

LYMINGE PARISH COUNCIL STANDING ORDERS

(Statutory items are in bold type)

Lead: Clerk



Version	Date changed	Change made	Date agreed
2020	29.6.20	Update to clause 31 legislation, addition of clause 37	29.7.20
2021	19.4.21	clause 1.t	26.4.21

1. MEETINGS

- a. Meetings of the Council shall be held in each year on such dates and times at such place as the Council may direct.
- b. Smoking is not permitted at any meeting of the Council
- 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. **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.**
- e. Any person speaking at a meeting shall address his comments to the Chairman.
- f. 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.
- g. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted subject to the consent of any members of the public present.**
- h. **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**

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Vice-Chairman (if any).

- i. **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.**
- j. **Subject to model Standing Order 1 (r) below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.**
- k. **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 4 (h) and (i) below).**
- l. **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.
- m. **The minutes of a meeting shall record the names of councillors present.**
- n. If prior to a meeting, a councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- o. **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- p. **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 Orders 7 and 8 below.)**
- q. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- r. Meetings shall not exceed a period of 2 hours.
- s. **At every meeting other than the Annual Parish Council 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) and undertaking to observe the Council's code of conduct as required by law to be made or, if not then received, to decide when they shall be received.**
- t. Where any Government Covid-19 guidelines exist in relation to council and/or committee meetings, these will be applied.

2. ADMISSION OF PRESS AND PUBLIC TO MEETINGS

- a. **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.**
- b. A brief record of a public participation session at a meeting shall be included in the minutes of that meeting.
- c. At all meetings of the Council, the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- d. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as necessary to restore order.
- e. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. Members of the public are asked to inform the Council of their intention to photograph, record, broadcast or transmit the meeting in order to allow for other members of the public present to object to the same and to safeguard children and vulnerable adults.

3. CHAIRMAN OF MEETINGS

- a. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- b. The Chairman's decision as to the application of Standing Orders at meetings shall be final.

4. ORDINARY COUNCIL MEETINGS

- 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 6pm.**
- d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e. **The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.**

- f. **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.**
- g. **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.**
- h. **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.**
- i. **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.**

5. ANNUAL MEETING OF THE PARISH COUNCIL

- 5.1. **At each Annual Parish Council Meeting the first business shall be:-**
 - a. **To elect a Chairman of the Council.**
 - b. **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
 - c. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - d. **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
 - e. To elect a Vice-Chairman of the Council.
 - f. To appoint representatives to outside bodies.
 - g. To receive nominations for any existing committees and any sub-committees.
 - h. In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility

and shall thereafter follow the order set out in Standing Order 5.2

- 5.2.** 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 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 requires by statute to be done.**
 - d. To receive and consider reports and minutes of committees.
 - e. If necessary, to authorise the signing of orders for payment.

6. EXTRAORDINARY COUNCIL MEETINGS

- 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.**

7. QUORUMS

- a. 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.
- b. For a quorum relating to a committee or sub-committee, please refer to Standing Order 17 (b).

8. MOTIONS MOVED ON NOTICE

- a. Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk.
- b. If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.

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- c. Having consulted the Chairman or councillors pursuant to Standing Order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

9. RULES OF DEBATE

- a. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- b. The ruling of the Chairman on a point of order shall not be discussed.
- c. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

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. CONFIDENTIAL BUSINESS

- 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 may be removed from any committee or sub-committee by the Council.

12. 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.

13. CODE OF CONDUCT

- a. All councillors shall observe the Code of Councillor Conduct adopted by the Council on 25 June 2012 (effective from 1 July 2012) and any subsequent revisions.

14. INTERESTS

- a. If a councillor has a disclosable pecuniary interest, or a personal interest, as defined by the **Code of Conduct adopted by the Council on 25 June 2012** then s/he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- b. A councillor who has declared a disclosable pecuniary interest must withdraw from the room during consideration of, and the vote on, the item to which the interest relates.
- c. A register of councillors' disclosable pecuniary interests is held by, and publicised by, the Monitoring Officer of Folkestone & Hythe District Council as the Responsible Authority and/or as required by statute.
- d. The Clerk shall hold a register of Councillors' other personal interests.

15. VOTING ON APPOINTMENTS

- a. Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

16. 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 appoint substitute councillors to a Committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend
 - (v) an ordinary member of a committee who has been replaced at a meeting by a

substitute member (in accordance with Standing Order 16(a) (iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting may, in accordance with Standing Orders, dissolve a committee at any time.

