

EAST BERGHOLT PARISH COUNCIL

STANDING ORDERS

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STANDING ORDERS

1. Meetings of the Council and its Committees

Venue

- 1.1 Meetings of the Council and its Committees shall be held at The Lambe School at 7.30 pm unless otherwise decided.
- 1.2 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.
- 1.3 Where legislation allows, the Council may conduct meetings remotely via digital conference calls

Notice of meetings

- 1.4 The minimum three clear days for notice of a meeting to councillors and the public does not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas or Easter break, a bank holiday or a day appointed for public thanksgiving or mourning.

Public access and participation

- 1.5 Meetings shall be open to the public (including the press) 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 and exclusion shall be preceded by a resolution to that effect.
- 1.6 Subject to Standing Order 1.4 every meeting shall include an Open Public Session when members of the public may speak, make representations and ask questions.
- 1.7 The period of time which is designated for public participation in accordance with Standing Order 1.5 shall not exceed thirty minutes unless otherwise agreed.
- 1.8 Each member of the public may speak once only in respect of business itemised on the agenda or which otherwise affects the business of the Council or of the Parish and shall speak for no more than three minutes.
- 1.9 Any person speaking at a meeting shall address their comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak the Chairman shall direct the order of speaking.
- 1.10 A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate though the Chairman may direct that an oral response be given by a councillor or a written or oral response be given by the parish clerk.
- 1.11 A record of a public participation session at a meeting shall be included in the minutes of that meeting.

Reporting a meeting

- 1.12 A person who attends a meeting is permitted to report on the meeting whilst it is open to the public. To 'report' means to film, photograph or make an audio recording of meeting proceedings, or use any other means for enabling persons not

present to see or hear the meeting so that the meeting or commentary is available as the meeting takes place or later to persons not present. A person may not without permission provide an oral report or commentary about a meeting as it takes place.

- 1.13 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.

Presiding at a meeting

- 1.14 The Chairman, if present, shall preside at a meeting. If the Chairman is not present at a meeting, the Vice-Chairman (if any), shall preside. If both the Chairman and Vice-Chairman are not present, a councillor chosen by the councillors present, from amongst those present, shall preside for the duration of the meeting.

- 1.15 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 or other councillor presiding at the meeting.

Voting

- 1.16 All motions at a meeting shall be decided by a majority of the councillors present and voting thereon.
- 1.17 The Chairman or other councillor presiding at the meeting may give an original vote on any matter put to the vote and in the case of an equality of votes may exercise a casting vote whether or not an original vote was given.
- 1.18 Unless Standing Orders provide otherwise, voting on any motion shall be by a show of hands. Abstentions shall not be recorded. At the request of a councillor, the voting on any motion shall be recorded so as to show whether each councillor voted for or against the motion. Such a request shall be made before the vote is taken.

Minutes

- 1.19 The minutes of a meeting shall record the names of councillors present and any who have apologised for absence.

Code of Conduct

- 1.20 Councillors shall observe the Code of Conduct adopted by the Council at all times when acting in their official capacity as a parish councillor.
- 1.21 The Code of Conduct shall apply to councillors in respect of the entire Council/Committee meeting.
- 1.22 Councillors requiring dispensation in respect of disclosable pecuniary interests or local non-pecuniary interests must make their request in writing to the Clerk in compliance with Standing Order 29.6 below or failing that at the start of the meeting for which the dispensation is sought.

Quorum

- 1.23 No business may be transacted at a meeting unless one third of the whole number of members of the Council or one half of the whole number of members of a Committee (including ex officio members) or sub-committee are present and the quorum for a Council meeting shall be no less than five and for a Committee/sub-committee no less than three.

- 1.24 If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a subsequent meeting.

Duration of Meetings

- 1.25 A meeting shall not exceed two hours unless a motion to extend the meeting has been approved.

