

# **Fowlmere Parish Council**

## **Standing Orders**

### **MEETINGS**

1. (a) Meetings of the Fowlmere Parish Council (the “Council”) shall be held at the United Reformed Church at 7:30pm unless the Council decides otherwise at a previous meeting.  
(a) Smoking is not permitted at any meeting of the Council.
2. **The Statutory Annual Meeting:**
  - (a) in an election year shall be held on the Tuesday in May following the elections to the Council; and
  - (b) **in a year which is not an election year shall be held on the first or second Tuesday in May.**
3. **The three other statutory meetings shall be held on the third Tuesday in the months of May, June and July.**
4. **Eight additional meetings shall be held on the third Tuesday in the months of September, October, November, December, January, February, March, and April.**
5. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
6. The minimum three clear days’ public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.

### **CHAIRMAN OF MEETING**

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

### **PROPER OFFICER**

8. 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.
9. The Proper Officer shall:
  - (a) at least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
    - (i) See Standing Order 5 above for the meaning of clear days for a meeting of a full Council and Standing Order 6 above for a meeting of a committee.
  - (b) give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them);
  - (c) subject to Standing Orders 21-25 below, include on the agenda all motions in the order received unless a councillor has given written notice at least **2** days before the meeting confirming his withdrawal of it;
  - (d) convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
  - (e) facilitate inspection of the minute book by local government electors;

- (f) receive and retain copies of bylaws made by other local authorities;
- (g) retain acceptance of office forms from councillors;
- (h) retain a copy of every councillor's register of interests;
- (i) assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- (j) receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- (k) manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- (l) arrange for legal deeds to be executed;
  - (i) See also Standing Order 76 below.
- (m) arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- (n) record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- (o) refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if any) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;
- (p) manage access to information about the Council via the publication scheme; and
- (q) retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
  - (i) See also Standing Order 76 below.

#### **RESPONSIBLE FINANCIAL OFFICER**

10. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

#### **ACCOUNTS AND ACCOUNTING STATEMENTS**

- 11.
- (a) "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils - a Practitioners' Guide.
  - (b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
  - (c) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
    - (i) the Council's receipts and payments for each quarter;
    - (ii) the Council's aggregate receipts and payments for the year to date;
    - (iii) the balances held at the end of the quarter being reported
 and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- (d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - (i) each councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - (ii) to the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- (e) The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

12.

- (a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - (i) the keeping of accounting records and systems of internal controls;
  - (ii) the assessment and management of financial risks faced by the Council;
  - (iii) the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - (iv) the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - (v) procurement policies (subject to Standing Order 12.(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].
- (b) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- (c) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in Standing Order 76 below.

#### **QUORUM**

- 13. **Three members shall constitute a quorum.**
- 14. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

#### **VOTING**

- 15. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 16. **If a member so requires, the Proper Officer shall record the names of the members who voted on any question so as to show whether they voted for or against it.**
- 17. **Chairman's vote:**
  - (a) **Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes, may give a casting vote even though**

he gave no original vote.

- (b) **If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
- (c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

#### **TERMS OF OFFICE**

- 18. The Chairman and Vice-Chairman shall hold office until the start of the annual meeting of the Parish Council next after the annual meeting at which they were elected.
- 19. The posts of Chairman and Vice-Chairman should be reviewed after three years of office. The Chairman and Vice-Chairman can be re-elected for a further specific period if approved by majority vote of councillors.
- 20. The Chairman, Vice-Chairman, and Clerk must not be related.

#### **ORDER OF BUSINESS**

*(In an election year councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)*

#### **21. At each Annual Meeting the first business should be:**

- (a) **To elect a Chairman.**
- (b) **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- (c) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- (d) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- (e) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- (f) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- (g) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- (h) To elect a Vice-Chairman.
- (i) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- (j) To appoint school governors.

- (k) Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - (l) Receipt of the minutes of the last meeting of a committee;
  - (m) Consideration of the recommendations made by a committee;
  - (n) Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - (o) Review of the terms of reference for committees;
  - (p) Appointment of members to existing committees;
  - (q) Appointment of any new committees in accordance with Standing Orders 46-53 [*Committees and sub-committees*] below;
  - (r) Review and adoption of appropriate Standing Orders and financial regulations;
  - (s) Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - (t) Review of representation on or work with external bodies and arrangements for reporting back;
  - (u) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - (v) Review of inventory of land and assets including buildings and office equipment;
  - (w) Confirmation of arrangements for insurance cover in respect of all insured risks;
  - (x) Review of the Council's and/or staff subscriptions to other bodies;
  - (y) Review of the Council's complaints procedure;
  - (z) Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
  - (aa) Review of the Council's policy for dealing with the press/media; and
  - (bb) Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
22. **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**
23. In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees (see Standing Order 42).
24. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
- (a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - (b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - (c) To deal with business expressly required by statute to be done.
  - (d) To dispose of business, if any, remaining from the last meeting.

