

Brockley Parish Council

STANDING ORDERS

1. RULES OF DEBATE AT MEETINGS

- a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

2. DISORDERLY CONDUCT AT MEETINGS

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.

3. MEETINGS GENERALLY

- a) **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.**
- b) **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.**
- c) **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.**
- d) **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.**
- e) 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.
- f) The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- h) In accordance with standing order 3(e), 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.

- i) Subject to standing order 3(j), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- j) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- k) 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.**
- l) 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 there is one).**
- m) The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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.**
- n) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- o) 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.**
- p) 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.**
- q) 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 who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.**
- r) 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.**
- s) 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.**

- t) **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.
- u) A meeting shall not exceed a period of 2.5 hours.

4. COMMITTEES AND SUB-COMMITTEES

- a) **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c) **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d) The Council may appoint standing committees or other committees as may be necessary, and:
- shall determine their terms of reference;
 - shall appoint the chairman of a standing committee up until the date of the next annual meeting of the Council;
 - shall permit a committee to determine the number and time of its meetings;
 - shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee; and
 - may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c) **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d) **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 decides.**
- e) **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f) **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.**
- g) **The Vice-Chairman of the Council, if there is one, 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.**
- h) **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 annual 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 shall give a casting vote in the case of an equality of votes.**

- i) **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 annual 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 shall give a casting vote in the case of an equality of votes.**
- j) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business 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. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - iv. Review and adoption of appropriate standing orders and financial regulations;
 - v. Review of inventory of land and other assets including buildings and office equipment;
 - vi. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - vii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 8, 15 and 16*);
 - viii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - ix. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council does not 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 shall be signed by the two councillors.**
- c) The chairman of a committee may convene an extraordinary meeting of the committee at any time. If the chairman of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee.

7. VOTING ON APPOINTMENTS

Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

8. MANAGEMENT OF INFORMATION

See also standing order 15.

- a) **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.**
- b) **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).**
- c) **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.**
- d) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

9. DRAFT MINUTES

- a) If the draft minutes of a preceding meeting have been served on councillors in advance of the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b) 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 without the requirement of written notice.
- c) 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.
- d) **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.**
- e) Subject to the publication of draft minutes in accordance with standing order 12(d) and standing order 15(a) and following 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.

10. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(r).

- a) All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b) 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.
- c) **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.

- d) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee for which the dispensation is required and that decision is final.
- e) A dispensation request shall confirm:
- the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - an explanation as to why the dispensation is sought.
- f) Subject to standing orders 10(c) and (e), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee for which the dispensation is required.
- g) **A dispensation may be granted in accordance with standing order 10(d) if having regard to all relevant circumstances any of the following apply:**
- **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;**
 - **granting the dispensation is in the interests of persons living in the Council's area; or**
 - **it is otherwise appropriate to grant a dispensation.**

11. CODE OF CONDUCT COMPLAINTS

- a) Upon notification by the District or Unitary 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 8, report this to the Council.
- b) **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

12. PROPER OFFICER

- a) The Proper Officer shall be the clerk.
- b) The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**
 - v. hold acceptance of office forms from councillors;
 - vi. hold a copy of every councillor's register of interests;
 - vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- ix. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- x. arrange for legal deeds to be executed;
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose; and
- xiii. manage access to information about the Council via the publication scheme.

13. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- b) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 September in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for the half year;
 - ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the period being reported and

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

- c) 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 (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- d) 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.

14. FINANCIAL CONTROLS AND PROCUREMENT

- a) 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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

- b) Financial regulations shall be reviewed regularly and at least every two years for fitness of purpose.
- c) **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 14(e) 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.**
- d) Neither the Council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e) **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.**
- f) **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

15. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 16.

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

16. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

See also standing order 8.

- a) **The Council shall appoint a Data Protection Officer if and when required by law.**
- 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.**

- 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.**

17. EXECUTION AND SEALING OF LEGAL DEEDS

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) **Subject to standing order 17(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

18. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.

19. STANDING ORDERS GENERALLY

- a) All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- c) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.