

BUCKHURST HILL PARISH COUNCIL



STANDING ORDERS NOVEMBER 2021

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Adopted 25/11/21

Reviewed 25/11/21

next review by October 2022

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BUCKHURST HILL PARISH COUNCIL

STANDING ORDERS

DEFINITIONS

Chairman	The chairman of the council meeting.
Code of Conduct	The code of conduct adopted by the Parish Council.
Council Meeting	Any meeting of the Parish Council, its committees or sub-committees.
Election Year	A year in which a poll is held in respect of any Parish Council seat.
He, she or it	Any pronouns used include the corresponding masculine, feminine or neuter.
Member	Any duly elected member of the Parish Council.
Ordinary Meeting	Any meeting of the Parish Council other than the Annual Meeting or an Extraordinary Meeting.
Public	Any person or persons other than a Member or officer or employee of the Parish Council.
Standing Committee	A permanent committee.

Capitalised terms not defined above have the meanings attributed to them in the Local Government act 1972.

1. MEETINGS OF THE PARISH COUNCIL

- 1.1 **All Council Meetings generally shall be held at the Buckhurst Hill Public Library, 165 Queens Road, Buckhurst Hill, IG9 5AZ unless the Council decides otherwise at a previous meeting and are so summoned by the Clerk.**
- 1.2 **The notices and summons specifying the business at Council Meetings shall be posted and sent electronically at least three full days before that meeting. When calculating the three clear days for notice of a meeting to Members and the public, the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Easter break or of a Bank Holiday or a day appointed for public thanksgiving or mourning shall not count.**
- 1.3 **Council 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 resolution in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, which shall give reasons for the Public's exclusion. (Note: If a member of the Public's advice or assistance is needed, the Chairman may invite the member of the Public to remain after the exclusion resolution is passed.)**
- 1.4 The period of time which is designated for public participation during Council Meetings shall not exceed 15 minutes (save in exceptional circumstances and at the discretion of the Chairman).
- 1.5 Subject to Standing Order 1.4 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 3 minutes.

- 1.6 The Chairman may curtail or disallow any address which he considers to be inappropriate, abusive, indecent, frivolous, irrelevant or otherwise unacceptable.
- 1.7 Members of the Public wishing to address the Council must give notice to the Parish Clerk by Midday on the day of the meeting, signifying the official position of the member of the Public (if any) and the agenda item about which it is desired to make the address. No item will be deferred owing to the absence of someone who had indicated an intention to address the meeting.
- 1.8 If there are five or more members of the Public wishing to address the Council on any individual agenda item, the Chairman will encourage them to elect representatives to speak preserving a balance of views as far as possible.
- 1.9 In accordance with Standing Order 1.8 above, the Chairman may direct that a response to a question posed by a member of the Public be referred to a Member for an oral response or to an employee for a written or oral response.
- 1.10 A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- 1.11 A Member shall raise his hand when requesting to speak. The Chairman will call each Member who has indicated their wish to speak. The practice of the Council is that Members speak seated. Members of the Public who have indicated a wish to speak will be called at the appropriate time by the Chairman, and the practice of the Council is that they speak standing (save in the case of illness or infirmity) from a part of the meeting room away from Members' tables.
- 1.12 Any person speaking at a meeting shall address his/her comments to the Chairman.
- 1.13 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.
- 1.14 Whenever the Chairman rises or intervenes during a debate all other Members shall be seated and silent.
- 1.15 **A person may not orally report or comment about a meeting as it takes place if he is present at the Council Meeting, but otherwise may:**
 - (a) **film, photograph or make an audio recording of a meeting;**
 - (b) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; and**
 - (c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- 1.16 **In accordance with Standing Order 1.3 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.**
- 1.17 **The Chairman may 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.**
- 1.18 **The method of voting at Council Meetings shall be by a show of hands. On the requisition of any Member made before a vote is taken, the voting on any motion shall be recorded so as to show whether each Member**

present gave his vote for or against that motion or abstained from voting. Any Member may have his dissent recorded.

