

Badgers Mount Parish Council

STANDING ORDERS for BADGERS MOUNT PARISH COUNCIL

Approved at the PARISH COUNCIL MEETING of 15th October 2015

These Standing Orders apply to meetings of the Parish Council and its Committees
(and sub-committees where appropriate)

1. Meetings

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) In a year of ordinary elections, the Annual Parish Council Meeting shall be held on or within 14 days following the day on which councillors elected take office and

c) In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.

d) In addition to the Statutory Annual Parish Council 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, including the Annual Parish Meeting (not to be confused with the Annual Parish Council Meeting) which shall normally be held in April each year.

e) Any 2 members may submit a written request signed by them to the Chairman to call an extraordinary meeting. In the event of the Chairman not calling the requested extraordinary meeting within 7 days of receiving the request, then the 2 members may call an extraordinary meeting.

f) All members of the Council shall be given (by post, email or left at their residence) at least 3 clear days' notice of all meetings of the Council, specifying the business proposed to be transacted (the Agenda).

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

h) A schedule of Full Council and Committee Meetings to be held in the next Council year, shall be prepared within one calendar month of the Statutory Annual Meeting. The schedule shall be posted on the Council's notice boards and distributed to all Councillors and Committee members. The schedule may be subject to change by subsequent resolution of the Full Council, provided that the schedule is re-posted more than one calendar month prior to the first meeting that is so affected.

i) Meetings of Council and committees and sub-committees shall conclude by 10pm, unless a 30-minute extension is specifically approved by a majority of the members present. Any further extension may be effected by a suspension of this Standing Order, when approved by a majority of the members present.

2 Proper Officer

The Proper Officer of the Council is the Clerk. The Responsible Financial Officer of the Council may be the Clerk or an appointed Councillor. Other duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description. Notwithstanding those duties and responsibilities, it shall be the duty of the Clerk to advise Members on the content and interpretation of these Standing Orders.

3 Quorum

(a) Three Members shall constitute a quorum. If a quorum is not present when the Council meets or if during a meeting the number of Members, for whatever reason, falls below the quorum, the meeting must be adjourned immediately and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may decide.

(b) A quorum for a committee or sub-committee is 3 voting members.

4. Voting

(a) Members shall vote by show of hands or, at the discretion of the Chairman, by secret ballot.

(b) 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.

(c) Subject to (d) and (e) 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/she gave an original vote.

(d) 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/she may not give an original vote in an election for Chairman.

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

(f) The Chairman and vice-chairman ex-officio shall be voting members of every committee.

5. Order of Business

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

- To elect a Chairman of the Council
- To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

(b) 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 are absent.
- to receive any declarations of acceptance of office and undertakings to observe the code of conduct as are required or, if not then received, to decide when they shall be received.

(c) At all meetings, 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 consider the Minutes and 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
- All other items on the agenda in any order as decided by the Chairman.
- Although unspecified additional items (including "Any Other Business") may be discussed as a matter of urgency, if they had not been specified on the Agenda, then they can be discussed as a matter of information only, and no Resolution may be passed on them. (See the specific section headed "Any Other Business".)

6 Minutes

- (a) No discussion shall take place on a motion to agree the Minutes other than upon their accuracy.
- (b) Any corrections shall be made by moving that the Minutes are agreed with the corrections stated.
- (c) The Minutes must record the names of members present at that meeting and the declarations of interest of any member. Apologies for absence should also be included.
- (d) The Minutes of a meeting must be circulated to all members as soon as practicable, and referred to the next ordinary meeting for agreement, and signing by the Chairman.

7 Resolutions Moved On Notice

- (a) 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 of its terms to the Clerk at least **3 clear days** before the next meeting of the Council.
- (b) Every resolution or recommendation shall be relevant to some subject which affects the Parish Council's area.
- (c) Any decision or resolution made shall not be reversed nor reviewed within six months, unless required to do so for legal reasons or if the original decision was flawed, including by being based on incomplete or inaccurate information, or if circumstances relating to that decision materially change, including but not limited to a change in the financial situation or replacement of officers or members of council by any means.

8 Resolutions Moved Without Notice

Resolutions on procedural matters may be moved without notice.