2. Council Meetings

Timetable of meetings

- 2.1 In an election year the Annual Parish Council meeting shall be held on or within fourteen days following the day on which the new councillors elected take office.
- 2.2 In a year which is not an election year the Annual Parish Council meeting shall be held on the second Thursday in May.
- 2.3 Subject to any alternative arrangements which may be made, the Parish Council will meet on the second Thursday of each month at 7.30 pm. A minimum of three meetings must be held in each municipal year.

Election and duration in office of Chairman and Vice-Chairman

- 2.4 The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Parish Council meeting.
- 2.5 The Chairman of the Council, unless having resigned or become disqualified, shall hold office and preside at council meetings until a successor is elected at the next Annual Parish Council meeting.
- 2.6 The Vice-Chairman of the Council, unless having resigned or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Parish Council meeting.
- 2.7 In an election year if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the Annual meeting until a successor Chairman of the Council has been elected. The current Chairman may exercise an original vote in respect of the election of the new Chairman and must give a casting vote in the event of an equality of votes.
- 2.8 In an election year if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the Annual meeting until a successor Chairman of the Council has been elected. The current Chairman shall not have an original vote in respect of the election of the new Chairman but must give a casting vote in the event of an equality of votes.

Order of business at the Annual Parish Council meeting

- 2.9 Following the election of the Chairman and Vice-Chairman of the Council at the annual meeting, the order of business shall be as follows:
- 2.9.1 In an election year, delivery by councillors of their declarations of acceptance of office.
- 2.9.2 Open Public Session.
- 2.9.3 Apologies for absence.
- 2.9.4 Declarations of Interest or Dispensations.

- 2.9.5 Approval as a correct record of the minutes of the last meeting of the Council.
- 2.9.6 Matters arising/updates on matters not otherwise specified on the agenda.
- 2.9.7 Review the terms of reference of committees.
- 2.9.8 Appointment of committee members for the ensuing municipal year.
- 2.9.9 Review and adoption of Council policies as required.
- 2.9.10 Review of the Council's expenditure incurred under Section 137, Section 138B and section 142 of the Local Government Act 1972.
- 2.9.11 Review of the Council's income and expenditure in respect of the Community Infrastructure Levy.
- 2.9.12 Other items specified on the agenda.

Ordinary Council Meetings

2.10 The order of business at ordinary meetings of the Council shall be as follows:

- 2.10.1 Open Public Session.
- 2.10.2 Welcome and apologies for absence.
- 2.10.3 Declarations of Interest or Dispensations.
- 2.10.4 Approval as a correct record of the minutes of the last meeting of the Council.
- 2.10.5 Matters arising/updates on matters not otherwise specified on the agenda.
- 2.10.6 Reports from County and District Councillors.
- 2.10.7 Planning applications and correspondence.
- 2.10.8 General correspondence.
- 2.10.9 Reports/recommendations from Committees.
- 2.10.10 Other items specified on the agenda.

Extraordinary Meetings of the Council

- 2.11 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 2.12 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.
- 2.13 The only business which may be transacted at an extraordinary meeting is that which is specified on the agenda.

3. Motions requiring written notice

- 3.1 No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice to the Council's Proper Officer at least seven clear days before the day of the meeting.

- 3.2 Before including in the agenda a motion received in accordance with Standing Order 3.1, the Proper Officer may correct obvious grammatical or typographical errors in the wording of the motion.
- 3.3 If the Proper Officer considers the wording of a motion received in accordance with Standing Order 3.1 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least seven clear days before the day of the meeting.
- 3.4 If the wording or nature of a proposed motion is considered unlawful, improper or vexatious, the Proper Officer shall consult 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 or rejected from the agenda.
- 3.5 Having consulted the Chairman or councillors pursuant to Standing Order 3.4, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 3.6 Every motion and resolution thereon shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