- (e) To receive such communications as the person presiding may wish to lay before the Council.
  - (f) To answer questions from Councillors.
  - (g) To receive and consider reports and minutes of committees.
  - (h) To receive and consider reports from officers of the Council.
  - (i) To authorise the sealing of documents.
  - (j) To authorise the signing of outstanding orders for payment. (The Finance Committee has the powers to authorise the signing of orders for payment outside the Parish Council meeting.)
  - (k) To consider resolutions or recommendations in the order in which they have been notified.
  - (l) Any other business specified in the summons.
25. A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded.

#### **EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES**

- 26.
- (a) The Chairman of the Council may convene an extraordinary meeting of the council at any time.
  - (b) If the Chairman of the Council does not or refuses to 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 must be signed by the two councillors.
  - (c) The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee (or the sub-committee) at any time.
  - (d) If the chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 21 days of having been requested by to do so by 3 members of the committee (or the sub-committee), any 3 members of the committee (and the sub-committee) may convene an extraordinary meeting of a committee (and a sub-committee).

#### **RESOLUTIONS MOVED ON NOTICE**

27. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Proper Officer or the mover has given notice in writing of its terms and has delivered the notice to the Proper Officer at least three working days before the next meeting of the Council.
- (a) The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 9.(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
  - (b) If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9.(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.
  - (c) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with 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 the agenda or rejected.

- (d) Subject to Standing Order 27.(c) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
  - (e) Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
  - (f) Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
28. The Proper Officer shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
  29. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
  30. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
  31. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

32. Resolutions dealing with the following matters may be moved without notice to the Proper Officer:
  - (a) To appoint a Chairman of the meeting.
  - (b) To correct the Minutes.
  - (c) To approve the Minutes.
  - (d) To alter the order of business.
  - (e) To move to a vote.
  - (f) To proceed to the next business on the agenda.
  - (g) To require a written report.
  - (h) To defer consideration of a motion.
  - (i) To close or adjourn the debate.
  - (j) To refer a matter to a committee.
  - (k) To appoint a committee or any members thereof.
  - (l) To adopt a report.
  - (m) To authorise the sealing of documents.
  - (n) To amend a motion.
  - (o) To give leave to withdraw a resolution or an amendment.
  - (p) To extend the time limits for speaking.
  - (q) To not hear further from a councillor or a member of the public;.
  - (r) To exclude the press and public. (See Standing Order 71)

- (s) To exclude a councillor or member of the public for disorderly conduct. (See Order 38)
- (t) To suspend the meeting temporarily.
- (u) To invite a member having an interest in the subject matter under debate to remain. (See Standing Orders 58-64)
- (v) To give the consent of the Council where such consent is required by these Standing Orders.
- (w) To suspend any Standing Orders. (See Standing Orders 89-90)
- (x) To adjourn the meeting.
- (y) To close a meeting.

#### **HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION**

- 33. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 34. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

#### **RULES OF DEBATE**

- 35. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 36. Rules:
  - (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him or her before it is further discussed or put to the meeting.
  - (b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - (c) An amendment shall be either:
    - (i) To leave out words.
    - (ii) To leave out words and insert or add others.
    - (iii) To insert or add words.
  - (d) An amendment shall not have the effect of negating the resolution before the Council.
  - (e) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution upon which any further amendment may be moved.
  - (f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (g) The mover of a resolution shall have a right of reply.
  - (h) A member may speak to make a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him or her which may have been misunderstood.

- (i) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

37.

- (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman.
- (c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.
- (d) Whenever the Chairman rises during a debate all other members shall be seated and silent.

#### **DISORDERLY CONDUCT**

38.

- (a) **All members must observe the Code of Conduct which was adopted by the council on 2 May 2002, a copy of which is annexed to these Standing Orders.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Standing Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (d) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

#### **ALTERATION OF RESOLUTION**

39. A member may, with the consent of his seconder, move amendments to his own resolution.

#### **RESCISSION OF PREVIOUS RESOLUTION**

40.