- 1.19 The minutes of a Council Meeting shall record the names of Members present and absent.
- 1.20 The Code of Conduct shall apply to Members in respect of the entire meeting. (See also Standing Order 6 below.)
- 1.21 **An interest arising from the Code of Conduct, the existence and nature of which is required to be disclosed by a Member at a Council Meeting shall be recorded in the minutes.**
- 1.22 **Members with a disclosable pecuniary interest must leave the room or chamber, or withdraw to a designated space away from the Members' tables, during the relevant item of business, unless permitted to remain following the grant of a dispensation. Members with a prejudicial but not a disclosable pecuniary interest in relation to any item of business being transacted at a meeting may:**
 - (a) make representations,
 - (b) answer questions and
 - (c) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber, or withdraw to a designated space away from the Members' tables, unless permitted to remain following the grant of a dispensation.
- 1.23 **No business may be transacted at a meeting unless at least one third of Members eligible to vote are present and in no case shall the quorum of a meeting be less than 3.**
- 1.24 **If a Council 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.**
- 1.25 If any Council Meeting be adjourned and reconvened to another date there shall be no additions to the outstanding agenda. Notice of the reconvened meeting shall be sent to each Member specifying the outstanding business. Members of the Public shall be notified of the date and time of the reconvened meeting with notice of business to be transacted, unless this is restricted in private session.
- 1.26 Meetings shall finish no later than 10:00pm in the evening.

2. ORDINARY COUNCIL MEETINGS

- 2.1 **In an Election Year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the newly elected Members take office.**
- 2.2 **In a year which is not an Election Year, the Annual Meeting of the Council shall be held on such day in May of that year as the Council may direct.**
- 2.3 **In addition to the Annual Meeting of the Council, at least three other Meetings shall be held in each year on such dates and times as the Council directs.**

- 2.4 The election of the Chairman and Vice-Chairman shall be the first business completed at the Annual Meeting of the Council.
- 2.5 The Chairman, 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.
- 2.6 The Vice-Chairman, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman at the next Annual Meeting of the Council.
- 2.7 In an Election Year, if the serving Chairman has not been re-elected as a Member of the Council, he shall preside at the meeting until a successor Chairman has been elected. The Chairman thus presiding shall not have an original vote in respect of the election of the new Chairman but will have a casting vote in the case of an equality of votes.
- 2.8 In an Election Year, if the serving Chairman has been re-elected as a Member of the Council, he shall preside at the meeting until a new Chairman has been elected. He may exercise an original vote in respect of the election of the new Chairman and must give a casting vote in the case of an equality of votes. (See also standing order 1 above).
- 2.9 Following the election of the Chairman and Vice-Chairman at the Annual Meeting of the Council, the order of business shall be as follows:
 - 2.9.1 To receive apologies for absence.
 - 2.9.2 To consider, amend if necessary, and sign as a correct record the minutes of the last meeting of the Council.
 - 2.9.3 To declare any pecuniary or non-pecuniary interest in any item on the agenda.
 - 2.9.4 To appoint Members to Standing Committees and to elect Chairmen of the Council's Standing Committees.
 - 2.9.5 To appoint representatives to outside bodies and review arrangements for reporting back on the activities of outside bodies.
 - 2.9.6 To deal with other business, if any, notified in the summons.

3 PARISH ASSEMBLY

The Parish Assembly for the representation of the community shall be held on a date between March 1st and June 1st each year as the Council may determine.

4. ATTENDANCE BOOK

Every Member attending a meeting of the Council or any of its Committees of which he is a member shall sign his name in the Attendance Book provided for that purpose.

5. ORDER OF BUSINESS

- 5.1 Except as otherwise provided by paragraph 5.2 of this Standing Order the order of business at every meeting of the Council shall be:
 - 5.1.1 To elect a Member to preside if the Chairman and Vice Chairman be absent.
 - 5.1.2 To record apologies for absence.

- 5.2 **DECLARATIONS OF INTEREST. A Member who has a disclosable pecuniary interest or another interest as set out in the council's code of**

conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

- 5.3 To deal with any business expressly required by statute before any other.
- 5.4 To approve and sign as a correct record the minutes of the last Council meeting.
- 5.5 PUBLIC PARTICIPATION. To set aside time in the business of the Council or relevant Committee for members of the Public to address the Council or Committee on subjects within their duties or responsibilities and to permit any member of the Public to submit questions notified in accordance with and directed by, Standing Order 11. These shall be answered by the Chairman of the meeting.
- 5.6 DISTRICT AND COUNTY COUNCIL REPORTS. To set aside time in the business of the Council or relevant Committee for District and/or County Councillors to report on matters that are relevant to or an impact on Buckhurst Hill.
- 5.7 CHAIRMAN'S COMMUNICATIONS AND ANNOUNCEMENTS. To receive such communications from the Chairman of the Council, Chairman of a Committee, or the Parish Clerk.
- 5.8 To dispose of business outstanding from the last meeting.
- 5.9 To receive and consider reports and recommendations of Committees and officers.
- 5.10 To authorise the sealing or signing of contract documents.
- 5.11 To consider motions in the order in which notice has been received.
- 5.12 Other business, if any, specified in the summons.
- 5.13 Business falling under items 5.1, 5.2, 5.3 and 5.4 shall not be displaced but order of business may be varied:
 - 5.13.1 By the Chairman at his discretion, or
 - 5.13.2 On a motion from a Member, which need not be in writing, duly moved and seconded and put without discussion.

6. CODE OF CONDUCT AND CONFIDENTIAL INFORMATION

- 6.1 All Members shall observe the Code of Conduct adopted by the Council:
 - (a) When conducting the business of the Council,
 - (b) When conducting the business of the office or appointment to which he has been elected or appointed,
 - (c) When acting as a representative of the Council.
- 6.2 All Members shall undertake training in the Code of Conduct within 6 months of the delivery of their Declaration of Interest or of the adoption of a new code.

- 6.3 All Members, acquire much information of a confidential nature and often at a time when it is inappropriate to disclose to the Public. It is a betrayal of trust to breach such confidences and contrary to the statement signed in Members acceptance of office.
- 6.4 Members should never disclose or use confidential information for personal advantage, or that of anyone known to them and never to the disadvantage or discredit of the Parish Council, or anyone else.
- 6.5 A Member in breach of the provisions of Standing Orders 6.3 and 6.4 above may be removed from a Committee or a Sub-committee by a resolution of the Council.

All agenda, reports and other documents and all proceedings of Committees and Sub-Committees shall be treated as confidential unless and until they become public in the ordinary course of the Council's business. In discussing any business every Member of shall adhere to the agreed Code of Conduct.

7. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 7.1 Any 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.
- 7.2 Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded at a Committee meeting, stand adjourned without discussion to the next Ordinary Meeting of the Full Council. Such motion must have the approval of at least two-thirds of the Members present to succeed.

8. STANDING ORDERS TO BE GIVEN TO MEMBERS.

- 8.1 The Clerk shall provide a hard copy of the Council's Standing Orders to a Member upon his Declaration of Acceptance of Office.
- 8.2 The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- 8.3 A Member's failure to observe Standing Orders more than three times in one meeting may result in him being excluded from the meeting in accordance with Standing Orders.

9. QUORA OF COMMITTEES AND SUB-COMMITTEES

- 9.1 **No business may be transacted at a Committee meeting or Sub-Committee meeting unless at least one third of the whole number of Members of the Committee or Sub-Committee are present and in no case shall the quorum of a meeting be less than 3.**
- 9.2 **If the number of Members remains below quorum 15 minutes after the published start of the meeting the Chairman shall declare it inquorate and the meeting stand adjourned until a new date fixed by the Chairman.**
- 9.3 **If, during a meeting, the Chairman, after counting the number of Members present, discovers that number to be less than those required for a quorum, he must declare the meeting inquorate and the meeting stand adjourned.**
- 9.4 In the event of adverse weather conditions or other exceptional circumstances, the Parish Clerk is given the delegated power to make recommendations to the

principal planning authority (EFDC) on behalf of the Planning and Environment Committee following consultation with the Chairman (or Vice-Chairman in the absence of the Chairman) of the Planning and Environment Committee.

