

St Harmon Community Council

STANDING ORDERS

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In this document, standing orders in **bold** type are mandatory by law.

1 MEETINGS

- a. **Meetings shall not take place in premises which, at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b. **When calculating the 3 clear days for notice of a meeting to Councillors and the public, 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 shall not count.**
- c. **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.**
- d. Subject to standing order 1(c) above, 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.
- e. The period of time (which is at the Chairman's discretion) which is designated for public participation in accordance with standing order 1(d) above shall not exceed 20 minutes.
- f. Subject to standing order 1(e) above, 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 2 minutes.
- g. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h. In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to the Proper Officer for a written or oral response.
- i. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j. A person shall raise his hand when requesting to speak.
- k. Any person speaking at a meeting shall address his comments to the Chairman.
- l. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- n. **In accordance with standing order 1(c) above, 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.**
- o. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- p. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-chairman, 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.**

- q. Subject to standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- r. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. *(See also standing orders 2 (i) and (j) below)*
- s. 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 his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
 - i. The Council may decide that voting on any matter or appointments shall be by a secret ballot if 50% of members present and voting demand it. The voting shall be recorded stating the number of votes in favour and against, and a number of abstentions.
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.
- t. **The minutes of a meeting shall record the names of Councillors present and absent.**
- u. (not used).
- v. **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- w. **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. *(See also standing order 7 below)***
- x. **No business may be transacted at a meeting unless at least 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.**
- y. **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.**
- z. Meetings shall not exceed a period of 3 hours.

2 ORDINARY COUNCIL MEETINGS

See also standing order 1 above

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 7:00 pm.**
- d. (not used)
- e. **In addition to the annual meeting of the Council, other ordinary meetings may be held in each year on such dates and times as the Council may direct.**
- f. **The election of the Chairman and Vice-chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- g. **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.**

- h. **The Vice-chairman of the Council, 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.**
- i. **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.**
- j. **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.**
- k. Following the election of the Chairman of the Council and Vice-chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by Councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council.
 - iii. (not used)
 - iv. (not used)
 - v. (not used)
 - vi. (not used)
 - vii. Review and adoption of appropriate standing orders and financial regulations.
 - viii. Review of arrangements, including any charters, with other local authorities.
 - ix. Review of representation on or work with external bodies and arrangements for reporting back.
 - x. (not used)
 - xi. Review of inventory of land and assets including buildings and office equipment.
 - xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - xiii. Review of the Council's and/or employees' memberships of other bodies.
 - xiv. Establishing or reviewing the Council's complaints procedure.
 - xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - xvi. (not used)
 - xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 PROPER OFFICER

- a. The Council's Proper Officer shall be either (i) the clerk or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties in standing order 3b.
- b. **The Council's Proper Officer shall do the following:**
 - i. **Sign and serve on Councillors either by hand delivery or by e-mail or by post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.**

- ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
- iii. (not used)
- iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)(i) above.**
- v. Make available for inspection the minutes of meetings.
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. **Receive and retain declarations of acceptance of office from Councillors.**
- viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records at all times.
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- 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 signed by two Councillors and witnessed (*See also standing orders 14(a) and (b)*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xvi. Refer a planning application received by the Council to the Chairman or in his absence the Vice-chairman of the Council within five 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 Council.
- xvii. (not used)
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 MOTIONS REQUIRING WRITTEN NOTICE

No motion may be moved at a meeting unless it is included in the agenda or unless it is included within the provisions of standing order 5.

5 MOTIONS NOT REQUIRING WRITTEN NOTICE

- a. Motions in respect of the following matters may be moved without written notice.
 - i. To appoint a person to preside at a meeting.
 - ii. (not used)
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.

- viii. To close or adjourn debate.
- ix. – xiv. (not used)
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorize legal deeds to be signed by two Councillors and witnessed. *(See standing orders 14(a) and (b) below).*
- xvii. To authorise the payment of monies up to £1,000.
- xviii. To amend a motion relevant to the original or substantive motion under consideration, which amendment shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from Councillors.
- b. (not used)

6 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 Chairman's direction for reasons of expedience.
- b. – o. (not used)
- p. 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.
- q. A point of order shall be decided by the Chairman and his decision shall be final.
- r. (not used)
- s. When a 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 a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. (not used)
 - vi. to exclude the public and press;
 - vii. to adjourn the meeting;
 - viii. to suspend any standing order, except those which are mandatory.
- t. The Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote.

