

CAPEL PARISH COUNCIL
55a The Street
Capel
RH5 5LD

STANDING ORDERS

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1 Meetings

- a. An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- b. Meetings of the Council shall be held in each year on such dates and times as the Council may direct and be held at Beare Green, Capel or Coldharbour giving three working days notice.
- c. 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.
- d. Formal meetings of the Council, its committees and sub-committees shall be held in person unless legislation in force at the time permits remote or hybrid attendance for decision-making meetings. Where remote access is provided for the public or councillors, it shall be supplementary to and not a substitute for, any level requirement for attendance at a physical meeting.

Public Participation

- e. 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.
- f. Subject to Standing Order 1(d) above, the members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- g. The period of time for public participation shall be in accordance with Standing Order 1(f) above and shall not exceed 10 minutes, unless extended at the Chair's discretion.
- h. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 MINUTES.
- i. A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- j. The Chair may direct that a response to a question posed by a member of the public be referred to a Councillor for oral response or to the Proper Officer for a written or oral response
- k. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- l. A person should raise their hand when requesting to speak. The individual may remain seated when speaking.

- m. Any person speaking at a meeting shall address their comments to the Chair.
- n. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- o. Any person may film, photograph, audio-record, broadcast or report on a meeting, or use social media to report proceedings, where the public are entitled to attend, provided this does not disrupt the conduct of the meeting. The Chair may take reasonable steps to prevent or stop disruptive recording or reporting activity.
- p. The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- q. Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may be done by to or before the Vice Chair should the Chair be absent.
- r. The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair, if present, shall preside. If both the Chair and the Vice- Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- s. All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- t. The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise the casting vote whether or not the Chair gave an original vote.
- u. Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question. *Such a request shall be made before moving on to the next item of business on the agenda.*
- v. The minutes of a meeting shall record the names of Councillors present and absent.
- w. The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.

Attendance

- x. A member who fails to attend any meetings for more than 6 consecutive months without an acceptable reason is disqualified and ceases to be a Councillor unless he either has a statutory excuse or this failure is due to reason approved by the Council or he attended as a representative of the Council at a meeting of any body or persons such as a County Association of Local Councils, eg NALC.

Quorum of Councillors

- y. No business may be transacted at a meeting unless 3 members or one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.

- z. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.

2 Ordinary Council meetings

Statutory Annual Meeting

- a. In a year which is a year of ordinary elections of Parish Councillors, the Annual Meeting of the Parish Council shall be held on, or within 14 days after, the day on which the councillors elected at their election take office.
- b. In a year which is not a year of ordinary elections of Parish Councillors, the Annual Meeting of the Parish Council shall be held on such a day in May as the Council may determine.
- c. In addition to the Annual Meeting, the Parish Council shall hold at least three other ordinary meetings each year, on such dates and at such times as the Council may determine.
- d. The election of the Chair, Vice-Chair of the Council shall be the first business completed at the Annual Meeting of the Council.
- e. The Chair of the Council, unless he has resigned or become disqualified, shall continue in office and preside at the Annual Meeting until a successor is elected at the next Annual Meeting of the Council.
- f. The Vice-Chair of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Meeting of the Council.
- g. In an election year, if a current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

3 Proper Officer

- a. The Council's Proper Officer shall be the Parish Clerk. In the absence of the Clerk the duties will be assigned at the direction of Councillors.
- b. The Council's Proper Officer shall do the following:
 - i. Sign and serve on councillors by delivery, post or electronic means where lawful and agreed, a summons confirming the time, date, venue and agenda of a meeting of the Council or a committee at least three clear days before the meeting.
 - ii. Give public notice of time, date, venue and agenda at least three clear days before a meeting of the Council, committee or sub-committee.
 - iii. Convene a meeting of full Council for the election of a new Chair where a casual vacancy arises in that office.