4. Motions not requiring notice

- 4.1 Motions in respect of the following matters may be moved without written notice:
 - 4.1.1 To appoint a person to preside at a meeting.
 - 4.1.2 To approve the accuracy of the minutes of a previous meeting.
 - 4.1.3 To correct an inaccuracy in the minutes of a previous meeting.
 - 4.1.4 To dispose of business, if any, remaining from the last meeting.
 - 4.1.5 To alter the order of business on the agenda for reasons of urgency or expedience.
 - 4.1.6 To proceed to the next business on the agenda.
 - 4.1.7 To close or adjourn debate.
 - 4.1.8 To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - 4.1.9 To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - 4.1.10 To receive nominations to a committee or sub-committee.
 - 4.1.11 To dissolve a committee or sub-committee.
 - 4.1.12 To note the minutes of a meeting of a committee or sub-committee.
 - 4.1.13 To consider a report and/or recommendations made by a committee or sub-committee or an employee.
 - 4.1.14 To consider a report and/or recommendations made by a professional adviser, expert or consultant.
 - 4.1.15 To authorise legal deeds to be executed pursuant to Standing Order 19.
 - 4.1.16 To extend a meeting beyond the limit provided in Standing Order 1.25.

- 4.1.17 To extend the time for speeches.
 - 4.1.18 To exclude the public (including the press) for all or part of a meeting.
 - 4.1.19 To silence or exclude from a meeting a councillor or a member of the public for disorderly conduct.
 - 4.1.20 To give the consent of the Council if such consent is required by law or by Standing Orders.
 - 4.1.21 To suspend any Standing Order except those which are mandatory by law.
 - 4.1.22 To adjourn the meeting.
 - 4.1.23 To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - 4.1.24 To answer questions from councillors.
 - 4.1.25 To agree urgent, unforeseen action/business.
- 4.2 If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers of an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

5. Rules of Debate

- 5.1 Motions included in an agenda shall be considered in the order in which they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- 5.2 A motion, whether or not requiring written notice, shall not be considered unless it has been proposed and seconded.
- 5.3 A motion included in an agenda not moved by a councillor who tabled it, shall be treated as withdrawn unless adopted by another councillor.

Amendments

- 5.4 Motions to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendments shall, if required by the Chairman, be put in writing and handed to the Chairman who shall determine the order in which they are considered.
- 5.5 A councillor may move an amendment to their own motion. If a motion has been seconded, an amendment to it shall be with the consent of the seconder.
- 5.6 An amendment to a motion shall be either:
 - 5.6.1 To leave out words;
 - 5.6.2 To add words;
 - 5.6.3 To leave out words and add other words.
- 5.7 An amendment to a motion shall not have the effect of negating or rescinding the original or substantive motion under consideration.

- 5.8 Subject to Standing Order 5.9, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment shall be moved until the previous amendment has been disposed of.
- 5.9 If the Chairman considers it expedient, amendments may be discussed together but shall be voted upon separately.
- 5.10 The number of amendments to an original or substantive motion which may be moved by a councillor is limited to one.
- 5.11 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- 5.12 If an amendment is carried, the original motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- 5.13 The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding two minutes.
- 5.14 Where one or more amendments to an original motion is/are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of the debate and immediately before it is put to the vote.
- 5.15 Except as provided for in Standing Orders 5.13, 5.14 and 5.20, a councillor may speak only once on each original motion, each amendment and each substantive motion except additionally on a point of order or personal explanation.
- 5.16 At any time a councillor may raise a point of order or personal explanation and the councillor who was interrupted shall stop speaking and the Chairman shall hear them immediately.

Point of order

- 5.17 A point of order may relate only to an alleged breach of these Standing Orders or the law. The councillor must specify the Standing Order or the legal provision in question and the way in which the councillor considers it has been broken. The ruling of the Chairman on the matter is final but must not contravene these Standing Orders.

