
ARLINGHAM PARISH COUNCIL

STANDING ORDERS

MEETINGS

1. Meetings of the Council shall be held at The Village Hall, Arlingham, at 7.30pm, or at such other place and time as the Council may at a properly convened meeting decide. The Council's Proper Officer shall serve notice on councillors, by email, delivery or post at their residences, a summons confirming the time, date, venue and agenda of all such meetings at least 3 clear working days before the meeting. The Proper Officer shall likewise give public notice of all such meetings.
2. The Statutory Annual Meeting:
 - a. In an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council;
 - b. In a year which is not an election year, shall be held on the second Monday in May. The three other statutory meetings shall be held on the first Wednesday of the months of September, February and March. Additional meetings shall be held on the first Monday of each month excluding January and August unless urgent matters of business arise when a meeting shall be held;
 - c. At the discretion of the Council, a Public Meeting may be held on any date between 1st March and 1st June in each year for consultation with parishioners and to report on the business of the Council over the previous year.

Meetings shall be open to the public unless their presence is prejudicial to the public interest by reasons 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.

Any person present, at a meeting of the council or its committees may not orally report or comment at a meeting but may otherwise.

- a. Film, photograph or make an audio recording of a meeting;
 - b. Use any other means for enabling persons not present to see or hear proceedings as they take place, or late.
3. A period of not exceeding 15 minutes shall be allowed at the commencement of each ordinary meeting of council during which any member of the public may make representations, ask questions or give evidence in respect of any items of business

ARLINGHAM PARISH COUNCIL

on the agenda or raise any matter of concern to the local community. Such contribution shall not require debate or response but the Chairman may direct that a question be referred to a councillor or to the clerk for oral or written response and may refer a substantive item to a future agenda of council. A record of public participation shall be included in the Minutes of the Council meeting.

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.

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

CHAIRMAN OF MEETING

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

PROPER OFFICER

5. The Proper Officer shall be either (i) the clerk or (ii) other member nominated by the council to undertake the work of the Proper Officer when the Clerk is absent.

The Proper Officer shall:

- a. At least three clear days before a meeting of the council, serve on councillors a summons, by email or post confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer;
- b. Give public notice of the time, place and agenda at least three clear days before a meeting of the council. (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
- c. Include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- d. Convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- e. Facilitate inspection of the minute book by local government electors;
- f. Receive and retain copies of byelaws made by other local authorities;

ARLINGHAM PARISH COUNCIL

- g. Retain acceptance of office forms from councillors;
- h. Retain a copy of every councillor's register of interests;
- i. 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;
- j. Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- ~~k. Manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;~~
- l. 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.**
- m. 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).**
- n. Arrange for legal deeds to be executed;
- o. 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;
- p. Record every planning application notified to the council and the council's
- q. Response to the local planning authority in a book for such purpose;
- r. Refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council 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;
- s. Manage access to information about the council via the publication scheme; and retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

RESPONSIBLE FINANCIAL OFFICER

- 6.** The Clerk shall serve as the Responsible Finance Officer.

ARLINGHAM PARISH COUNCIL

The council shall appoint an appropriate member to undertake the work of the Responsible Financial Officer when the Clerk is absent.

QUORUM

7. Four members shall constitute a quorum.
8. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

VOTING

9. 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.
11. Subject to (a) and (b) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.
 - a. 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;
 - b. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

ORDER OF BUSINESS

(In an election year, Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

12. At each Annual Meeting the first business shall be:

ARLINGHAM PARISH COUNCIL

- a. To elect a Chairman of the Council who shall, unless he resigns or becomes disqualified, continue in office until the next annual meeting and shall preside at that meeting until his successor is elected;
- b. To receive the Chairman's declaration of Acceptance of Office;
- c. To appoint a Vice-Chairman of the Council who, 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;
- d. To appoint a Responsible Finance Officer;
- e. To consider the payment of any subscriptions falling to be paid annually;
- f. To appoint Parish Council representatives to other bodies.

13.At every meeting other than the Annual 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 as are required by law and undertakings to observe the Council's Code of Conduct.

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 30 must be considered in conjunction with this 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:

- a. To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;
- b. After consideration to approve the signature of the Minutes by the presiding Chairman as a correct record;
- c. To deal with business expressly required by statute to be done;
- d. To carry out the business as in the Agenda previously issued;
- e. Except as provided in these Standing Orders, no resolutions may be moved proposing any action unless it appears on the agenda.

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

- a. May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded;

ARLINGHAM PARISH COUNCIL

- b. Shall be put to the vote without discussion.