9 Questions & Petitions

- (a) A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided 7 clear days' notice of the question has been given to the person to whom it is addressed.
- (b) Every question shall be put and answered without discussion.
- (c) A person to whom a question has been put may decline to answer.
- (d) Petitions may be received at (ordinary) meetings of the Council providing that the petition is received by the Clerk no later than mid-day 4 working days before

the day of the meeting and is signed by at least 10 electors within the parish. (refer to The notes on “Governing Documents for Parish Councils” appended to the Standing Orders for additional guidance)

10 Public Question Time

- (a) A maximum of 15 minutes will be allowed for public questions, starting at a previously advertised time in the Agenda (normally 9pm).
- (b) Any elector within the parish may put a question to the meeting about a matter for which the Council has a responsibility or which affects the parish.
- (c) An elector putting a question may speak for no more than 3 minutes.
- (d) No discussion shall take place on any such question except at the exceptional discretion of the Chairman (but in any event no decision(s) can be made at this time, because all decisions require that the subject of any potential decision be previously advertised by 3 clear days’ notice in an Agenda).

11 Member Question Time

- (a) A maximum of 15 minutes will be allowed for members’ questions, starting at a previously advertised time in the Agenda (normally 9pm).
- (b) Any member may put a question to the meeting about a matter for which the Council has a responsibility or which affects the parish.
- (c) A member putting a question may speak for no more than 3 minutes.
- (d) No discussion shall take place on any such question except at the exceptional discretion of the Chairman (but in any event no decision(s) can be made at this time, because all decisions require that the subject of any potential decision be previously advertised by 3 clear days’ notice in an Agenda).

12 Rules of Debate

- (a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to Minutes must be by resolution and must be initialled by the Chairman.
- (b) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (c) Members shall address the Chair. All Members will indicate when they wish to speak by show of hand. If two or more members wish to speak, the Chairman shall decide who to call upon. No discussion shall take place except through the Chair.

- (d) Whenever the Chairman speaks during a debate all other members shall be silent. No members of the public including District and County Councillors and Police Officers will be allowed to speak, other than when invited to respond to a specific agenda item, without having first indicated by show of hand that they wish to say something and they are given permission to do so by the Chairman.
- (e) Members of the public can attend meetings of the authority for the purpose of making representations, giving evidence or answering questions but must abide by these Standing Orders.

13 Closure

A motion of closure of a debate may be moved at any time but must be proposed and seconded without comment. The Chairman may refuse such motion if he/she feels that the question before the Council has not been sufficiently debated.

14 Rescission of Previous Resolutions

A decision of the Council (whether affirmative or negative) shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least 4 Members of the Council. When such a resolution has been disposed of, no similar resolution may be moved within a further six months.

15 Reports from & Recommendations of Committees

- (a) Recommendations of committees must be included in full on the Agenda for the Council meeting.
- (b) Recommendations can not be discussed until they have been moved & seconded (this is normally done by the Chair and Deputy Chair of that committee).
- (c) Reports from committees can only be noted or received, except that at the Chairman's discretion, such reports can be discussed. However, decisions can not be made by the Council unless the Report was circulated to Councillors 3 clear days before the meeting.

16 Voting On Appointments

Where more than two persons have been nominated for any single 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.

Alternatively, when filling one or more positions, it may be agreed in advance to conduct the vote as a Single Transferable Vote whereby those eligible to vote indicate their preferences in writing on a ballot paper, indicating their first preference with "1",

and further preferences with “2”, “3” etc until no further preferences can be made. The person(s) reaching the quota will be thus elected. The quota will be the rounding up to the nearest whole vote above “the result of dividing the total vote cast, by one more than the total number of places to be filled”.

If the quota has not been reached by enough candidates, first the surplus of the leading candidate who exceeds the quota (if any) will be redistributed by second preference, each with a value equal to the surplus divided by the number of papers being redistributed. Secondly the candidate with the lowest number of preferences will be eliminated from the contest, and their votes re-distributed in accordance with the next preference shown on each of their ballot papers (redistributed with a value equal to that when the paper was added to their pile). These two processes will be repeated until enough candidates reach the quota, and are deemed elected. (When electing one person, this re-distribution is much simpler as it requires only the elimination of the bottom candidate each time, and redistribution of each paper with a value of one.)