10. MOTIONS REQUIRING WRITTEN NOTICE

- 10.1 In accordance with Standing Order 5.10 above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice to the Parish Clerk on or before the fifth working day before the next meeting.
- 10.2 The Parish Clerk may, before including a motion in the agenda received in accordance with Standing Order 10.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 10.3 If the Parish Clerk considers the wording of a motion received in accordance with Standing Order 10.1 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Parish Clerk in clear and unambiguous language at least five working days before the meeting.
- 10.4 If the wording or nature of a proposed motion is considered unlawful or inappropriate, the Parish Clerk shall consult with the Chairman of the Council, or, as the case may be, the Chairman of the forthcoming meeting or the Members who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 10.5 Having consulted the relevant Member(s) pursuant to Standing Order 10.4 above, the decision of the Parish Clerk as to whether or not to include the motion in the agenda shall be final.
- 10.6 Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Members.
- 10.7 Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Clerk giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Members.
- 10.8 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

11. MOTIONS AND AMENDMENTS NOT REQUIRING WRITTEN NOTICE

- 11.1 The following motions may be moved at a meeting without written notice to the Parish Clerk;
 - 11.1.1 to correct an inaccuracy in the draft minutes of a meeting;
 - 11.1.2 to move to a vote;
 - 11.1.3 to defer consideration of a motion;
 - 11.1.4 to refer a motion to a particular Committee or Sub-committee;
 - 11.1.5 to appoint a Member to preside at a meeting;
 - 11.1.6 to change the order of business on the agenda;
 - 11.1.7 to proceed to the next business on the agenda;
 - 11.1.8 to require a written report;
 - 11.1.9 to appoint a committee or sub-committee and their Members;
 - 11.1.10 to extend the time limits for speaking;
 - 11.1.11 to exclude the press and Public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - 11.1.12 to not hear further from a Member or a member of the Public;

- 11.1.13 to exclude a Member or member of the Public for disorderly conduct;
- 11.1.14 to temporarily suspend the meeting;
- 11.1.15 to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- 11.1.16 to adjourn the meeting; or
- 11.1.17 to close a meeting.

11.2 If a motion falls within the terms of reference of a Committee or Sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such Committee or Sub-committee or employee provided that that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

12. MINUTES

12.1 If a copy of the draft minutes of a preceding meeting has been circulated to Members no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

12.2 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 11.1.1 above.

12.3 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 the minutes relate.

12.4 If the Chairman does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
"I do not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but this view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings."

12.5 Under Section 228 of the Local Government Act 1972, electors have the right to inspect Minutes of Council, Committee and Sub-Committee Meetings. Minutes taken of the Parish Council, or its Committees and Sub-Committees when in private session shall not be so available, unless specifically agreed by the Council.

12.6 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

12.7 The minutes of the meeting shall record the names of Members present and absent.

13. VOTING AND/OR RECORDING OF VOTES

13.1 Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Member, the voting on any question shall be recorded so as to show whether each Member 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.

- 13.2 In the case of an equality of votes, the Chairman or the Member presiding at the meeting may exercise his casting vote whether or not he gave an original vote. (Parliamentary precedent indicates he should support the status quo).

14. RULES OF DEBATE FOR ALL COUNCIL MEETINGS

- 14.1 Motions included in an agenda shall be considered in the order in which they appear on the agenda unless the order is changed at the Chairman's or meeting's direction for reasons of urgency or expediency.
- 14.2 Subject to Standing Order 10.1 above, a motion included in an agenda not moved by the Member who tabled it, may be treated as withdrawn.
- 14.3 When the Chairman speaks during the course of the meeting, the other Members shall remain silent. Once the Chairman has invited one Member to speak, the other(s) shall remain silent.
- 14.4 A Member may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
Any amendment to a motion shall be either:
14.4.1 to leave out words;
14.4.2 to add words;
14.4.3 to leave out words and add other words.
- 14.5 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 14.6 Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- 14.7 Subject to Standing Order 14.6 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- 14.8 Pursuant to Standing Order 14.7 above, the number of amendments to an original or substantive motion, which may be moved by a Member, is limited to one.
- 14.9 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- 14.10 If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- 14.11 The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.
- 14.12 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- 14.13 Subject to Standing Orders 14.11 and 14.12 above, a Member may not speak further in respect of any one motion except to speak once on an amendment

moved by another Member or to make a point of order or to give a personal explanation.