RESOLUTIONS MOVED WITHOUT NOTICE

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

- a. To appoint a Chairman of the meeting;
- b. To correct the Minutes;
- c. To approve the Minutes;
- d. To alter the order of business;
- e. To proceed to the next business;
- f. To close or adjourn the debate;
- g. To exclude the press and public from all or part of a meeting, such resolution stating the reasons for the exclusion;
- h. To refer a matter to a committee;
- i. To appoint a committee or any members thereof;
- j. To adopt a report;
- k. To authorise the sealing of documents;
- l. To amend a motion;
- m. To give leave to withdraw a motion or an amendment;
- n. To extend the time limit for speeches;
- o. To consider otherwise than in committee a question affecting an employee of the Council;
- p. To invite a member having an interest in the subject matter under debate to remain and to speak if requested by the Chairman of the meeting;
- q. To invite a member of the public having a particular knowledge of the subject matter under debate to speak to the Council if requested by the Chairman of the meeting or by the unanimous vote of the Council;
- r. To give the consent of the Council where such consent is required by these Standing Orders;
- s. To suspend Standing Orders;
- t. To adjourn the meeting.

QUESTIONS

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

ARLINGHAM PARISH COUNCIL

- 19.** A member, with or without notice, may ask the Chairman of a Committee any question upon the proceedings of the committee then before the Council, if the question is put before the Council's consideration of those proceedings is finished.
- 20.** Every question shall be put and answered without discussion.
- 21.** A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 22.** 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.
- 23.** 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.
- 24.** (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- a. Members shall address the Chairman;
 - b. If two or more members wish to speak, the Chairman shall decide whom to first call upon;
 - c. Whenever the Chairman speaks during a debate all other members shall be silent.

RIGHT OF REPLY

- 25.** 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ARLINGHAM PARISH COUNCIL

CLOSURE

26.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 and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion.

REVISION OF PREVIOUS RESOLUTIONS

27.(a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

(b) When a special motion or any other motion moved pursuant to Standing Order (27(a) above has been disposed of, no similar motion may be moved within a further 6 months.

DISORDERLY CONDUCT

28.(a) No person shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

(b) If, in the opinion of the Chairman, a person has so misconducted himself, the Chairman shall express that opinion to the Council and thereafter any person may move that the person 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.

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

VOTING ON APPOINTMENTS

29.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

ARLINGHAM PARISH COUNCIL

struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

30. 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.

RESOLUTIONS ON EXPENDITURE

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

EXPENDITURE

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

COMMITTEES

33. The Council may appoint committees for any purpose of not less than three Councillors, one of whom must be either the Chairman or Vice Chairman.

34. The committees may co-opt as non-voting members any parishioners as appropriate to the subject under discussion.

35. ACCOUNTS AND ACCOUNTING STATEMENTS

ARLINGHAM PARISH COUNCIL

- a. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England);
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations;
- c. 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.
- d. 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.
- ~~e. 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.~~

The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

ARLINGHAM PARISH COUNCIL

36. FINANCIAL CONTROLS AND PROCUREMENT

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:

- a. The keeping of accounting records and systems of internal controls;
- b. The assessment and management of financial risks faced by the council;
- c. 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;
- d. The inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
- e. procurement policies (subject to standing order (*) below) including the setting of values for different procedures where a contract has an estimated value of less than £5,000.

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

*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 £5,000 shall be procured on the basis of a formal tender as summarised in standing order (d) below.

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:

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

ARLINGHAM PARISH COUNCIL

- iv. The prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- c. The invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- d. Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer; 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;
- e. Tenders are to be reported to and considered by the council.

The council is not bound to accept the lowest value tender.

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.

A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.

A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

INTEREST

ARLINGHAM PARISH COUNCIL

- 37.** If a member has an interest as defined in appendix A or B of the Code of Conduct adopted by the council on 4th November 2015 pursuant to sections 27 and 28 of the Localism act of 2011 then he shall declare such interest as soon as it becomes apparent disclosing the existence and nature of that interest as required.
- 38.** If a member who has declared a personal interest then considers the interest to be pecuniary, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
- 39.** The Clerk shall 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.

INSPECTION OF DOCUMENTS

- 40.** 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.
- 41.** (a) All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.
- (b) The Minutes of the Council shall be open to inspection by any local government elector of the parish without charge.

If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

UNAUTHORISED ACTIVITIES

- 42.** No member of the Council or of any committee shall in the name of or on behalf of the Council (a) inspect any lands or premises which the Council has a right or duty to inspect or (b) issue orders, unless authorised to do so by the Council or the relevant committee.

ARLINGHAM PARISH COUNCIL

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 43.**The public and the press shall be admitted to all meetings of the Council and its committees which may however, temporarily exclude the public or the press or both.
- 44.**The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 45.**If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

CONFIDENTIAL BUSINESS

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

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 47.**A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillor or Councillors for the ward.

STANDING ORDER ON CONTRACTS

- 48.**Any contract entered into by resolution of the Council shall be recorded in the Minutes of the appropriate meeting.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

ARLINGHAM PARISH COUNCIL

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

STANDING ORDERS TO BE GIVEN TO MEMBERS

51. A printed 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.

GENERAL

52. In all matters for male gender also read female gender throughout this document.

RESPONSIBILITIES TO PROVIDE INFORMATION

In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]

The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]

The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

- a. The Council shall appoint a Data Protection Officer;
- b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data;
- c. The Council shall have a written policy in place for responding to and managing a personal data breach;
- d. 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;

ARLINGHAM PARISH COUNCIL

- e. 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;
- f. The Council shall maintain a written record of its processing activities.