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the name of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

#### **VOTING ON APPOINTMENTS**

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

#### **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

42. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be

considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 71)

#### **RESOLUTIONS ON EXPENDITURE**

43. Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon and the Finance Committee shall report on the financial aspect of the matter.

#### **EXPENDITURE**

44. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

#### **SEALING OF DOCUMENTS**

- 45.
- (a) A document shall not be sealed on behalf of the Council unless sealing has been authorised by a resolution.
  - (b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Standing Order may seal, on behalf of the Council, any document required by law to be issued under seal.

#### **COMMITTEES AND SUB-COMMITTEES**

46. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
  - (b) may appoint persons other than members of the Council to any Committee; and
  - (c) may subject to the provisions of Standing Order 41 above at any time dissolve or alter the membership of a committee.
47. The Chairman and Vice-Chairman ex officio shall be members of every committee.
48. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
49. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
50. Every committee may appoint sub-committees for purposes to be specified by the committee.
51. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

52. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be three.
53. The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

#### **VOTING IN COMMITTEES**

54. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
55. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

#### **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

56. A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

#### **ESTIMATES**

57.
  - (a) The Council shall approve written budget estimates for the coming financial year at its meeting in the month of February.
  - (b) Any committee desiring to incur expenditure shall, not later than the date specified by the Finance Committee Chairman give to the Proper Officer a written estimate of the expenditure recommended for the coming year.

#### **INTERESTS**

58. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 2 May 2002 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
59. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
60. If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(5) or:
  - (a) The disability imposed upon him or her by those sections has been removed by the District Council; or
  - (b) The Council invite him or her to remain; or
  - (c) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
61. **The Proper Officer shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.**
62. **The Proper Officer may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

63. If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall declare it and thereupon be invited to withdraw from the meeting.
64. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed, **Standing Order 49 shall** apply.

The Proper Officer shall make known the purport of this Standing Order to every candidate.

#### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

65.
  - (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Proper Officer shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
  - (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
66. Standing Orders Nos. 63 and 64 shall apply to tenders as if the person making the tender were a candidate for appointment.

#### **MEETINGS WITH DEVELOPMENT INTERESTS**

67. Members of the Council will not attend meetings or take part in meetings or discussions with land owners or their agents or with any other interested party regarding possible development within the village or its close environs unless approved by the whole Council. Any such meeting or discussion would also require a South Cambridgeshire District Council officer to be in attendance.

#### **INSPECTION OF DOCUMENTS**

68. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
69. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

#### **UNAUTHORISED ACTIVITIES**

70. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
  - (a) Inspect any lands or premises which the council has a right or duty to inspect; or
  - (b) issues orders, instructions or directionsunless authorised to do so by the Council or the relevant committee or sub-committee.

#### **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

71. **The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public** by means of the following resolution:
- (a) "That in view of the special/confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."
  - (b) (The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)
72. **The Proper Officer shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
73. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

#### **RELATIONS WITH THE PRESS AND MASS MEDIA**

74. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

#### **CONFIDENTIAL BUSINESS**

- 75.
- (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
  - (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

#### **EXECUTION AND SEALING OF LEGAL DEEDS**

76. See also Standing Orders 9.(l) and 9.(q) above.
- (a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
  - (b) Subject to Standing Order 22(a)\*\*\*\*\* above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

#### **LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

77. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor or Councillors for the district ward.
78. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward, as the case may require.

#### **PLANNING APPLICATIONS**

- 79.
- (a) The Proper Officer shall maintain a permanent record of every planning application notified to the Council.
  - (b) The Proper Officer shall refer every planning application to the Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman within 48 hours of receiving it.

#### **Standing Order on Contracts**

80.

- (a) Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Proper Officer shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.
- (b) Where the value of the intended contract exceeds £10,000 similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by the District Council, or if no such list is maintained then in such newspapers circulating in the district as the Council shall direct.
- (c) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- (d) Tenders shall be opened by the Proper Officer or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- (e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
- (f) A notice issued under this Standing Order shall contain a statement of the effect of Standing Orders Nos. 63 and 64.

#### Code of Conduct on Complaints

81.

- (a) Upon notification by the District or County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to Standing Orders 33 and 34 above (Handling confidential or sensitive information), report this to the Council.
- (b) Where the notification in paragraph (a) above 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 complaint until it has been determined [(England) and the council has agreed what action, if any, to take in accordance with paragraph (d) below].
- (c) The Council may:
  - (i) provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - (ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- (d) Upon notification by the District or County Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him or her. Such action excludes disqualification or suspension from office.