Personal explanation

- 5.18 A personal explanation may relate only to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation is final.
- 5.19 With the consent of the seconder and/or the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon such motion or amendment unless permission for the withdrawal has been refused.
- 5.20 When a councillor's motion is under debate no other motion may be moved except:
 - 5.20.1 To amend the motion;
 - 5.20.2 To proceed to the next business;
 - 5.20.3 To adjourn the debate or the meeting;
 - 5.20.4 To put the motion to a vote;
 - 5.20.5 To ask a person to be silent or for them to leave the meeting;

5.20.6 To refer the motion to a committee or sub-committee for consideration;

5.20.7 To exclude the public (including the press);

5.20.8 To adjourn the meeting;

5.20.9 To suspend any Standing Order, except those which are mandatory.

5.21 In respect of Standing Order 5.20.4, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive the right of reply and shall put the motion to the vote after the right has been exercised or waived. The adjournment of a debate or meeting shall not prejudice the mover's right of reply at the resumption.

6. Questions

6.1 A councillor may seek an answer to a question concerning the business of the Council provided seven clear days' notice has been given to the proper officer.

6.2 Every question shall be put and answered without discussion.

6.3 If any question requires formal clarification from a third party, the Clerk shall make a written request to that party.

7. Minutes

7.1 The draft minutes of a preceding meeting shall be published and circulated to all councillors no later than upon the publication of the agenda.

7.2 Discussion upon the draft minutes of a preceding meeting shall be limited to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 4.1.3. Any other discussion regarding the draft minutes shall be considered under 'Matters arising'.

7.3 Minutes, including any amendment to correct their accuracy, shall be approved 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.

7.4 If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate and if the majority of the those councillors present and voting approve a resolution confirming the minutes as a correct record of the proceedings, the Chairman shall sign the minutes but may add a statement specifying the Chairman's dissent.

7.5 Following a resolution approving the accuracy of the minutes, only the approved minutes shall have any standing and any draft which is at variance with the approved minutes shall be destroyed.

8. Disorderly Conduct

8.1 No person shall obstruct the transaction of business at a meeting or behave offensively, improperly or vexatiously.

8.2 If, in the opinion of the Chairman, there has been a breach of Standing Order 8.1, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting and the motion, if seconded, shall be put forthwith and without discussion.

8.3 If a resolution made in accordance with Standing Order 8.2 is disobeyed, the Chairman may take such further steps as may be necessary to enforce it and/or may adjourn the meeting.

9. Rescission of previous resolutions

9.1 A resolution of the Council (whether affirmative or negative) shall not be reversed within six months except either by a special motion signed by at least seven councillors or by a motion moved in pursuance of the report or recommendation of a committee.

9.2 Where a special motion or any other motion moved pursuant to Standing Order 9.1 has been disposed of, no similar motion may be moved within a further six months.

10. Voting on appointments

10.1 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 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. Any tie may be settled by the Chairman's casting vote.

10.2 At the request of at least two members, a vote upon the appointment to a position to be filled by the Council may be conducted by signed ballot.

11. Liaison with County and District Councillors

11.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the County and District Councils whose electoral division/ward includes East Bergholt.

11.2 A county or district councillor shall not make representation on behalf of the Parish Council unless a Parish Council resolution so authorises.

12. The Chairman of the Council

12.1 The Chairman is elected by the Council at the Annual Council Meeting and holds office until the next annual meeting pursuant to Standing Order 2.4 – 2.8. A Chairman may serve for only two consecutive years in any one Council term. The out-going Chairman may be re-elected in the absence of any other nominee being willing to stand.

12.2 The Chairman's principal role is to chair meetings of the Council.

12.3 The Chairman may suggest the content and design of the agenda but the final determination is the responsibility of the Clerk.

12.4 The Chairman is responsible for ensuring that effective and lawful decisions are taken at meetings of the Council and assisted by the Clerk guides activities through management of the meeting.

12.5 The Chairman is responsible for involving all councillors in discussion and ensuring that their contributions remain pertinent to the subject matter and for keeping discussions moving so that meetings are not excessively long.

12.6 The Chairman summarises the debate and facilitates the making of clear resolutions.

12.7 The Chairman has a casting vote pursuant to Standing Order 1.16.

12.8 The Chairman will often be the public face of the Council and will represent the Council at official events. The Chairman may be asked to speak on behalf of the Council and in such circumstances should express only the agreed views of the Council and not any personal views.