- 14.14 During the debate of a motion, a Member may interrupt only on a point of order or a personal explanation and the Member who was interrupted shall stop speaking. A Member 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.
- 14.15 Any point of order shall be decided by the Chairman and his decision shall be final.
- 14.16 With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Member shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- 14.17 Subject to Standing Order 14.13 above, when a Member's motion is under debate no other motion shall be moved except:
- 14.17.1 to amend the motion;
 - 14.17.2 to proceed to the next business;
 - 14.17.3 to adjourn the debate;
 - 14.17.4 to put the motion to a vote;
 - 14.17.5 to ask a person to be silent or for him to leave the meeting;
 - 14.17.6 to refer a motion to a committee or sub-committee for consideration;
 - 14.17.7 to exclude the Public and press;
 - 14.17.8 to adjourn the meeting;
 - 14.17.9 to suspend any standing order, except those which are mandatory.
- 14.18 In respect of Standing Order 14.17.4 above, the Chairman shall first be satisfied that the motion has, in his opinion, been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

15. POINTS OF ORDER

- 15.1 There are five bases upon which points of order can be called, though generally the constant use of points of order is to be deprecated. The Chairman must use his discretion and knowledge of standing orders to know when to rule out of order, should that become necessary. Each of these is explained below:-
- 15.1.1 Incorrect procedure: Contravention of the rules of debate, over time in a speech, speaking out of turn, proposing an amendment incorrectly, and so on.
 - 15.1.2 Unacceptable Language: Bad language, personal abuse, innuendo, implying something derogatory to organisation, place or person and misrepresentation.
 - 15.1.3 Transgressing Standing Orders: The use of procedure, contrary to the rules of the Standing Orders of the Council, by means other than normal amendment or contravening local authority guidelines and enactments of Local Government Law.

- 15.1.4 Irrelevancy: Speaker wandering off the subject.
- 15.1.5 Point of explanation: This may be allowed at the Chairman's discretion, if a mover of a motion has been misquoted by subsequent speakers, or if a brief explanation of a point may improve understanding, or remove an erroneous impression.

16. DISORDERLY CONDUCT

- 16.1 No member of the Public shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chairman of the meeting shall request such member(s) of the Public to moderate or improve their conduct.
- 16.2 If member(s) of the Public disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Member or the Chairman of the meeting may move that the member of the Public be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 16.3 If a resolution made under standing order 16.2 above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

17. VOTING ON APPOINTMENTS

Where there are more than two Members nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one Member, the name of the Member having the least number of votes shall be struck off the list and another vote shall be taken, and so on until a majority of votes is given in favour of one Member. Any subsequent tie may be settled by the Chairman's casting vote.

18. COMMITTEES AND SUB-COMMITTEES

- 18.1 **The Council shall, at its Annual Meeting appoint any Standing Committees and may at any other time appoint such other committees as may be necessary, and:**
- 18.1.1 shall determine their terms of reference;**
 - 18.1.2 permit committees, in consultation with the Clerk, to determine the dates of their meetings;**
 - 18.1.3 appoint and determine the term of office of Members of such a committee so as to hold office no later than the next Annual Council meeting;**
 - 18.1.4 in accordance with standing orders, dissolve a committee or alter its membership at any time.**
- 18.2 **The duties and responsibilities of each Standing Committee and such other Sub committees as may be directed by the Parish Council shall be laid down in terms of reference which shall be published as an Appendix to these Standing Orders.**
- 18.3 **The Parish Council or any Committee appointed by the Parish Council shall appoint Sub-Committees and working groups for specified purposes.**

18.4 Anyone speaking on behalf of the Parish Council at an Epping Forest District Council (EFDC) meeting, will express only the agreed views of the Parish Council to EFDC and not their own personal views.

19. ATTENDANCE AT COMMITTEES

19.1 A Member who is not appointed to a Committee may attend a Committee meeting as a member of the Public.

20. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES

20.1 The Council shall, at its Annual Meeting, appoint Standing Committees and may at any other time appoint such other Committees as may be necessary, and:-

20.1.1 shall determine their terms of reference;

20.1.2 may permit Committee Chairmen to determine the dates of their meetings in consultation with the Clerk.

20.2 The Committee shall, at its first meeting of the Civic Year, elect a Vice-Chairman. In the absence from a meeting of both Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed.

20.3 No Member shall be Chairman of more than one Standing Committee other than in exceptional circumstances. The Chairman of the Council shall not be Chairman of any Standing Committee apart from the Personnel Committee.

20.4 In an emergency only, or where a Member has essential and relevant information germane to a topic on the agenda and is unavoidably unable to attend, a written statement may be entered into the agenda and at the Chairman's discretion, discussed with the appropriate topic. Such statements should not include a proposal for a motion.