#### Access to services & dealing with difficult & vexatious residents

82. Rights of Public Access

- (a) The Council recognises that in the absence of good reasons to the contrary, members of the public have a right of access to the Council to seek advice help or services that the Council offers.

- (b) Criticism of and complaints against the Council are a welcome, legitimate and necessary part of the relationship between the Council and its local community. They are a valuable means of reflecting on the operations of the Council and improving both those operations and the quality of the Council's relationship with its local community.
- (c) Nobody, no matter how much time and effort is taken up in responding to their complaints and concerns shall be unconditionally deprived of the right to have those complaints or concerns addressed.
- (d) However the Council also has an obligation to use its resources efficiently and effectively and has obligations to its staff as an employer.
- (e) Accordingly the Council has decided that there are circumstances in which it will limit the nature and scope of its responses to difficult residents.

### 83. Difficult/Vexatious Residents

- (a) There are various types of difficult residents and this policy shall apply to them all other than to those that are aggressive. See Standing Order 84 (Aggressive behaviour).
- (b) Categories of difficult and vexatious residents:
  - (i) Those who cannot let go - people who
    - (1) make excessive phone calls, or
    - (2) seek to exercise excessive personal contact, or
    - (3) engage in lengthy correspondence.
  - (ii) Those who cannot be satisfied - people who
    - (1) cannot or will not accept that the Council is unable to assist them, or
    - (2) cannot or will not accept that the Council is unable to provide any further level of service other than that provided already, or
    - (3) disagree with the action the Council has taken in relation to that complaint or concerns.
  - (iii) Those who make unreasonable demands - people who make unreasonable demands on the Council whether by
    - (1) the amount of information, or
    - (2) the value and scale of services they seek, or
    - (3) the number of approaches they make.
  - (iv) Those who are rude and abusive - people who
    - (1) engage in personal abuse, or
    - (2) make inflammatory statements or comments, or
    - (3) make statements or comments clearly intended to goad or intimidate.

### 84. Aggressive behaviour

- (a) The Council has a zero tolerance policy with regard to violence and aggressive behaviour towards its staff. The Council has a duty to ensure that as far as is practically possible, it reduces the risk of violence, aggressive, or threatening behaviour towards its employees during the course of their work. The Council affords the same protection to its members.

- (b) Other sections in this policy cover the limiting of access and the way in which staff are instructed to deal with individuals that use inappropriate language and display abusive, aggressive, or threatening behaviour.

85. Guiding principles on limiting access

- (a) The Council will limit the nature and scope of access in the following circumstances:
  - (i) Where full access would be likely to compromise the Council's obligations as an employer;
  - (ii) Where full access would be likely to compromise any statutory obligations to which the Council is subject;
  - (iii) Where full access would be likely to be wasteful of the Council's resources whether through excessive contact or use of services;
  - (iv) Where full access would be likely to encourage or allow rude and abusive behaviour.

86. Limiting access in particular circumstances

- (a) Not replying to written communications
  - (i) where the Council receives a written communication that contains substantial and clearly inappropriate content such as abusive or threatening language or adverse personal reflections on individuals, a written notification shall be sent to the author of the written communication asking that they reframe the communication so as to exclude the inappropriate content and advising that in the event that a further substantial and clearly inappropriate communication is received by the Council the Council will not give a substantive reply other than to the extent that such communication provides evidence of or alerts the Council to any criminal act mal-administration a failure to comply with a legal duty or other malpractice by or on behalf of the Council.
- (b) Terminating telephone calls
  - (i) Where a caller uses inappropriate language such as abusive or threatening language or casting adverse personal reflections on individuals then the caller will be warned that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller then continues to use inappropriate language the call may be terminated provided that it is made clear that the caller may call back if the caller is then prepared to speak in a different way.
  - (ii) In cases of persistent callers using inappropriate language a written notification shall be sent to the caller advising that in the event that any further telephone call is made and the caller uses inappropriate language, not only will the call be terminated but also that for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.
  - (iii) Any written notification shall be given in accordance with the procedure set out in paragraph (a)(i) above.
- (c) Limiting face to face contact
  - (i) Where, during a personal attendance a resident uses inappropriate language or behaves inappropriately, the resident will be notified that unless the resident is prepared to speak or behave in a different way the personal attendance will be terminated. If the resident then continues to use inappropriate language or behaves inappropriately, the personal attendance may be terminated provided that it is made clear that another personal attendance may be arranged by appointment if the resident is prepared to speak or behave in a different way. Any further personal attendances shall be in the company of a member of the Council. Such arrangement shall be for

such specified period as the Council thinks necessary provided that the arrangement shall be reviewed in any case where such arrangement is in place for a period in excess of 6 months not less frequently than once every 6 months. The resident shall be notified in writing accordingly.

