

STANDING ORDERS EARL SOHAM PARISH COUNCIL

Adopted/Amended 11th November 2013 S/O 77 amended 9th May 2016

To replace all previous s/o's.

1. Meetings

a. Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.

b. Smoking is not permitted at any meeting of the Council.

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.

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.

When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.

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.

2. The Statutory Annual Meeting

a. In an election year shall be held on or within 14 days following the day on which the councillors elected take office and

b. in a year which is not an election year shall be held on such day in May as the Council may direct.

3. (England Only) In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

4. Chairman of the Meeting

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

5. Proper Officer

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

a. To receive declarations of acceptance of office

- b. To receive and record notices disclosing personal and prejudicial interests.
- c. To receive and retain plans and documents.
- d. To sign notices or other documents on behalf of the Council.
- e. To receive copies of bylaws made by a District Council.
- f. To certify copies of bylaws made by the Council.
- g. To sign and issue the summons to attend meetings of the Council.
- h. To keep proper records for all Council meetings.
- i. The clerk may at their discretion copy any councillor into any correspondence relating to council business

6. Quorum of the Council

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

- 7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
- 8. For a quorum relating to a committee or sub-committee, please refer to standing order 48.

9. Voting

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

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

11. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

12. **Order of Business**

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

- a. **To elect a Chairman of the Council**
- b. **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d. **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- e. To elect a Vice-Chairman of the Council.
- f. To appoint representatives to outside bodies.
- g. To appoint committees and sub-committees.
- h. To consider the payment of any subscriptions falling to be paid annually.
- i. To inspect any deeds and trust investments in the custody of the Council as required; and shall thereafter follow the order set out in the Standing Order 15

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

14. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with their requirement.

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

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.

After consideration to approve the signature of the Minutes by the person presiding as a correct record.

To deal with business expressly required by statute to be done.

To dispose of business, if any, remaining from the last meeting.

To receive such communications as the person presiding may wish to lay before the Council.

To answer questions from Councillors.

To receive and consider reports and minutes of committees.

To receive and consider resolutions or recommendations in the order in which they have been notified.

To authorise the sealing of documents.

If necessary, to authorise the signing of orders for payment.

16. Urgent Business

A motion to vary the order of business on the ground 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, and

Shall be put to the vote without discussion.

17. Resolutions Moved On Notice

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

18. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.

19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

21. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

23. Resolutions Moved Without Notice

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

To appoint a Chairman of the meeting.

To correct the Minutes.

To approve the Minutes.

To alter the order of business.

To proceed to the next business.

To close or adjourn the debate.

To refer a matter to a committee.

To appoint a committee or any members thereof.

To adopt a report.

To authorise the sealing of documents

To amend a motion.

To give leave to withdraw a resolution or amendment.

To extend the time limit for speeches.

To exclude the public. (see Order 68 below)

To silence or eject from the meeting a member named for misconduct. (see order 33 below)

To give the consent of the Council where such consent is required by these Standing Orders.

To suspend any Standing Order. (see Order 79 below)

To adjourn the meeting.

24. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided (5) clear days notice of the question has been given to the person to whom it is addressed.

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

26. Every question shall be put and answered without discussion.

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

28. Rules of Debate

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

29. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

a. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

b. No speech by a mover of a resolution shall exceed (10) minutes and no other speech shall exceed (10) minutes except by consent of the Council.

c. An amendment shall be either:-

i.. To leave out words.

ii. To leave out words and insert others

iii. To insert or add words.

f. An amendment shall not have the effect of negating the resolution before the Council.

g. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

h. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

i. The mover of a resolution or of an amendment shall have a right of reply, not exceeding (5) minutes.

j. A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

k. A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confirmed to some material part of a former speech by him which may have been misunderstood.

l. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

When a resolution is under debate no other resolution shall be moved except the following:-

To amend the resolution.

To proceed to the next business.

To adjourn the debate.

That the question be now put.

That a member named be not further heard.

That a member named leave the meeting.

That the resolution be referred to a committee.

To exclude the public and press.

To adjourn the meeting.

30. A member shall remain seated when speaking unless requested to stand by the Chairman.

31. a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

c. Whenever the Chairman speaks during a debate all other members shall be silent.

Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).

a) 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.

b. Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

c. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below.)

d. Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

e. The minutes of a meeting shall record the names of councillors present and absent.

32. Closure

At the end of any speech a member may, without comment, move “that

the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. 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 has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

33. Disorderly Conduct

All members must observe the Code of Conduct which was adopted by the council on 15 May 2007 a copy of which is annexed to these Standing Orders.