12.9 Except where the Council formally delegates authority, the Chairman cannot make a decision on behalf of the Council.

13. Committees and sub-committees

13.1 The Council shall at its annual meeting appoint standing committees and may at any other time appoint such other committees as it considers necessary.

13.2 The terms of reference of the standing committees are reviewed annually and approved at the annual meeting. The approved terms of reference of the standing committees are as follows:

13.3 Strategy, Policy and Finance Committee

13.3.1 To ensure compliance with the Council's Financial Regulations.

13.3.2 To formulate and recommend to Council policies for the benefit of the parish.

13.4 Burial Grounds Committee

13.4.1 To organise, maintain and manage the Burial Grounds for the benefit of the parish.

13.4.2 To ensure compliance with the Local Authorities Cemeteries Order 1977.

13.5 Playing Fields Committee

13.5.1 To ensure the playing fields and associated equipment are provided for the use of the whole parish.

13.5.2 To maintain and update equipment and facilities as necessary.

13.6 Roads, Footpaths and Flatford Committee

13.6.1 To deal with the management of litter and matters relating to public rights of way, miscellaneous street furniture and Parish Council owned public seats within the parish.

13.6.2 To liaise with the appropriate authority concerning matters pertaining to the roads and pavements within the parish.

Committee business

13.7 The Chairman and Vice-Chairman of the Council shall be ex officio members of every committee.

13.8 Every committee shall at its first meeting of the municipal year before proceeding to other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next annual meeting of the Council.

13.9 The dates of committee meetings shall be approved by the Council in the annual schedule of meetings. However at the first meeting of the municipal year every committee shall review the dates set in the annual schedule of meetings and may amend those dates if necessary.

- 13.10 Every committee may appoint and determine the term of office of non-councillor members of the committee (unless the appointment of non-councillor members is prohibited by law) so as to hold office no later than the next annual meeting of the Council.
- 13.11 Minutes of every committee/sub-committee meeting shall be taken and copies provided to the Clerk for record.
- 13.12 Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee, the terms of reference and membership of which shall be determined by resolution of the committee.
- 13.13 A committee may dissolve a sub-committee at any time.
- 13.14 The Standing Orders relating to rules of debate (Standing Order 5), members' interests (in accordance with the Code of Conduct) and voting (Standing Orders 1.15 - 1.17) shall apply to committees and sub-committees.
- 13.15 A councillor who has proposed a resolution which has been referred to any committee of which the councillor is not a member, may explain the resolution to the committee but shall not vote.
- 13.16 The Chairman of a committee/sub-committee may convene an extraordinary meeting of the committee/sub-committee at any time.
- 13.17 If the Chairman of a committee/sub-committee does not call an extraordinary meeting of the committee/sub-committee within seven days of having been requested in writing to do so by two councillors, those two councillors may convene an extraordinary meeting of the committee/sub-committee. The public notice giving the time, date, venue and agenda for such a meeting shall be signed by the two councillors.
- 13.18 The only business which may be transacted at an extraordinary meeting is that which is specified on the agenda.

Advisory Committees

- 13.19 The Council may appoint advisory committees comprised of a number of councillors and non-councillors. Advisory Committees and any sub-committees may consist wholly of persons who are non-councillors.

Working Parties

- 13.20 The Council may establish working parties for a short term purpose but if in exceptional circumstances there is a need to establish a working party for a longer term purpose, the Council may so resolve.
- 13.21 Working parties are not subject to the strict rules which apply to formal council meetings and do not need to be held in public. A Working Party cannot make a decision on behalf of the Council, merely inform the Council on the purpose for which it is established.

14. The Clerk

- 14.1 The Clerk is employed by the Council pursuant to Section 112(1) of the Local Government Act 1972 to provide administrative support for the Council's activities.
- 14.2 Any other staff, although employed by the Council, shall be managed by the Chairman of the relevant committee who is responsible for their performance.

