Batheaston Parish Council

STANDING ORDERS

INTRODUCTION

Our standing orders set out how we work as a council, together and with our community. They are based on the legal and statutory requirements set out by NALC in 2018 and specific rules we have set for ourselves to be the best partner possible to our residents.

The Council's role

We exist to make Batheaston a great place to live, work and visit, and sustain all that into the future. We realise we take a precept from our residents to do that, and we owe it to them to offer a return on that money. Councillors who join Council do so with a willingness and ability to dedicate adequate engagement, availability and proficiency to fulfil that responsibility. All councillors are individually elected and accountable to our electorate.

THE WAY WE WORK

The basic principles

1. This Council aims to do things with the community, not to it.

2. Our unique powers and resources are our ability to set a precept, borrow public money, exercise community rights to challenge, use natural resources and make byelaws.

3. Our measure of success is to return a multiple of the precept in value-added to the community. To achieve that, we know we need to think and act big and long-term.

4. We live the Nolan principles of conduct in public life at all times: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Our governance process

5. We recognise two key phases of governance: preparing to make good decisions and making good decisions. We do the former between meeting and the latter at meetings.

6. To support effective preparation and meetings, we run these phases to the following timetable (with M meaning a full council meeting date and the figure the number of full days before (-) and after (+):

Time	Action	Responsibility
M-14	Issue to councillors of working agenda and papers	Chair
M-7	Issue to councillors of draft formal agenda and papers	Clerk
M-3*	Publication of formal agenda and papers and Summons to meeting	Clerk
M+5	Circulation of draft minutes to Councillors and publication of video recording (if available)	Clerk
M+14	Publication of draft minutes on website, and other communication media	Clerk

* "Clear" days rather than full days; see Clauses 17 and 18

7. Councillors are expected to:
   7.1. Submit agenda items and working papers before M-14;
   7.2. Research, form and share points of view on the working agenda and paper, and highlight major differences in views, between M-14 and M-7;
   7.3. Raise any issues with the formulation of motions to the Clerk and Chairman before M-3.

8. In support of constructive, solution-focused and forward thinking decision-making at meeting, councillors will:
   8.1. Focus on motions and resolving differences in points of view;
   8.2. Be transparent about the evidence, assumptions, advantages and disadvantages of their arguments;
   8.3. Allow other councillors the same time and opportunity to put their points of view forward;
   8.4. Make decisions by simple majority vote of councillors present unless agreed otherwise;
   8.5. Accept and comply with decisions made;
   8.6. Defeated motions shall not be brought back for vote unless changed circumstances can be evidenced;
   8.7. The Clerk shall advise Council in case of disputes regarding clause 8.6.

9. Supporting councillors in efficient and effective decision-making at meeting, the Chairman shall take such measures that are required to:
   9.1. Conclude the meeting agenda within the meeting time;
   9.2. Ensure each councillor has similar time and opportunity to speak;
   9.3. Invite each councillor to speak in turn for orderly discussion;
   9.4. Instruct councillors to focus on differences between points of view to be resolved;
   9.5. Close the discussion to move to voting;
   9.6. Amend motions to find a majority consensus;
   9.7. Ensure no councillor obstructs the orderly conduct of a meeting;
   9.8. Request obstructing councillors to moderate or improve their conduct; and if disregarded,
   9.9. Move by seconded motion without discussion to no longer hear or exclude such councillor from the meeting;
   9.10. Suspend or close the meeting if standing orders 9.8 and 9.9 are ignored.

REGULATORY RULES

Meetings generally

10. A meeting is quorate if at least one-third of the whole number of councillor positions of the Council are present. For Batheaston Parish Council, the current quorum is five councillors.

11. Subject to a meeting being quorate, all motions at a meeting shall be decided by simple majority of the councillors present and voting.

12. A councillor who has a disclosable pecuniary interest or another interest in a matter being considered at a meeting is shall abstain from speaking and voting on that matter, unless a dispensation has been granted.

13. 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 a casting vote whether or not they gave an original vote. The chairman shall explain his/her judgement of facts and public interest before exercising a casting vote.

14. 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.

15. A meeting shall not exceed a period of 2 hours.

16. 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.

17. The deadline for publication of the formal agenda and the summons for a meeting of Council is defined as follows: the minimum three clear days for notice 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.

18. The deadline for publication of the formal agenda and the summons for a meeting of a committee or sub-committee: The minimum three clear days' public notice 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

19. 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

20. 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.

21. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

22. 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.

23. 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/her absence be done by, to or before the Vice-Chairman of the Council (if there is one).

24. 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.

25. Batheaston Parish Council will use voting by a show of hands only when a motion is considered by the chairman or clerk to be of substantial significance. Prior to the vote, the chairman will provide a summary of the discussion and restate the motion to be voted upon. 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 their vote for or against that question.

26. Councillors must come to meetings with an open mind in order to avoid predetermination

Committees, groups

27. The Council may appoint and dissolve standing or temporary committees or any other group as may be necessary, and shall determine their terms of reference, membership, chair and delegated powers, reconfirmed at least annually.

28. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

Ordinary council meetings

29. 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.

30. 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.

31. If no other time is fixed, the annual meeting of the Council shall take place at 7:15pm.

32. 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.

33. 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.

34. The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

35. The Vice-Chairman of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

36. 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. The chairman shall explain his/her judgement of facts and public interest before exercising a casting vote.

37. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, s/he shall preside at the annual meeting until a successor Chairman of the Council has been elected.

38. Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
    38.1. 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
    38.2. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;

Extraordinary meetings of the council, committees and sub-committees

39. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

40. 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.

41. The chairman of a committee may convene an extraordinary meeting of the committee at any time.

42. If the chairman of a committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of the committee.

Management of information

43. 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.

44. 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).

45. 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.

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

Code of conduct and dispensations

47. 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.

48. A dispensation may be granted in accordance with standing order 14(e) if having regard to all relevant circumstances any of the following apply:
    - 48.1. 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;
    - 48.2. granting the dispensation is in the interests of persons living in the Council's area; or
    - 48.3. it is otherwise appropriate to grant a dispensation.

49. A decision as to whether to grant a dispensation shall be made by a vote at the meeting for which the dispensation is required. That decision is final.

Code of conduct complaints

50. 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 them. Such action excludes disqualification or suspension from office.

Proper officer

51. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

52. The Proper Officer shall:
    - 52.1. at least three clear days before a meeting of the council, a committee
        - 52.1.1. 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 and
        - 52.1.2. 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).
    - 52.2. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office;
    - 52.3. facilitate inspection of the minute book by local government electors;
    - 52.4. receive and retain copies of byelaws made by other local authorities;
    - 52.5. Contact B&NES to arrange an extension to the consultation period if considered necessary.

Accounts and accounting statements

53. 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, from 2020 onwards.

Financial controls and procurement

54. 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 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

55. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services 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.

56. 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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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.

Responsibilities to provide information

57. 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.

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

Responsibilities under data protection legislation

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

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

61. 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.

62. 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.

63. The Council shall maintain a written record of its processing activities.

Relations with the press/media

64. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff will be discussed in Council before any public statement is issued save for information already in the public domain.

Execution and sealing of legal deeds

65. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

66. Subject to standing order, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

Last reviewed and agreed by Full Council: 6 October 2020
Next review date: June 2021