7. CODE OF CONDUCT

- a. All Councillors shall observe the code of conduct adopted by the Council.**
- b. (not used)

- c. **Councillors may exercise rights contained in standing order 7(d) below only if members of the public are permitted to:**
 - i. **make representations;**
 - ii. **answer questions; and**
 - iii. **give evidence relating to the business transacted.**
- d. **Councillors who have a prejudicial interest in relation to any item of business being transacted at that meeting may:**
 - i. **make representations,**
 - ii. **answer questions, and**
 - iii. **give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

8. (not used)

9. **MINUTES**

- a. A copy of the draft and amended minutes of a preceding meeting shall be circulated to Councillors with the service of the summons to attend the scheduled meeting.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which they relate.
- d. (not used)
- e. (not used)

10 **DISORDERLY CONDUCT**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c. If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11. (not used)

12. (not used)

13. **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. (not used)

14. **EXECUTION OF LEGAL DEEDS**

See also standing order 5(a)(xvi) above

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

- b. **In accordance with a resolution made under standing order 14(a) above, 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.**

15. (not used)

16. (not used)

17. EXTRAORDINARY MEETINGS

See also standing order 1 above

- 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 7 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.**

c. (not used)

d. (not used)

18. ADVISORY COMMITTEES

See also standing order 1 above

- a. The Council may appoint advisory committees comprised of a number of Councillors and non-councillors.

- b. Advisory committees may consist wholly of persons who are non-councillors.

19. 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 have available at each Council meeting a statement summarising the Council's receipts, payments and the balances held for the financial year to date. This statement should include a comparison with the budget for the financial year.

- c. A Financial Statement detailing receipts and payments for a year to 31 March shall be circulated to Councillors with the service of the summons to attend the April meeting. This Statement of Accounts and the annual governance statement shall be presented to Council for approval at the May meeting.

- d. Following approval by the external auditor of the draft Statement of Accounts of the Council, this document and the annual governance statement shall be presented to the Council for formal approval.

20. ESTIMATES/PRECEPT

The Council shall approve written estimates for the coming financial year at its meeting before the end of December each year.

21. CANVASSING OF COUNCILLORS

a. (not used)

b. (not used)

- c. Persons submitting tenders for supplies to the Council shall not canvas Councillors directly or indirectly. The Proper Officer shall advise such persons that in the event of such canvassing, their tender will be disqualified.

22. INSPECTION OF DOCUMENTS

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

23. UNAUTHORISED ACTIVITIES

Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council:

- i. (not used)
- ii. issue orders, instructions or directions.

24. CONFIDENTIAL BUSINESS

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

25. (not used)

26. MATTERS AFFECTING COUNCIL EMPLOYEES

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b. The Proper Officer shall notify the Chairman or, in his absence, the Vice-chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c. The Chairman or, in his absence, the Vice-chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Proper Officer and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution of the Council.
- d. The Proper Officer shall contact the Chairman or, in his absence, the Vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e. If an informal or formal grievance matter raised by the Proper Officer relates to the Chairman or Vice-Chairman, this shall be communicated to another member of the Council and shall be reported back and progressed by resolution of the Council.
- f. Any persons responsible for all or part of the management of the Proper Officer shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g. The Council shall keep written records relating to the Proper Officer secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h. Records documenting reasons for the Proper Officer's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i. Only the Chairman and Vice-chairman shall have access to employee records referred to in standing orders 26(g) and (h).
- j. (not used)

27. 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.

- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman, who 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 order 3(b)(x) above.

28. 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 considered at a meeting of the Council.
- b. Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

29. LIAISON WITH COUNTY COUNCILLORS

- a.. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of Powys County Council representing its electoral ward.
- b. Unless the Council otherwise orders, a copy of each letter sent to Powys County Council shall be sent to the County Councillor representing its electoral ward.

30. FINANCIAL MATTERS

- 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 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 at least annually;
 - 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 order 30(b) below) where the contract has an estimated value of less than £1,000.
- b. **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
- c. Any formal tender process shall comprise the following steps:
 - i. (not used)
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of the Council.
- d. The Council is not bound to accept the lowest tender, estimate or quote.

- e. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contract Regulations 2006 (SI No.5, as amended) and the Utilities Contract Regulations 2006 (SI No.6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

31. ALLEGATIONS OF BREACHES OF CODE OF CONDUCT

- a. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c. (not used)
- d. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed;
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are-not made public;
 - iii. Ensure that the public and press are excluded from meetings as appropriate;
 - iv. Ensure that the minutes of meetings preserve confidentiality; and
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e. Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f. The Chairman shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g. References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

32. 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 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.

33. STANDING ORDERS

- a. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman'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.

Issue Record

Issue	Date	Change
1	May 2011	Initial issue.
2	24 September 2013	Complete review, including comparison with NALC document "Standing Orders for Local Councils" 2010 edition. Numerous editorial changes.
3	31 May 2016	Review, including the inclusion of an amendment to Voting procedures adopted by the Council on 29 September 2015
4	20 June 2019	Review, 2 amendments to Minutes 9a & Accounts & financial statements 19c.