- (ii) In cases of persistent personal attendances where the resident uses inappropriate language or behaves inappropriately a written notification shall be sent to the resident advising that in the event that any further personal attendance takes place and the resident uses inappropriate language or behaves inappropriately, not only will the personal attendance be terminated but that also for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.
  - (iii) Any written notification shall be given in accordance with the procedure set out in paragraph (a)(i) above.
- (d) Excessive access
- (i) Where a resident
    - (1) makes excessive phone calls to a **Councillor or Officer**, or
    - (2) makes excessive visits to Councillors' residences or
    - (3) engages in excessive written communications, or
    - (4) raises the same issues with different people

the Council may nominate a member of the Council to deal with all contact with the resident for a specified period and shall inform the resident in writing accordingly.

- (ii) Where a person or a group contacts the Council on a wide range of issues all at once or in a selective way or in a constant stream, the Council may notify the person or group in writing either that only significant and serious issues will be addressed by the Council or that only a certain number of issues will be addressed by the Council in any given period provided always that such arrangements shall not prevent the exercise of any statutory right of a resident to access the Councils services or any of them.
- (e) Abusing the right to information
- (i) Individuals or groups may place excessive demands on the resources of the Council in making continual and extensive demands for information such as sending large numbers of letters, each containing detailed requests for information or being unwilling to accept documented evidence to support an adequate response.
  - (ii) If the Council is satisfied that the resource demands in responding to such contacts are excessive it may place limits on the manner and/or degree to which the Council will respond to such demands (but not so as to prevent the exercise of any statutory rights of the public to information).
- (f) Declining to further investigate complaints
- (i) Where, having exhausted the Council's Complaints Procedure, a complainant remains dissatisfied with the outcome of a complaint, the Council will inform the complainant, in writing, that the Council will decline to respond to any further attempted contact or communications concerning the issues raised by the complainant unless significant new information or new issues are raised which in the opinion of the Council warrants action.
  - (ii) If the Council believes that a complainant is deliberately providing fresh information in a selective way he will advise the complainant in writing to immediately pass on all

relevant material to the Council and will also advise the complainant that if such material is raised later that the Council will require a satisfactory explanation as to why the material was not supplied earlier before agreeing to consider that material.

- (g) Miscellaneous
  - (i) Other circumstances in which it may be appropriate to limit access include:
    - (1) where a resident is unwilling to accept that the matter raised by them is not within the remit of the Council
    - (2) where a resident displays unreasonable demands or expectations and fails to recognise that these are unreasonable such as insisting on responses to be made more urgently than the Council's response time.

#### 87. Persons under a disability

- (a) Impaired mental capacity
  - (i) Where it appears that a difficult resident may have an impaired mental capacity, no action or decision will be taken without first consulting with the Council as to whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the residents freedom of action such as securing continued access through a relative, friend, carer or other professional. However it should always be a remembered that the resident has a right to confidentiality and may not want certain people to be involved.
- (b) Persons under the age of 18
  - (i) In the case of a difficult resident who is under the age of 18 one form of contact - generally by means of written communication - must always be maintained. It may be possible to arrange to deal with such a resident through their parent or guardian provided that written consent of both the resident and their parent or guardian is first obtained.

#### 88. No Restrictions on Council's or its employees' or its Members' recourse to law

- (a) Nothing in this policy shall operate so as to impede the right of the Council or an employee or a Member to have recourse to the civil and/or criminal law where such recourse is available to the Council or employee or Member in any particular case.

#### Variation, Revocation and Suspension of Standing Orders

- 89. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- 90. A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

#### Standing Orders to be Given to Members

- 91. A copy of these Standing Orders shall be given to each member by the Proper Officer upon delivery to him or her of the members' declaration of acceptance of office.
  - (a) All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
  - (b) A motion to add to or vary or revoke one or more of the council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer in accordance with Standing Order 9 above.

- (c) The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

7 April 2016