written request by two councillors, any two councillors may convene an extraordinary meeting. These councillors must sign the public notice for this meeting.**

iii. The only business on the agenda will relate to the reason for calling the meeting.

5. Arrangement of committee meetings

i. Committee meetings will be arranged and agenda issued in line with Standing Order 1 (ii, iv) and Standing Order 2 (i-iii).

6. Rules of meetings

Chair of the meeting

i. **The elected chairman will preside. The elected vice-chairman will preside if the chairman is absent. If both chairman and vice-chairman are absent, councillors present at the meeting will choose a member to preside.**

ii. In the elected chairman's absence, the vice-chairman's (or presiding member's) role and duties will be the same as if the chairman were presiding.

Participants' interests and dispensations

i. **Councillors or non-councillors with voting rights must declare any Disclosable Pecuniary Interests (DPIs) to a meeting where business is relevant to those interests, including registered interests and interests where registration is pending.** In line with the council's Code of Conduct, Local Non-Pecuniary Interests (LNPIs) must also be declared.

ii. **Unless granted a dispensation, a councillor or non-councillor with voting rights shall leave the room while the meeting considers any matter in which he has a DPI, as set out in the council's Code of Conduct. The councillor may return to the room after the meeting has considered the matter.**

iii. **A member with a DPI relating to a matter on the agenda may request a dispensation to participate in the discussion and vote. The request must be in writing and submitted to the clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

iv. A dispensation request shall confirm:
    a. The description and the nature of the interest to which the request for the dispensation relates;
    b. Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
    c. An explanation as to why the dispensation is sought.

v. **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 transacting the business as to impede the transaction of the business; or
    b. Granting the dispensation is in the interests of persons living in the

council's area; or

c. it is otherwise appropriate to grant a dispensation.

vi. The council meeting shall decide whether to grant a dispensation. The person requesting the dispensation must leave the room while it is debated and voted on.

vii. In the case of Local Non-Pecuniary Interests, a councillor or non-councillor with voting rights may participate in discussions and vote on matters relating to his LNPIs after they have been registered. This is in line with the council's Code of Conduct.

Rules of debate

i. Items on council and committee agenda shall be considered in the order they appear unless the order is changed at the discretion of the chairman of the meeting.

ii. Only one agenda item may be discussed at any time.

iii. Only one person may speak at a time and contributions must be called by the chairman of the meeting.

iv. Conduct and contributions must be in line with the principles set out in the Code of Conduct on the council's website and the Good Councillor Guide issued to members.

v. Before a motion is voted on, the chairman of the meeting shall be satisfied that all members who wish to speak have done so.

vi. The only motions that may be voted on, other than those relating to business on the agenda, are motions to allow smooth operation of the meeting (see Appendix 1).

vii. If a member is dissatisfied with the way a debate is being conducted, he may call a point of order. The member must identify the Standing Order he considers has been breached or specify another irregularity in the proceedings he is concerned by. The chairman will rule on the point of order or irregularity and that decision is final.

viii. Regardless of the chairman's ruling, in the event of a member calling a point of order or irregularity, the chairman will implement the rules of debate in Appendix 2 for the remainder of the debate or whole meeting, as the chairman determines.

ix. A meeting shall not exceed 2.5 hours unless the meeting votes to extend the time allowed. It is the chairman's responsibility to ensure business is concluded within the allotted time. This may include proposing resolutions to move to a vote or set a limit on the amount of time all members present may speak for on any agenda item.

x. Members may not use mobile devices to communicate with people outside the meeting unless authorised by the chairman.

Decision making

i. **No business may be transacted at a council or committee meeting unless at least one third of the members of the council or committee are present, and in no case shall the quorum of a meeting be less than three.**

ii. If any meeting is, or becomes, inquorate the meeting shall be closed and business on the agenda adjourned to another meeting.

iii. Before a motion is voted on it must be proposed and seconded. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and**

voting. Votes will be by show of hands.

iv. **The chairman may exercise a casting vote whether or not he gave an original vote.**

v. **If a councillor requests, the way each councillor voted will be recorded in the minutes.** Such requests should be made before the meeting moves to the next item.

vi. A council or committee decision shall not be revised within six months except by a resolution voted for by two thirds of total members (as opposed to those present).

Voting on appointments

i. If more than two people have been nominated for a position to be filled by the council and none receives an absolute majority of votes, the person with fewest votes will be eliminated and a fresh vote taken. This process shall continue until a person receives an absolute majority of votes. If there is a tie, the chairman has the casting vote.

Public participation

i. **Meetings shall be open to the public unless their presence is prejudicial to the public interest due to 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 states the reasons.**

ii. Members of the public may make representations, answer questions and give evidence relating to business on the agenda during the meeting's public forum. The time available for any member of the public to speak will be regulated by the chairman. As guidance, that time may be limited to two minutes per person.

iii. Public contributions outside this forum may be taken at the chairman's discretion.

iv. **Filming, photographing, recording, broadcasting or transmitting the proceedings of council/committee meetings should be in accordance with the council's protocol for reporting at meetings. Reasonable facilities will be available to anyone present who wishes to carry out these activities.**

v. **Reporting on the meeting is permitted by persons present while the meeting is open. However, oral reporting and commentary must not take place without permission.**

Disorderly conduct at meetings

i. No member shall persistently disregard the ruling of the chairman, wilfully obstruct business or behave improperly or in a manner that brings the council into disrepute.

ii. In the event of disorderly conduct the chairman may take whatever steps he deems necessary to restore order. Options include calling a motion to: exclude a member from the meeting; temporarily suspend the meeting; close the meeting.

iii. The same rules apply to conduct by members of the public.