No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**

If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) or (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board for England.**

If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

34. Right of Reply

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

35. Alteration of Resolution

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

36. Rescission of Previous Resolution

A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least (4) members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

37. Voting On Appointments

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

38. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 68.)

39. Resolutions on Expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

40. Expenditure

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

41. Sealing of Documents

A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

[Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

42. Committees and Sub Committees

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary clearly defining roles of the committees and any delegated powers, but subject to any statutory provision in that behalf:-

Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

May appoint persons other than members of the Council to any Committee; and may subject to the provisions of Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman and Vice-Chairman ex-officio, shall be members of every committee.

44. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

45. Special Meeting

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

Every committee may appoint sub-committees for purposes to be specified by the committee.

47. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

50. Advisory Committees

The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.

The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.

An advisory committee may make recommendations and give notice thereof to the Council

An advisory committee may consist wholly of persons who are not members of the Council.

51. Voting in Committees

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

52. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

53. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.54. Accounts and Financial Statement

Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.

All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

55. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments for the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

56. Estimates / Precepts

The council shall approve written estimates for the coming financial year at its meeting at the end of the month of November.

Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than October.

57. Interests (ENGLAND)

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 15 May 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.

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

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

61. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed Standing Orders 57, 58 and 59 shall apply as appropriate.

62. The Clerk shall make known the purpose of Standing Order 61 to every candidate.

63. Canvassing of And Recommendations By Members

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 Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

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; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

64. Standing Order Nos. 61 & 63 shall apply to tenders as if the person making the tender were a candidate for an appointment.

65. Inspection of Documents

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

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

67. Unauthorised Activities

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

Inspect any lands or premises which the Council has a right or duty to inspect; or

Issue orders, instructions or directions

unless authorised to do so by the Council or the relevant committee or sub-committee.

68. Admission of The Public and Press to Meetings

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

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw”

69. The Council shall state the special reason for exclusion.

70. At all meetings of the Council the Chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

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

72. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting.

73. Confidential Business

No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

74. Liaison with County and District Councillors

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

75. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council or Planning Authority shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

76. Planning Applications

The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-

The date on which it was received ;

The name of the applicant;

The place to which it relates;

The Clerk shall refer every planning application received to the Chairman / Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receipt.

77. Financial Matters

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

1. Such Regulations shall include detailed arrangements for the following:

- a. The accounting records and systems of internal control;
- b. The assessment and management of risks faced by the Council;
- c. The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;

d. The financial reporting requirements of members and local electors

11.1 Procedures as to contracts are laid down as follows:

(a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:

(i) for the supply of gas, electricity, water, sewerage and telephone services;

(ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

(iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

(iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;

(v) for additional audit work of the external Auditor up to an estimated value of £300 (in excess of this sum the RFO shall act after consultation with the Chairman and Vice Chairman of Council);

(vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

(b) Where it is intended to enter into a contract exceeding £10,000 in value, over the proposed duration of the contract, for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall seek tenders from at least three vendors on the appropriate approved list, where reasonably practical.

(c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

(d) Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases and also a set closing date. The invitation shall in addition state that tenders must be addressed to the RFO in the ordinary course of post and return envelopes should state 'Sealed

Tender'. Each tender is to remain sealed until the prescribed date for opening tenders for that contract.

(f) All sealed tenders shall be opened at the same time on the prescribed date by the RFO in the presence of at least one member of Council.

(g) If less than three tenders are received for contracts above £1,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

(h) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 53, 55 and 56.

(i) When it is to enter into a contract less than £10,000, but above £1,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall strive to obtain 3 quotations, in order to obtain best value.

(j) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

(k) Contracts covering a period of more than one year shall be approved by full Council.

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.

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

78. Code of Conduct on Complaints

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

Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no Jurisdiction over parish and town councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England.

Earl Soham Parish Council will not acknowledge or consider, under any circumstances complaints that are submitted anonymously.

Complaints: Handled by the Parish Clerk

1. It is hoped that most complaints can be resolved quickly and amicably through this route.
2. Initial complaints can be made by telephone, email or letter. The complaint will be handled by the Clerk.
3. Complaints should always be directed through the Council offices, not through individual Councillors.
4. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to complaints.
5. It is expected that most complaints can be resolved through this route. However, the Council appreciates on occasions if an informal approach had not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

Complaints: Handled by the Parish Council

1. The Clerk is responsible for managing the complaints process. The Clerk is the Proper Officer of the Council. However, if a formal complaint is being raised against the Clerk, then the process should still be followed, but the

Chairman of the Council would take the place of the Clerk in managing the process.