20.5 A casual vacancy in the office of Chairman or Vice-Chairman of a Committee shall be filled as soon as possible.

21. POWERS AND DUTIES OF CHAIRMAN OF COMMITTEE

The Chairman of a Committee, if present, shall preside at every meeting of that Committee, and it shall be their duty, if present at a Full Council meeting, to present the report of that Committee. The Chairman or person presiding over a Committee or Sub-Committee shall be guided by the same rules as the Chairman of the Council.

22. VACANCIES ON COMMITTEES

Every vacancy in any Standing Committee shall be notified to the Council at its next meeting after such vacancy is apparent and unless the Council decide not to fill such vacancy a Member shall be appointed to fill the vacancy either by a show of hands or by ballot as the Council may decide.

23. EXTRAORDINARY MEETINGS.

23.1 **The Chairman may convene an Extraordinary Meeting of the Council at any time.**

23.2 **If the Chairman does not or refuses to call an Extraordinary Meeting of the Council within seven (7) days of having been requested to do so by**

two Members, those two Members 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 Members and specify the business to be transacted and no business other than that set out in the summons shall be considered at the meeting.

23.3 The Chairman of a Committee (or a Sub-committee) may convene an Extraordinary Meeting of the Committee at any time.

23.4 If the Chairman of a Committee (or a Sub-committee) does not or refuses to call an Extraordinary Meeting of the Council within seven (7) days of having been requested to do so by two Members, those two Members 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 Members and specify the business to be transacted and no business other than that set out in the summons shall be considered at the meeting.

24. EXECUTION OF RECOMMENDATIONS

Every Committee shall be responsible for the execution of the recommendations of the Committee as soon as possible.

25. RESCISSION OF PRECEDING RESOLUTIONS

25.1 No motion shall be proposed which either rescinds a motion passed in the previous six months or which recalls a motion which was rejected during the same period. This shall also apply to a motion which is substantially the same as motions falling the above descriptions but which are couched in different terms.

25.2 Should any such motion originate as a recommendation of a Committee, the Chairman of the Council, at his discretion, may put a motion to Full Council that it should be presented for debate. Should this be rejected, 25.1 shall apply.

26. RESIGNATIONS AND DISQUALIFICATIONS

26.1 Any member of a Committee desiring to resign shall inform the Parish Clerk of their decision in writing.

26.2 If a member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, they shall unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. The duration of any extension given in such circumstances to be determined by Full Council and in any case may only last for a maximum of six months from the date of the relevant Full Council meeting. At the end of the extended period, if the member has failed to attend any meeting of the Council throughout the extended period, they will cease to be a member of the Council.

26.3 Casual vacancies caused by the resignation or disqualification of a member of a Committee shall be filled by the Council at the earliest opportunity and in accordance with the Local Government Act 1972 (s.86 & 87). Whenever a casual vacancy shall occur amongst the Members of the Council, and a new Member shall have been elected to fill such a vacancy, such new Member shall be expected, during the remainder of the then current Council year, to take up membership of the Committees vacated by his predecessor.

26.4 Where more than 1/3rd of the Members of the Council become disqualified at the same time, then, until the numbers of Members in office be increased to not less than 2/3rd of the whole number of Members of the Council, the quorum of the Council shall be determined by reference to the number of Members of the Council remaining qualified, instead of by reference to the whole number of the qualified Members of the Council.

27. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS.

27.1 Canvassing of Members, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.

27.2 A Member shall not solicit any person for appointment to or by the Council or recommend a person for such appointment or 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.

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

28. RELATIVES OF MEMBERS OR OFFICERS

28.1 A candidate for any appointment under this Parish Council who knows that he/she is related to any Member or senior officer of the Parish Council shall, when making an application for employment or the holding of office, whether elected or co-opted, must disclose that relationship to the Parish Clerk. A candidate who fails to disclose such a relationship shall be disqualified and/or asked to withdraw from the process and if appointed shall be disqualified. Where the position held is of an employment nature that person will be subjected to the Parish Council's disciplinary process, which could lead to the termination of that person's employment.

28.2 Every Member and officer of the Council shall disclose to the Parish Clerk any relationship known to him to exist between him and any person whom he/she knows is a candidate for an appointment under the Parish Council. The Parish Clerk shall report to the Council or to the appropriate Committee any such disclosure made to him.