17. 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 press and public shall be excluded.

18. Resolutions on Expenditure

Unless previously agreed and included in Budget, any resolution 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.

19. Expenditure

- (a) Orders for the payment of money shall be authorised by resolution of the Council and cheques etc signed by two Authorised Signatories (refer to Financial Regulations for authorisation of amounts in excess of £1,000).
- (b) Where it is necessary for the Clerk to make a payment before it has been authorised by the Council, such payment shall be limited to £100. Councillors shall require authorisation from the Chairman of the Council or, in his or her absence, the Vice-chairman but the limit of such expenditure shall be £50.

20. Sealing of Documents

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

- (b) 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.

21 Financial Matters

Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised here below:

- a) A public notice of intention to place a contract to be placed in a local newspaper.
- b) A specification of the goods, materials, services and the execution of the works shall be drawn up.
- c) Tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time.
- d) Tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of the Council.
- e) Tenders are then to be assessed and reported to the appropriate meeting of the Council.

The Council is not bound to accept the lowest tender, estimate or quote but will seek to achieve best value.

Standing Orders shall apply to tenders as if the person making the tender were a candidate for an appointment.

22 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.

23. Code of Conduct

All members must observe the adopted Code of Conduct in force for the time being, and currently this includes:

- (a) The Clerk will compile and hold a Register of Members Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority.

- (b) If a member has a personal interest as defined by the Code of Conduct adopted by the Council then he or she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- (c) If a member who has declared a personal interest then considers the interest to be prejudicial, he or she must withdraw from the room during consideration of the item to which the interest relates.
- (d) All members must observe the Code of Conduct adopted by the Council.
- (e) If a member reasonably believes another member is in breach of the Code of Conduct, that member is under duty to report the breach to the Standards Board, which can be done via Sevenoaks District Council.

24 Interests

- (a) If a member has a personal interest as defined by the Code of Conduct then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- (b) If a member who has declared a personal interest then considers the interest to be prejudicial, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates except that Members have the same rights as the public (see the Standing Order covering Rules of Debate).
- (c) 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.

25 Candidates for Appointments

- (a) If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she 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.
- (b) The Clerk shall make known the purpose of Standing Orders to every candidate.

26 Review of Pay and Conditions

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.

27. Canvassing of and Recommendations by Members

- (a) 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 subparagraph of this Standing Order to every candidate.
- (b) 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.

28. Minutes

- (a) All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.
- (b) Confidential items will be withheld from public copies of Minutes.
- (c) All members shall receive copies of all minutes of all Full Council Meetings, Committee meetings and Sub-committee meetings.

29. 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 Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

30. Admission of The Public and Press to Meetings

- (a) The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude the public by means of the following resolutions
"That in view of the special, confidential or commercial nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

The Council shall state the special reason for exclusion.

- (b) The Clerk shall afford to the Press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.
- (c) Any member of the Council or member of the public has a right to record proceedings in accordance with the attached Protocol on Recording of Meetings which includes observing certain courtesies and instruction on the avoidance of disturbances.

- (d) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

31. Any Other Business

Any Other Business will be included on the agenda for matters of information only but will not be minuted unless requested and approved by the meeting.

No decisions can be made on matters unless they are itemised on an/the Agenda that has been circulated the 3 clear days before the meeting.

32. Confidential Business

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

33. Liaison with County and District Councillors

A summons and agenda for each meeting together with the draft parish council and relevant committee Minutes shall be sent to the County and District Councillors for the appropriate division or ward.

34. Papers for the Public

Unless instructed otherwise, the clerk will make a minimum of 3 copies of the Agenda and Minutes of meetings available to the public at any one Parish Council meeting.

35. Code of Conduct on Complaints

The Council shall deal with complaints in accordance with its complaints policy.

36. 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.

If Standing Order 7a (Resolutions) or 31 (AOB) becomes suspended under an invoking of Standing Order 36 (Variation, Revocation & Suspension), then any subsequent decision(s) taken by Councillors at that meeting must be by recorded vote, in order to protect any absent councillors who had tendered their

apologies by the start of the meeting (or before the start of the debate) and other residents' interests.