2. A formal complaint must be submitted in writing to the Council offices, addressed to the Clerk or Chairman as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

3. The Clerk or Chairman will acknowledge receipt of the complaint within five working days.

4. The Clerk or Chairman will carry out an initial investigation into the complaint and will within ten working days provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed.

5. The Clerk or Chairman will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.

6. If the Clerk or Chairman is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to the next Council meeting.

6.1. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Council carries out its business in public, matters that involve individual identified members of staff may require the exclusion of the press and public.

6.2. The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting will be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion. (a) The complainant (or representative) shall be invited to outline the grounds for complaint and members given the opportunity to ask any question of the complainant. (b) If relevant, the Clerk will explain the Council's position and the Council shall ask any questions of the Clerk. (c) The complainant is to be offered the opportunity of a last word as a means of summing up their position. (d) The Clerk is to be offered the last opportunity of a last word as a means of summing up their position.

6.3. The Clerk and complainant shall be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

6.4. The decision will be confirmed in writing within seven working days together with details of any action to be taken.

6.5. The announcement of any decision will be made in public, at the next Council meeting.

Action against Council Staff:

A complaint against a member of the Council's staff could result in disciplinary action; or in cases of gross misconduct dismissal from the Council's employment. The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

Complaints against Councillors:

The Earl Soham Parish Council complaints policy does not cover complaints against an individual Councillor. If you wish to make a complaint about the behaviour of an individual Councillor you must write to:-

The Monitoring Officer, Suffolk Coastal District Council, Melton Hill, Woodbridge IP12 1AU

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. It will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct.

The Monitoring Officer/Standards Committee will not look at complaints that are about:

- a. People employed by the council or authority
- b. Incidents that happened before a member was elected or chosen to serve.
- c. Incidents before the Code of Conduct was adopted on 15th May 2007
- d. The way an authority conducts or records its meetings.
- e. The way an authority has or not done something. This is a matter for the Local Government Ombudsman if the authority has not dealt with the matter properly and it has not been resolved locally.
- f. Decisions of the authority or one of the services it provides.

79. Variation, Revocation and Suspension of Standing Orders

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

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

81. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.

Earl Soham do not currently have any committees or sub-committees., but a delegated Finance Committee with powers

to prepare the budget for later debate by full council is to be debated in May 2012.

With a large council, meetings would have the disadvantage of taking a long time to complete so committees and sub-

committees are of great value. Another disadvantage however, means the expense of extra meetings in hiring a meeting

room and taking up extra Clerk's time.

As per Earl Soham's Standing orders, both the Chairman and Vice Chairman have to be on committees.

Delegated committees have the advantage of having powers in some circumstances to make decisions on behalf of the whole council such as in Planning matters. A great deal of trust has to be placed in members of such committees as they are agreeing responses on behalf of the council.

Advisory Committees have the advantage of being able to utilise experts in a particular field as non councillors can be invited to join. They have the disadvantage of having no voting powers and can only agree decision which have to

be taken for full discussion and approval at the next full council meeting.

Includes

1. **Rules of debate at meetings adopted 11th November 2013**

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.

2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
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. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
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.
7. 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.
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.
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.
10. Subject to standing order 1(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.
11. 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.
12. A councillor may not move more than one amendment to an original or substantive motion.
13. The mover of an amendment has no right of reply at the end of debate on it.
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.
15. 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.

16. 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.

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

18. 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

19. Before an original 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.

19. Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed () minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings

1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
2. If a person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion
3. If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

< Full Council meetings

< Committee meetings

< Sub-committee meetings

<

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.**

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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.**

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3. **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 OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**

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4. **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.**

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.

6. The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed () minutes unless directed by the chairman of the meeting.
7. Subject to standing order 3(f) above, a member of the public shall not speak for more than (10) minutes.
8. In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
9. [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
10. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
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.
- << 12. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- << 13. **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.**
- < 14. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
- < 15. **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.**
- <<< 16. **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.**



17. **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

18. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

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

- i. the time and place of the meeting;
- ii. the names of councillors present and absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session; and
- vi. the resolutions made.



20. **(England) 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.**



21. **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 4d(viii) below for the quorum of a committee or sub-committee meeting.



22. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

23. A meeting shall not exceed a period of (2) hours.

4. Committees and sub-committees

1. **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
2. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
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. The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. 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;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, 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 () days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. 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;
 - ix. shall determine if the public may participate at a meeting of a committee;

- x. 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;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

5. Ordinary council meetings

1. **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
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.**
3. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
4. *(England)* **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.**
5. *(Wales)* **In addition to the annual meeting of the council, any number of other ordinary meetings may be held in each year on such dates and times as the council may direct.**
6. **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.**
7. **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.**
8. **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.**
9. **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.**
10. **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.

11. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:

- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. 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;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. *(England)* 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;
- xiii. Review of inventory of land and assets including buildings and office equipment;

- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the council's policy for dealing with the press/media; and

Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

1. **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
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.**
3. The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
4. If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within () days of having been requested by to do so by () members of the committee [or the sub-committee], any () members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. Previous resolutions

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

8. Voting on appointments

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. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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

1. A motion shall relate to the responsibilities of the meeting which it is tabled for 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.
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 () clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting
3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
4. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) 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 () clear days before the meeting.
5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
6. Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
7. Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
8. Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

10. Motions at a meeting that do not require written notice

1. The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;

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

11. Handling confidential or sensitive information

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

12. Draft minutes

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
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 10(a)(i) above.
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.
4. If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
5. 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

13. Code of conduct and dispensation

See also standing order 3(t) above.

1. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
2. 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.
3. 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
4. **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
5. A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the council, or committee or sub-committee for which the dispensation is required] and that decision is

final.

6. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
7. Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].
8. **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation**

14. Code of conduct complaints

1. Upon notification by the District or Unitary Council [(Wales) [County Borough] OR [County Council]] that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
2. Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined [(England) and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].
3. The council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
 - iii. [(Wales) indemnify the councillor or non-councillor with voting rights in respect of his related legal costs and any such indemnity is subject to approval by a meeting of the full council.
4. **(England) Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. Proper Officer

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.

2. The Proper Officer shall:

- i. **[at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.]**

or

[at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.

- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee 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);**

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.

- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least () days before the meeting confirming his withdrawal

of it;

- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. 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;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;

See also standing order 22 below.

- xiii. 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;
- xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any) of the () Committee] 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];
- xvi. manage access to information about the council via the publication scheme; and
- xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

See also standing order 22 below.

16. Responsible Financial Officer

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.

17. Accounts and accounting statements

1. "Proper practices" in standing orders refer to the most recent version of [Governance and Accountability for Local Councils – a Practitioners' Guide (England)] OR [Governance and Accountability for Local Councils in Wales – A Practitioners' Guide].
2. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
3. 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:
 - i. the council's receipts and payments for each quarter;
 - ii. the council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. 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.
5. 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

18. Financial controls and procurement

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:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. 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;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].
2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose
2. **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 [£60,000] shall be procured on the basis of a formal tender as summarised in standing order 18(d) below**
2. 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:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. 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;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

- v. 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;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
2. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 2. **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.**

19. Handling staff matters

1. A matter personal to a member of staff that is being considered by a meeting of council OR [the () committee] OR [the () sub-committee] is subject to standing order 11 above.
2. Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of [the () committee] OR [the () sub-committee] or, if he is not available, the vice-chairman of [the () committee] OR [the () sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the () committee] OR [the () sub-committee] at its next meeting.
3. The chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the employee's job title]. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by [the () committee] OR [the () sub-committee].
4. Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman of [the () committee] OR [the () sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].
5. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the chairman or vice-chairman of [the () committee] OR [the () sub-committee], this shall be communicated to another member of [the () committee] OR [the () sub-committee], which shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].

6. 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.
7. 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 and encrypted.
8. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
9. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to (post holder) and/or the Chairman of the Council OR [the () committee] OR [the () sub-committee]

20. Requests for information

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.
2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the () committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. Relations with the press/media

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 handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

22. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) above

1. A legal deed shall not be executed on behalf of the council unless authorised by a resolution
2. **[Subject to standing order 22(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

The above is applicable to a council with a common seal.

OR

[Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.]

The above is applicable to a council without a common seal.

23. Communicating with District and County or Unitary councillors

1. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the [(England) [District and County Council] OR [Unitary Council]] [(Wales) [County Borough] OR [County Council]] representing the area of the council.
2. Unless the council determines otherwise, a copy of each letter sent to the [(England) [District and County Council] OR [Unitary Council]] [(Wales) [County Borough] OR [County Council]] shall be sent to the ward councillor(s) representing the area of the council.

24. Restrictions on councillor activities

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

25. Standing orders generally

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
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 () councillors to be given to the Proper Officer in accordance with standing order 9 above
3. 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.
4. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