28.3 The purport of this Standing Order shall be included in any form of application or particulars of appointment supplied for use by or for the information of the candidate.

28.4 If the relationship to a Member is disclosed, such Member shall retire from the meeting during consideration of the appointment.

29. STAFF ESTABLISHMENT AND FILLING OF VACANCIES

29.1 No new established office shall be created, nor any person other than authorised temporary staff be employed, except with the agreement of the Council.

29.2 All vacancies to be filled in established offices unless they are to be filled by promotion or transfer, shall be publicly advertised. Provided that where, within

six months of the filling of that vacancy a similar vacancy occurs, one of the former applicants **may** be appointed.

29.3 A vacancy to be filled for a senior officer which is not to be filled by promotion or transfer shall be advertised in one or more newspapers or journals circulating primarily among persons who may be expected to possess the necessary qualifications for office.

29.4 Where a standing deputy has not been appointed the Council may upon recommendation of Personnel Committee, if it thinks fit, appoint and fix the remuneration of some person to carry on temporarily the duties of the office until a successor is appointed.

30. MOTIONS AFFECTING PERSONS EMPLOYED BY AND MEMBERS OF THE COUNCIL

30.1 If a meeting of the Council (or a Committee thereof to which the Public Bodies {Admission to Meetings} Act 1960 applies by virtue of Section 2(1)), considers any matter personal to a Council employee, it shall not be considered until the Council or Committee or Sub-committee has decided whether or not the press and Public shall be excluded pursuant to Standing Order 1.3 above.

30.2 If a planning or license application is submitted by an elected member or a senior member of staff of this council it shall not be considered but deferred to the Planning Department. If said application receives two or more objections a request shall be made for the application to be considered at District Management Control Meeting.

31. PROPER OFFICER

31.1 The Council's Proper Officer shall be either (i) the Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other person appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the person appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.

31.2 The Council's Proper Officer shall do the following:

31.2.1 **Sign and serve on all Members by electronic transmission, hand delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and to the members of a Committee and Sub-committee at least 3 clear days before the meeting. (Note: See also standing order 1.2 above)**

31.2.2 **Copies of agendas will also be sent to all Members electronically via their public email addresses. Members wishing to receive paper copies through the post should make a specific written request to the Proper Officer.**

31.2.3 **Give public notice of the time, date, venue and agenda at least 3 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 Members is signed by them).**

31.2.4 **Subject to Standing Orders 10.1 to 10.5 above, include in the agenda all motions in the order received unless a Member has given written notice at least five working days before the meeting confirming his withdrawal of it.**

- 31.2.5 **Convene a meeting of Full Council for the election of a new Chairman, occasioned by a casual vacancy in his office, in accordance with Standing Order 31.2.1 and 31.2.2 above.**
- 31.2.6 **Make available for inspection the minutes of meetings.**
- 31.2.7 **Receive and retain copies of byelaws made by principal authorities which affect the area of the Parish.**
- 31.2.8 Retain a copy of every Member's register of interests entry and any changes to it and keep copies of the same available for inspection, ensuring these are also available on the Council's website.
- 31.2.9 Keep proper records required before and after meetings.
- 31.2.10 Process all requests made under the Freedom of Information Act 2000 and General Data Protection Regulations 2018, in accordance with and subject to the Council's procedures relating to the same.
- 31.2.11 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 31.2.12 Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- 31.2.13 The Proper Officer shall undertake the work and responsibilities of the Responsible Financial Officer (RFO) when the RFO is absent.
- 31.2.14 The Proper Officer will ensure that Governance arrangements are in place and reviewed annually by Members in preparation for the completion of the governance statement of the Annual Return. (See also standing order 32.7).
- 31.2.15 Arrange for legal deeds to be sealed and witnessed by two (2) Members (See standing orders 37.1 and 37.2).
- 31.2.16 Retain custody of the Seal of the Council, which shall not be used without a resolution to that effect.
- 31.2.17 Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

32. RESPONSIBLE FINANCIAL OFFICER (RFO)

- 32.1 The Responsible Financial Officer (RFO) is a statutory office and appointed by the Council. The RFO is responsible for managing the Council's financial affairs in accordance with Proper Practices.
- 32.2 The RFO will 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.
- 32.3 The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget generally not later than the end of November in preparation for the precept being agreed, and submitted to the District Council in January. Amendments to the budget will be recommended by the Finance & Establishment Committee to the Full Council who must agree and minute any such changes.
- 32.4 The RFO will supply updates of income and expenditure throughout the year and detail actual figures against budget. Significant underspends or overspends will be brought to the attention of the Council and action taken to address any discrepancies
- 32.5 The RFO will supply updates of income and expenditure to budget holding Committees for each meeting of the Committee throughout the year.
- 32.6 The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.