- iv. Make available for inspection the minutes of meetings.
- v. Receive and retain copies of byelaws made by other local authorities.
- vi. Receive and retain declarations of acceptance of office from Councillors.
- vii. Retain a copy of every Councillor's Register of Interests and any changes to it and keep copies available for inspection as required by law.
- viii. Receive and record notices disclosing interest at meetings.
- ix. Keep proper records required before and after meetings.
- x. Process all requests made under the Freedom of Information Act 2000 the Environmental Information Regulations 2004, the UK GDPR and the Data Protection Act 2018, in accordance with the Council's adopted procedures.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be executed in accordance with the Council's standing orders and legal requirements.
- xiv. Arrange for the prompt authorisation, approval, and instruction of payments in accordance with the Council's financial regulations.
- xvi. Record every planning application notified to the Council and the Council's response to the local planning authority.
- xvii. Refer a planning application received by the Council to Councillors in accordance with the Council's agreed procedure.

4 Agenda items requiring notice

- a. No subject will be discussed at a meeting unless it is included in the agenda and notification has been given to the Council's Proper Officer at least 10 working days before the next meeting. If an item is submitted later it shall be at the Chair's discretion.
- b. Having consulted the Chair, the decision of the Proper Officer as to whether or not to include the agenda item shall be final.

5 Rules of debate

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's direction for reasons of expedience.

- b. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- c. Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words
- d. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- e. One or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.
- f. Pursuant to standing order 5(b) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- g. If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- h. 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.
- i. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- j. Where a series of amendments to an original motion 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 debate and immediately before it is put to the vote.
- k. Subject to Standing orders 5(i) and (j), a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- l. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- m. A point of order shall be decided by the Chair and that decision shall be final.
- n. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- o. Subject to Standing Order 5(k) above, when a Councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to vote;

- v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any Standing Order, except those which are mandatory.
- p. In respect of Standing Order 5(o)(iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

6 Code of Conduct

- a. All Councillors shall observe the Code of Conduct adopted by the Council.
- b. All Councillors shall undertake training in the Code of Conduct within 6 months of delivery of their declaration of acceptance of office.
- c. Councillors may exercise the rights contained in the Standing Orders only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- d. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room.

7 Questions

- a. A Councillor may seek an answer to a question concerning any business of the Council provided that three clear days' notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.

8 Minutes

- a. If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised no later than one working day prior to the Council meeting.

- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
The Chair of this meeting does not believe that the minutes of the meeting of the () held on (date) in respect of () were a correct record but that view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.
- e. Once the minutes of a meeting have been approved as an accurate record, draft minutes and any recording made by or on behalf of the Council shall be retained or disposed of in accordance with the Council's document retention policy and applicable information governance requirements.

9 Disorderly Conduct

All members must observe the Code of Conduct, which is reviewed annually, a copy of which is appended to these Standing Orders,

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chair, there has been a breach of Standing Orders, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c. If a resolution made in accordance with Standing Orders, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

10 Rescission of previous resolutions

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 Councillors of the Council (one from each ward), or by a motion in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion moved pursuant to Standing Orders has been disposed of, no similar motion may be moved within a further 6 months.

11 Voting on appointments

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

12 Expenditure

- a. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b. The Council's financial regulations shall be reviewed once a year.
- c. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
- d. All cheques or other orders for payment of money shall be authorised by resolution and signed by any two members of the Council, authorised to do so and by the Proper Officer.
- e. Where it is necessary to make a payment in respect of an account which has not been laid before the council, such payment shall be certified as to its correctness and urgency by the Proper Officer.
- f. All accounts and records involved to be available for examination by Councillors prior to every meeting.
- g. The approval of accounts is to be recorded in the Minutes.
- h. A fidelity insurance policy shall be arranged in respect of the Proper Officer and Councillors.

13 Execution and Sealing of Legal Deeds

- a. In accordance with a resolution made under Standing Orders, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

14 Committees

- a. The Council may, at its Annual Meeting, appoint Standing Committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next Annual Meeting;
 - iv. may in accordance with Standing Orders, dissolve a committee at any time.

15 Sub-committees

- a. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

16 Extraordinary meetings

- a. The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b. If the Chair of the council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

17 Accounts and Financial Statement

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b. The responsible Financial Officer shall supply to each Councillor as soon as practicable after the quarterly meetings of the Finance Committee a statement summarising the Council's receipts and payments for the quarter and the balances held at the end of the quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31st 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 subjected to external audit), including the Annual Governance Statement, shall be presented to Council for formal approval before 30th June.