- 14.3 The Clerk's primary responsibility is to advise the Council on whether its decisions are lawful and to recommend ways in which decisions can be implemented. To assist in this, the Clerk can be asked to research topics of concern to the Council and provide unbiased information to help the Council to make appropriate choices.
- 14.4 The Clerk is the Council's Responsible Financial Officer with a duty to comply with all appropriate financial legislation and responsible for all financial records of the Council and the careful administration of its finances. The Responsible Financial Officer must comply with the Council's Financial Regulations and annually prepare and gain approval from the Council for the budget for the coming financial year and submit to Babergh District Council the Parish Council precept by 31 January.
- 14.5 The Clerk has a wide range of other responsibilities which are set out in the job description.
- 14.6 The Clerk must recognise that the Council is responsible for all decisions and that the Clerk takes instructions from the Council as a body and is not answerable to any individual councillor, not even the Chairman. The Council must be confident that the Clerk is at all times independent, objective and professional.

15. The Proper Officer

- 15.1 The Council's Proper Officer shall be the Clerk or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Order 15.2.
- 15.2 The duties of the Proper Officer comprise:
- 15.2.1 To serve on councillors by delivery or post at their residences or by email a signed summons (Council)/notice (Committees/sub-committees) confirming the time, date and venue and the agenda and attendant papers at least three clear days before a meeting.
 - 15.2.2 To give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council/Committee/sub-committee (provided that the public notice of an extraordinary meeting convened by the Chairman or councillors is signed by them). Public notice shall be given by publication of the details of the meeting and the agenda on the Parish Council noticeboards and on the East Bergholt Village website.
 - 15.2.3 Subject to Standing Order 3, to include in the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming withdrawal of the motion.
 - 15.2.4 To convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in the office, in accordance with Standing Order 15.2.1.
 - 15.2.5 To facilitate inspection of the minute book by members of the public.
 - 15.2.6 To receive and retain copies of byelaws made by other local authorities.
 - 15.2.7 To receive and retain declarations of acceptance of office from councillors.
 - 15.2.8 To receive and retain a copy of every councillor's register of interests disclosure and any changes to it and keep copies available for inspection by members of the public.

- 15.2.9 To keep proper records required before and after meetings.
- 15.2.10 To process all requests made under freedom of information legislation.
- 15.2.11 To manage the organisation, storage of, access to, security of and destruction of information held by the Council in paper and electronic form in compliance with freedom of information and data protection legislation.
- 15.2.12 To receive and send correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 15.2.13 To arrange for legal deeds to be signed by two councillors and witnessed pursuant to Standing Order 20.
- 15.2.14 Pursuant to the Council's Financial Regulations, to arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council.
- 15.2.15 To record every planning application notified to the Council and the Council's response to the local planning authority.
- 15.2.16 Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

16. Financial Controls and Procurement

- 16.1 The Council shall consider and approve Financial Regulations which shall include detailed arrangements in respect of:
 - 16.1.1 The keeping of accounting records and systems of internal controls;
 - 16.1.2 The assessment and management of financial risks faced by the Council;
 - 16.1.3 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.
 - 16.1.4 The inspection and copying by councillors and local electors of the Council's accounts and/or orders of payment.
- 16.2 Financial Regulations shall be reviewed regularly and at least annually for fitness for purpose.

17. Estimates/Precept/Budget

- 17.1 Any Committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming financial year no later than 30 November.
- 17.2 The Council shall approve written estimates (amended as appropriate) for the coming financial year and set the Council's budget and precept at its January Council meeting.

18. Accounts and Financial Statement

- 18.1 All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations, which shall be reviewed annually.
- 18.2 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March in each year, and quarterly thereafter, a statement summarising the Council's receipts and payments for each period and the

balances held at the end of each period. A schedule of payments will be presented at each ordinary Council meeting for authorisation of payment. A quarterly statement will be submitted to Council comparing expenditure with the budget for the financial year. A financial statement prepared on the appropriate accounting basis (receipts and payments or income and expenditure) for the financial year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June in each year.