- 32.7 The RFO will complete the annual financial statements of the Council including the Annual Return as soon as possible after the end of the financial year and will submit and report on them to the Council for approval. The Council will review them each year and ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures in line with Proper Practice. See also standing order 31.2.14.
- 32.8 An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practice. The person appointed will be competent and independent of the operation of the Council.
- 32.9 The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.

33. OFFICIAL COMMUNICATIONS

- 33.1 All official communications, whether made on behalf of the Council or of a Committee, shall be issued by the Parish Clerk.
- 33.2 No Member of the Parish Council shall communicate with nor issue orders, instructions or directions in the name of the Council to any outside person or authority upon the business of the Council except through the Parish Clerk, unless such communication shall be in pursuance of express authority given by the Parish Council or Standing Committee of the Parish Council to a named individual in respect of a matter specified in the Resolution of Authority.
- 33.3 No Member of the Parish Council shall issue orders, instructions or directions to any member of the Parish Council's staff except through the Parish Clerk, unless such communication shall be in pursuance of express authority given by the Parish Council or a Standing Committee to a named individual in respect of a matter specified in the Resolution of Authority.

34. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 34.1 **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- 34.2 **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- 34.3 **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- 34.4 **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

- 34.5** The Council shall appoint a Data Protection Officer.
- 34.6** **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 34.7** The Council shall have a written policy in place for responding to and managing a personal data breach.
- 34.8** 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.
- 34.9** 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.
- 34.10** The Council shall maintain a written record of its processing activities.

35. CONTRACT STANDING ORDERS

- 35.1** **The Council will make regulations for the conduct of its financial affairs and for the letting of contracts, and such Regulations shall form part of these standing orders. The procurement and award of contracts covered by the Public Contracts Regulations 2015 which have an estimated value of £25,000 or more must also satisfy the requirements of the 2015 Regulations which include use of the Contracts Finder website and other light touch rules detailed in the 2015 Regulations.**
- 35.2** The Council's Financial Regulations shall be reviewed once a year.

36. CUSTODY OF SEAL

The Common Seal of the Parish Council shall be kept in a safe place in the custody of the Parish Clerk.

37. SEALING OF DOCUMENTS

- 37.1** A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 37.2** Subject to standing order 37.1 above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Members who shall sign the deed as witnesses.

38. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be presented as a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Parish Clerk and the Chairman or Vice Chairman of the Council, unless any enactment otherwise requires or authorises.

39. INSPECTION OF DOCUMENTS

- 39.1** A Member may, for purposes of his duty but not otherwise, on application to the Parish Clerk, inspect any document which has been considered by a Committee or the Council, provided that a Member shall not knowingly inspect any document relating to a matter in which he has a professional or pecuniary

interest within the terms of the agreed Code of Conduct. Officers having custody of the document may decline to allow inspection in order to protect privilege may arise from the relationship of solicitor and client in the event of legal proceedings.

- 39.2 Minutes agreed by Full Council, with the exception of those relating to staff and other sensitive matters, shall be made available for public inspection. Enquiries relating to minutes on staffing shall be referred to the Full Council for a decision.

40. INSPECTION OF LANDS, PREMISES ETC.

- 40.1 A Member shall not enter upon or inspect any lands or premises owned or occupied by the Council on which the Council has the power or duty to inspect or enter, except in consultation with the Parish Clerk. For clarity, Members may use village greens for sports and leisure and use public rights of way.

- 40.2 A Member shall not issue any order respecting any works which are being carried out by or on behalf of the Council.

- 40.3 Except when especially authorised by the Council no Member shall have power to act in any way by virtue of his office except at a meeting of the Council or of a Committee or Sub-Committee.

41. DATE OF OPERATION

These Standing Orders authorised by the Buckhurst Hill Parish Council shall come into operation on the 25 July 2019.