37. Length of Meetings

Except at the discretion of the Chairman, all meetings of the Council shall finish not later than two and a half hours after commencement, and any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide, unless it is specifically resolved to suspend this Standing Order.

38. 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/her of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

Protocol on Recording of Meetings (2014)

Any member of the press or public has the right to film, blog, tweet or use any other type of social media to report any public meeting of the authority/council including committees, sub-committees and joint committees.

Peoples' Responsibilities

People must not be violent, abusive or threatening to Members, Officers or Clerk and must not wilfully damage things owned by the Council, Members, Officers or Clerk.

People are asked that:

- they treat Council Officers, Clerk and Members with respect;
- that they provide all the relevant information to help the Council deal with their request efficiently
- they do not verbally or physically abuse Council Officers, Clerk and Members.
- they do not attend the meeting under the influence of alcohol or Drugs

Disturbance by Public

1 Removal of Member of the Public - If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

2 Clearance of Part of Meeting Room - If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

3 Photography and Recording of Meetings -

The Council will provide reasonable facilities to facilitate the audio/visual reporting of meetings. The public is welcome to record, by any means, meetings of the Council and its Committees using suitable non-disruptive methods.

4 The Chairman of the meeting has the discretion to halt any recording if the recording causes disruption to the meeting.

5 Oral reporting or commentary at the meeting is prohibited.

Access to Information Procedure Rules

Decisions by Officers/Clerk

1 Certain decisions made by officers/Clerk must be captured in a written record. These are decisions that have been delegated to an officer of the Council or Clerk under a specific express authorisation, or under a general authorisation.

2 The written record is made available to the public at the Council Offices, on the Council's website, by post if requested upon receipt of payment for print & postage.

3 The written record will be available for public inspection as soon as reasonably practicable for at least six years, and any supporting documentation for at least four years. These can be kept in electronic format.

Protocol on Reporting Meetings

1. Members of the press and public are entitled to report on any public meeting of the Council, Committees, and sub-committees, except in circumstances where the public have been excluded as permitted by law.

2. Reporting includes filming, photographing or making an audio or visual recording of proceedings of the meeting; using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later such as tweeting and blogging or other means of social media.

3. Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. Oral commentary cannot be provided during a meeting as this would be disruptive to the good order of the meeting.
4. In order to assist preparations, anyone attending a meeting is asked where possible to advise the Clerk or Chairman at least two working days before the meeting if they wish to report on the meeting and how they wish to do so. This is to enable provision of guidance to anyone choosing to report on proceedings about an appropriate place from which to be able to report effectively. The request should include the following information:
 - which meeting this request refers to;
 - the name, organisation (if applicable) and contact details of the person making the request;
 - what equipment will be used (e.g. camera/audio recorder/video camera/ laptop)
5. Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand. If members of the public do need to stand or to enter/leave the room they are asked to do so quietly and discreetly with respect to the meeting and those observing it.
6. You may be excluded from a meeting by the Chairman if you act in a disruptive manner. Disruptive behaviour would include:
 - Moving to areas outside the areas designated for the public without the consent of the Chairman,
 - Excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
 - Intrusive lighting and use of flash photography; and
 - Asking for people to repeat statements for the purpose of recording
 - Or any other behaviour considered by the Chairman to be disruptive.
7. The Council regrets that it is unable to facilitate members of the public using electric plug sockets or trailing leads in meetings for their equipment.
8. It is asked that recording equipment be set up before the meeting starts.
9. If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to report the meeting are removed.
10. If the meeting for which agreement is given to report is adjourned by the Chairman then any reporting should stop at the point at which the meeting is adjourned.
11. Anyone filming a meeting is asked to only focus on those actively participating.
12. Members of the public may be filmed or recorded whilst attending a council meeting and attendance at the meeting signifies a member of the public's agreement to this. If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Officer or Clerk in attendance at the meeting or the Chairman of the relevant committee when notice that a request to photograph, record or film has been received is given and we will try to assist.
13. Any request made by the Chairman of the meeting regarding respecting the public's right to privacy should be complied with.
14. Photographs, audio, and visual recording should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.