18 Estimates/Precepts

- a. The Council shall approve written estimates for the coming financial year at its meeting before the end of December.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than November

19 Canvassing of and Recommendations by Councillors

- a. Canvassing Councillors or the members of a committee or 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 requirements of this Standing Order to every candidate.
- b. A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

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

20 Inspection of Documents

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

21 Unauthorised Activities

- a. Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. Inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

22 Confidential business

- a. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b. A Councillor in breach of the provisions of Standing Orders may be removed from a committee or a sub-committee by a resolution of the Council.

23 General Power of Competence

- a. Before exercising the power the General Power of Competence, the Council shall resolve at a meeting of the Full Council that it meets the prescribed conditions for eligibility.
- b. The Council shall review its eligibility at each relevant annual meeting in a year of ordinary elections of Parish Councillors.
- c. The Council shall have regard to any statutory restrictions, procedural requirements and current guidance when exercising the General Power of Competence.

24 Freedom of Information Act 2000

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the appropriate payment received from the applicant.
- b. Correspondence from, and notices served by the Information Commissioner, shall be referred by the Proper Officer to the Chair of the Council. The Chair shall have the power to do anything to facilitate compliance with the Freedom of Information Act

2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Orders.

25 Relations with the Press/Media

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

26 Liaison with the District and County Councillors

- a. An invitation to attend a meeting of the Council shall be sent together with the agenda, to Councillors of the District and County Council representing their respective electoral ward.

27 Financial Matters

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control.
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required twice a year.
 - iv. The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments;
 - v. Procurement policies subject to Standing orders including the setting of values for different procedures where the contract has an estimated value of less than £30,000
- b. Any proposed contract for the supply of goods, materials services and the execution of works with an estimated value more than £3,000 shall be procured on the basis of a formal tender.
- c. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- d. Where the estimated value of a contract is likely to meet or exceed the applicable threshold under the Procurement Act 2023, the Procurement Regulations 2024 and any current statutory guidance or Procurement Policy Note, the Council shall comply with the relevant procurement requirements in force at the time the procurement is commenced. Estimated contract values shall be calculated inclusive of VAT where required by current procurement rules.

28 Delegation

General:

- a. Where powers or duties have been delegated to a committee it shall be competent for that committee in turn to assign functions or delegate powers and duties, a sub-committee or any group of its members, provided that any action taken under delegated powers be reported to the next meeting of the appropriate committee or sub-committee (or Council) for information.

Delegated Powers

- a. To resolve routine matters – where precedents have been set, policies in place or of such significance not to warrant a committee meeting.
- b. Delegated powers to be given to the Proper Officer in consultation with either the Chair of the relevant committee; the Chair of the Parish Council or Vice-Chair of the Parish Council.

Delegated Powers to the Proper Officer

- a. The general management of the Council's services in accordance with the practices determined from time to time by the Council and its committees.
- c. The implementation of non-discretionary adjustments to the Clerk's pay according to recommendations by NALC.
- d. The implementation of non-discretionary adjustments to the Scheme of Conditions of Service of the Joint Council of Local Government Services.
- e. The payment of travelling and subsistence allowances as recommended by NALC to Councillors and staff for approved visits.
- f. The payment of the Chair's travel expenses for official visits at short notice.

29 Allegations of breaches of Code of Conduct

The Council shall deal with allegations of breaches of the Code of Conduct by councillors in accordance with the arrangements adopted by the relevant principal authority and any current guidance issued by the Monitoring Officer. Complaints concerns maladministration or service failure shall be dealt with under the Council's complaints procedure.

30 Variation, revocation and suspension of Standing Orders

- a. Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

31 Standing Orders to be given to Councillors

- a. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of their Declaration of Acceptance of Office.
- b. The Chair's decision as to the application of Standing Orders at meetings shall be final.
- c. A Councillor's failure to observe Standing Orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with Standing Orders.