19. Expenditure

19.1 Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations, which shall be reviewed annually.

19.2 In the event that an emergency or urgent decision is required which does not have Council authorisation and is needed before an extraordinary meeting can be called, then the Chairman and Vice-Chairman after consultation with the Clerk (RFO) are empowered to make such decision as necessary provided the Chairman and Vice-Chairman agree. If costs are involved in that decision, then a contingent sum of up to £5000 may be taken from available reserves. Any decision or action taken pursuant to this Standing Order shall be reported to the Council at its next ordinary meeting or to an extraordinary meeting if deemed more urgent.

20. Execution of legal deeds

20.1 A legal deed shall not be executed on behalf of the Council unless execution has been authorised by resolution.

20.2 In accordance with a resolution made pursuant to Standing Order 20.1, any two councillors may sign any deed, on behalf of the Council, and the Proper Officer shall witness their signatures.

21. Inspection of Documents

21.1 Subject to Standing Orders to the contrary or in respect of matters which are confidential, a councillor may for the purposes of his official duties, but not otherwise, inspect any document in the possession of the Council or a committee/sub-committee and request a copy for the same purpose. The minutes of meetings of the Council and of its committees/sub-committees shall be available for inspection by councillors.

22. Confidential business

22.1 Councillors shall not disclose information given in confidence or which they believe or ought to be aware is of a confidential nature.

22.2 A councillor in breach of Standing Order 22.1 may be removed from a committee/sub-committee by resolution of the Council.

22.3 All councillors in receipt of information, whether or not confidential in nature must comply with data protection legislation.

23. Unauthorised activities

23.1 Unless authorised by a resolution, no individual councillor shall in the name of or on behalf of the Council or a committee/sub-committee:

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

23.1.2 Issue orders, instructions or directions;

23.1.3 Correspond with or provide oral or written statements or written articles to the press or other media.

24. Relations with the press/media/social media

24.1 All requests from the press or other media for an oral or written statement or comment from the Council must be referred to the Chairman of the Council and the Clerk for processing in accordance with the Council's Press and Media/Social Media policy.

24.2 In accordance with the Council's policy, councillors shall not in their official capacity provide oral or written statements or written articles to the press or other media unless specifically authorised to do so by Council resolution or pursuant to the Council's policy.

25. Canvassing of and recommendations by councillors

25.1 Canvassing councillors or the members of a committee/sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the provisions of this Standing Order to every candidate.

25.2 A councillor or member of a committee/sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion. Nevertheless, a councillor or member of a committee/sub-committee may give a written testimonial of a candidate's experience or character for submission to the Council with an application for appointment.

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

26. Matters affecting Council employees

26.1 If a meeting considers any matter personal to a Council employee, the public (including the press) shall be excluded pursuant to Standing Order 1.4.

26.2 The Council (in relation to the Clerk) and the Chairmen of Committees or if the Council so determine, the Clerk, (in relation to any other employees) are responsible for the management of Council employees working in relation to the Council's/Committee's terms of reference and shall keep written records of all meetings relating to their performance, capabilities, grievance and disciplinary matters.

26.3 The Council shall keep secure relevant and up to date written records relating to employees. All paper records shall be secured under lock and electronic records shall be password protected. In both cases data protection legislation relating to personal data shall be complied with.

26.4 Records relating to employees including those documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with line managerial responsibilities for the

employee and in all cases data protection legislation relating to personal data shall be complied with.

27. Freedom of Information

27.1 Pursuant to 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.

27.2 Correspondence from and notices served by the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Strategy, Policy and Finance Committee, which committee shall have power to do anything to facilitate compliance with the freedom of information legislation including exercising the powers of the Proper Officer in respect of freedom of information requests in Standing Order 15.2.10.

28. Data Protection

28.1 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 (for example, the Limitation Acts).

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

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

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

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

28.6 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.