(vi) may dissolve a committee at any time.

17. SUB COMMITTEES

- a. Every committee may appoint sub-committees for purposes to be specified by the committee.
- b. 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 one half of its members and, in any event, a minimum of 3 members.

18. ADVISORY COMMITTEES

- a. The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee
- c. An advisory committee may make recommendations and give notice thereof to the Council
- d. An advisory committee may consist wholly of persons who are not members of the Council.

19. VOTING IN COMMITTEES

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

20. PRESENCE OF NON-MEMBERS AT COMMITTEE MEETINGS

- a. 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.

21. PLANNING APPLICATIONS

- a. Planning Applications shall be received by the lead Councillor appointed at the Annual Meeting of the Council who will instruct the Clerk to forward the application details to all

Councillors by email to enable them to access the information on Folkestone & Hythe DC's nominated website.

- b. The lead Councillor shall also stipulate a date by which the members should respond to the Clerk (copying in the lead Councillor and if they have comments, copying in all Councillors as well) who will reply with the Council's opinion to the Planning Officer within the time frame set by Folkestone & Hythe DC, in accordance with the Council's adopted procedure.
- c. The lead Councillor may instruct the Clerk to add consideration of Planning Applications to the Council agenda and the lead Councillor or Deputy will present to such meeting a precis of the main points for consideration. Where the consultation period does not allow sufficient time for this procedure the Clerk will request FHDC to extend the consultation period. This procedure is intended to allow full consideration where the application is complex or unusual.
- d. All planning applications will be reported to Council along with the Parish Council's opinions and the decisions made by Folkestone & Hythe DC, or other authorities, if known - and recorded on the Agenda and in the Minutes.

22. FINANCIAL MATTERS

- a. The Council shall consider and approve Financial Regulations drawn up by the Chairman of Finance and Administration and the RFO. These Financial Regulations of the Council shall be subject to annual review.
- b. Such regulations shall include detailed arrangements to be made for contracts for the supply of goods or the execution of works.

23. EXPENDITURE

- a. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b. **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.**
- c. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

24. 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.

25. ESTIMATES AND PRECEPT

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

26. EXECUTION AND SEALING OF LEGAL DEEDS

- 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.**

27. INSPECTION OF DOCUMENTS

- a. **The minutes and all non-confidential documents kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

28. PROPER OFFICER

- a. Where a statute, regulation or order confers function or duties on the Proper Officer of the Council this person shall be the Clerk.

29. MATTERS AFFECTING COUNCIL EMPLOYEES

- a. 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.
- b. If a meeting considers any matter personal to a Council employee, it shall not be considered until the relevant committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 2(a) above.
- c. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- d. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

- e. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- f. Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders 29(e) and (d) above if so justified.

30. FREEDOM OF INFORMATION ACT 2000

- a. All requests for information held by the Council shall be processed in accordance with current legislation.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the F&A committee. The said committee 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 28 (a) above.

31. DATA PROTECTION ACT 2018

- a. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b. The Council shall have a written policy in place for responding to and managing a personal data breach.
- c. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- d. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- e. The Council shall maintain a written record of its processing activities.
- f. The Council shall be responsible for paying any annual fee due to the Information Commissioner's Office.

32. CODE OF CONDUCT ON COMPLAINTS

- a. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council in its Complaints Policy and Procedure. The Complaints Policy and Procedure shall be reviewed on an annual basis.

33. RELATIONS WITH THE PRESS/MEDIA

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- 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 of 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.

34. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- a. An agenda for each meeting shall be sent, together with an invitation to attend, to the County and District Councillors.

35. STANDING ORDERS BEING GIVEN TO COUNCILLORS

- 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.

36. 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.

37. GENERAL RULES OF REMOTE HELD MEETINGS

Where Government legislation allows the holding of remote meetings, the following will be applicable:

- a. The Clerk or Chair will host the meeting.
- b. Each member or attendee will be asked to check their audio and/or visual before the meeting begins. If a member's audio does not work, that individual will not be permitted to take part in the meeting.
- c. Members (including the public) will be asked to mute their device when they are not speaking.
- d. Members who wish to speak will raise a hand (physically and/or virtually).
- e. Members are reminded to be respectful to each other.

Adopted at full Council on 29 April 2013.

Amended at full Council in June 2014.

Revised at Full Council in September 2014.

Revised at Full Council in July 2015.

Revised at Full Council in September 2016

Reviewed at Full Council June 2017.

Amended at full council June 2018

Amended at full council June 2019

Amended at full council July 2020