Application of Standing Orders at meetings

i. The decision of the meeting's chairman on the application of Standing Orders shall be final unless a resolution objecting to his decision is voted for by two thirds of the members of the council or committee (as opposed to members present).

7. Draft minutes and their approval

i. Council and committee minutes shall include a record of resolutions and actions agreed.

ii. The clerk will issue draft minutes to members seven days after meetings or sooner.

iii. Members should send any proposals for changes to the clerk by email within seven days of the draft minutes being issued, and must copy in all other members of the council or committee. The clerk will consider these proposals, make changes accordingly and issue the draft minutes with the agenda for the next meeting.

iv. The next meeting will only discuss the draft minutes in relation to accuracy and proper procedure. If no changes to the draft minutes issued with the agenda are proposed, they are automatically deemed an accurate record and the minutes will be signed by the chairman.

v. If the meeting agrees changes to the draft minutes issued with the agenda, the changes will be made and draft minutes re-presented to the subsequent meeting for signature by the chairman.

8. Appointment of committees and sub-committees

i. The council will appoint committees as necessary, and determine their terms of reference and method of work to fulfil the council's objectives.

ii. **Unless the council determines otherwise, a committee may appoint a sub-committee with terms of reference and members determined by the committee.**

iii. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**

iv. **Unless the council determines otherwise, all members of an advisory committee and sub-committee of the advisory committee may be non-councillors.**

9. Clerk's statutory responsibilities

i. The Proper Officer of the council shall be the clerk. In addition to the statutory duties relevant to the clerk's job description in Standing Orders 1-6, the clerk shall have the following further statutory responsibilities:
•Convening a meeting of full council for the election of a new chairman of the council, occasioned by a casual vacancy in this office;
•Facilitating inspection of the minute book by local government electors;
•Receiving and retaining copies of byelaws made by other local authorities.

10. Information management and data protection

i. The Council may appoint a Data Protection Officer.

ii. The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

iii. The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

iv. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

v. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

vi. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

vii. The Council shall have a written policy in place for responding to and managing a personal data breach.

viii. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

ix. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

x. The Council shall maintain a written record of its processing activities.

11. Code of conduct complaints

i. 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 clerk shall, subject to SO 10 above, report this to the council.

ii. Where the notification relates to a complaint made by the clerk, the clerk shall notify the chairman of this fact, and the chairman shall nominate another staff member to assume the duties of the clerk 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 11 (iv) below.

iii. 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.

iv. **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's Code of Conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

12. Relations with the press/media

i. 'Business as usual' and factual requests should be dealt with by the clerk, advised by the lead member where necessary.

ii. If members are approached directly about projects where they have lead responsibility and the council has an agreed position they should comment to the media, asking for time to ensure they have the full facts if necessary.

iii. Any requests related to projects, planning and opinion where the council does not have an agreed position should be considered jointly by the clerk, chairman and lead member before responding to media enquiries.

13. Execution and sealing of legal deeds

i. A legal deed shall only be executed on behalf of the council if authorised by a resolution. **Subject to this requirement, any two councillors may sign, on behalf of the council, any deed required by law and the clerk/proper officer shall witness their signatures.**

14. Restrictions on councillor activities

i. Unless authorised by a resolution, no councillor shall on behalf of the council:

a. Inspect any land and/or premises which the council has a right or duty to inspect; or

b. Issue orders, instructions or directions.

Appendix 1

The only motions that may be voted on at a meeting, other than those relating to business on the agenda, or otherwise specified in these Standing Orders, are motions to allow smooth, considerate operation of the meeting as set out below:

i. to move to a vote;
ii. to defer consideration of a motion;
iii. to refer a motion to a particular committee or sub-committee;
iv. to appoint a person to preside at a meeting;
v. to change the order of business on the agenda;
vi. to proceed to the next business on the agenda;
vii. to require a written report;
viii. to appoint a committee or sub-committee and their members;
ix. to extend the time limits for speaking;
x. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
xi. to not hear further from a councillor or a member of the public;
xii. to exclude a councillor or member of the public for disorderly conduct;
xiii. to temporarily suspend the meeting;
xiv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
xv. to adjourn the meeting; or
xvi. to close a meeting.

Appendix 2

Rules of debate in the event of a member calling a point of order or other irregularity in the way a meeting is being conducted. Members must continue to respect the Code of Conduct and Good Councillor Guide and make contributions through the chair.

a 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.

b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.

d 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.

e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.

h 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.

i 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.

j Subject to standing order (k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.

k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.

l A councillor may not move more than one amendment to an original or substantive motion.

m The mover of an amendment has no right of reply at the end of debate on it.

n 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.

o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

   i. to speak on an amendment moved by another councillor;
   ii. to move or speak on another amendment if the motion has been amended since he last spoke;
   iii. to make a point of order;
   iv. to give a personal explanation; or
   v. in exercise of a right of reply.

p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A

councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

q A point of order shall be decided by the chairman of the meeting and his decision shall be final.

r When a motion is under debate, no other motion shall be moved except:

i. to amend the motion;
ii. to proceed to the next business;
iii. to adjourn the debate;
iv. to put the motion to a vote;
v. to ask a person to be no longer heard or to leave the meeting;
vi. to refer a motion to a committee or sub-committee for consideration;
vii. to exclude the public and press;
viii. to adjourn the meeting; or
ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

s Before an original or substantive motion is put to the vote, the chairman 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.

t Excluding motions moved understanding order (r) 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 chairman of the meeting