28.7 The Council shall ensure that information communicated in its privacy notice is in an easily accessible form and kept up to date.

29. Code of Conduct and Dispensations

29.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council when undertaking their official duties.

29.2 Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which the councillor/non-councillor with voting rights has a disclosable pecuniary interest. The excluded person may return to the meeting after it has considered the matter in which the interest was held.

29.3 Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which the councillor/non-councillor with voting rights has another interest if so required by

the Council's code of conduct. The excluded person may return to the meeting after it has considered the matter in which the interest was held.

29.4 Dispensation requests shall be made in accordance with Standing Order 1.21 above.

29.5 A decision as to whether to grant a dispensation shall be made by a meeting of the Council or a committee/sub-committee for which the dispensation is required and that decision is final.

29.6 A dispensation request shall confirm:

29.6.1 The description and nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

29.6.2 Whether the dispensation is required to participate in a meeting in a discussion only or a discussion and a vote;

29.6.3 The date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

29.6.4 An explanation as to why the dispensation is sought.

29.7 Subject to Standing Orders 28.4 and 28.6, a dispensation request shall be considered at the beginning of the meeting of the Council or committee/sub-committee for which the dispensation is sought.

29.8 A dispensation may be granted in accordance with Standing Order 29.5 if having regard to all relevant circumstances any of the following apply:

29.8.1 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;

29.8.2 Granting the dispensations in the interests of persons living in the Council's area; or

29.8.3 It is otherwise appropriate to grant a dispensation.

30. Allegations of breaches of the Code of Conduct

30.1 If an allegation of a breach of the code of conduct by a councillor or non-member with voting rights is received it shall be referred to the Monitoring Officer of Babergh District Council for investigation.

30.2 Upon notification by the District Council that it is dealing with such allegation, the Proper Officer shall, subject to Standing Order 27, report this to the Council.

30.3 Where the notification in Standing Order 30.2 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the allegation until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 30.5.

30.4 The Council may:

30.4.1 Provide information or evidence where such disclosure is necessary to investigate the allegation or is a legal requirement;

- 30.4.2 Seek information relevant to the allegation from the person or body with statutory responsibility for investigation of the matter.
- 30.5 Upon notification by the District Council that a councillor or non-member with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against the person. Such action excludes disqualification or suspension from office.

31. General Power of Competence

- 31.1 Before exercising the General Power of Competence, the Council shall resolve that it meets the criteria for eligibility relating to the electoral mandate (at least two thirds of councillors must have been elected) and the relevant training of the Clerk (must hold the certificate in Local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council administration or the first level of the foundation degree in Community Engagement and Governance).
- 31.2 An eligible council could:
- 31.2.1 Lend or invest money;
 - 31.2.2 Set up a company or co-operative society to trade and engage in commercial activity;
 - 31.2.3 Run a community shop or post office;
 - 31.2.4 The power is not restricted to use within the parish, it can be used anywhere.
- 31.3 The Council's period of eligibility begins on the date that the resolution under Standing Order 31.1 was made and expires on the day before the relevant annual meeting. A further resolution must be passed at every subsequent relevant annual meeting for the Council to be able to continue to exercise the power. The relevant annual meeting is the annual meeting which takes place in a year of ordinary elections, once every four years.

32. Standing Orders

- 32.1 The Proper Officer shall provide a copy of these Standing Orders to a councillor upon delivery of the councillor's declaration of acceptance of office and written undertaking to comply with the Council's code of conduct.
- 32.2 The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- 32.3 A councillor's failure to observe Standing Orders more than three times in one meeting may result in the councillor being excluded from the meeting pursuant to Standing Order 8.

33. Variation, revocation and suspension of Standing Orders

- 33.1 Any or every part of these Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- 33.2 A motion to add or vary or revoke one or more of these Standing Orders, not mandatory by law, shall be proposed by a special motion, the written notice of which shall bear the names of at least three councillors.

Approved and adopted by East Bergholt Parish Council: 11 March 2021

Next Review: March 2022