

Standing Orders

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Bold text within the body of the text indicates a mandatory statutory requirement

1.0 Meetings generally

- 1.1 **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.**
- 1.2 **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- 1.3 **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.**
- 1.4 **Photographing, recording, broadcasting, or transmitting the proceedings of a meeting by any means is permitted. A person present may not orally comment or report on the meeting whilst the meeting is in progress.**
- 1.5 **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- 1.6 **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.**
- 1.7 **The person presiding at the meeting may exercise all the powers and duties of the chairman in relation to the conduct of the meeting.**
- 1.8 **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- 1.9 **The chairman of a meeting 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 standing orders 7.9 and 7.10 below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- 1.10 **Voting on a 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.
- 1.11 Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 1.12 The minutes of a meeting shall include an accurate record of the following:

- a. the time and place of the meeting.
- b. the names of councillors present and absent.
- c. apologies provided to the Proper Officer at the start of the meeting
- d. interests that have been declared by councillors and non-councillors with voting rights.
- e. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered.
- f. if there was a public participation session; and
- g. the resolutions made.

1.13 **A councillor or a non-councillor with voting rights 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.**

1.14 **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present.** For committees and working groups at least one-third of the membership or a minimum of three members.

1.15 **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

1.16 A meeting shall not exceed a period of 2½ hours unless proposed by the Chairman and agreed by a majority of those present.

1.17 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the chairman of the Council may in their absence be done by, or before the Vice-chairman of the council.

2.0 Public participation

2.1 Members of the public have no legal right to speak unless the chairman of the meeting authorises them to do so. However, as part of its community engagement, the parish council allows a time for public participation near the beginning of its meetings when members of the public are invited to speak.

2.2 Public participation sessions will be indicated on the agenda of open meetings of the council and its committees. Public participation may take the form of a direct address to members at the meeting or through a submitted statement in advance to the Clerk.

2.3 The session will be limited to a maximum time of 10 minutes unless directed by the Chairman of the meeting.

2.4 The time for each member of the public to speak is limited to 5 minutes, although the chairman of the meeting may impose a shorter time allowance if more than two persons indicate they wish to speak.

- 2.5 Only one person is permitted to speak at a time. If more than one person wishes to speak, the chairman of the meeting will direct the order of speaking. Where more than one member of the public wishes to speak on the same topic the Chairman will expect participants not to repeat comments made by earlier speakers. Where possible a single representative should speak on behalf of those with similar concerns to avoid duplication and make the best use of the public participation period.
- 2.6 The Chairman has the right to say that any question or statement is inappropriate and will not be accepted, this includes an issue being repeated at multiple meetings, unless there has been a material change in circumstances to the issue raised. The Chairman will not allow any participation which is of a personal nature or relates to individual issues, nor in respect of complaints which must be dealt with through the councils adopted complaints process.
- 2.7 A question raised by a member of the public during a public speaking session shall not require a response and there should be no debate or discussion between the Council and the public. The Chairman may direct that a written or oral response be given.
- 2.8 No person participating will behave offensively or improperly. The Chairman of the meeting shall direct such a person to moderate or improve their conduct. If the person disregards the request of the Chairman, the Chairman may direct the person no longer be heard or be excluded from the meeting.
- 2.9 The council has published a document outlining Public Participation which is available on the council's website.

3.0 Rules of debate at meetings

- 3.1 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 3.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 3.3 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 3.4 One or more amendments may be discussed together if the chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- 3.5 A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 3.6 When a motion is under debate, no other motion shall be moved except:
 - a. to amend the motion.
 - b. to proceed to the next business.
 - c. to adjourn the debate.
 - d. to put the motion to a vote.

- e. to ask a person to be no longer heard or to leave the meeting.
- f. to refer a motion to a committee or sub-committee for consideration.
- g. to exclude the public and press.
- h. to adjourn the meeting; or
- i. to suspend a particular standing order(s) excepting those which reflect mandatory statutory requirements.

3.7 Before a motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated.

4.0 Disorderly conduct at meetings

4.1 No person, including councillors, shall obstruct the transaction of business at a meeting or behave offensively or improperly or **in such a manner as to bring the council into disrepute**. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

4.2 If a person(s) disregards the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

4.3 If a resolution made under standing order 4.2 above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include a temporary suspension or closure of the meeting.

5.0 Committees and sub-committees

5.1 Standing Orders 1.1 to 1.16 inclusive, shall apply to meetings of committees as they do to full council meetings.

5.2 Standing orders 1.8, 1.9 and 1.12 shall apply to meetings of sub-committees as they do full meetings.

5.3 The Council shall not appoint any member of a committee or sub-committee to hold office later than the next annual meeting.

5.4 **The minimum three clear days public notice of a meeting of a committee or sub-committee does not include the day on which the notice was issued or the day of the meeting** unless the meeting is convened at shorter notice.

5.5 **Unless the council determines otherwise, a committee may appoint a sub-committee or working group whose terms of reference and members shall be determined by the committee** as per 5.9.

5.6 **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**

5.7 **Unless the council determines otherwise, all the members of a working group and a sub-committee of a committee may be non-councillors.**

- 5.8 The Council will appoint three standing committees, the Finance & General Purposes Committee, the Planning & Transport Committee, and the Staffing Committee, which will be established in accordance with standing order 5.9.
- 5.9 The council may appoint committees, sub-committees or working groups as may be necessary, and:
- a. shall determine their terms of reference.
 - b. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council.
 - c. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
 - d. shall, after it has appointed the members of a committee, appoint the chairman of the standing committees (see also 5.6, 5.7 and 5.10):
 - e. shall determine if the public and press are permitted to attend the meetings of a sub-committee and the advance public notice requirements, if any, required for the meetings of a sub-committee.
 - f. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend.
 - g. shall delegate to a committee applicable financial controls.
 - h. may dissolve a committee.
- 5.10 The Chairman or vice-chairman of the Council may not be appointed to the role of chairman of the Finance & General Purposes committee.
- 5.11 Except where ordered by the Council in respect of a committee or by the relevant committee in respect of a sub-committee, the quorum of a committee or sub-committee shall be no less than three voting members.
- 5.12 Any Councillor shall be entitled to attend any meetings of any committee or sub-committee of which they are not a member, except for the Staffing Committee. They may not vote and do not have a right to speak unless standing order 29 applies.

6.0 Working groups

- 6.1 The council or any committee may appoint a working group as it considered necessary to provide detailed consideration to any matter within its remit.
- 6.2 Any such working group shall formulate a recommendation to the council or appropriate committee but cannot decide on behalf of the council or committee.
- 6.3 Working groups should operate to an agreed terms of reference, be time limited and dissolved upon completion of their work.
- 6.4 Working groups do not require the usual public notice and are not required to admit the public or the press or keep formal minutes of meetings, although notes should be taken of meetings. The quorum of a working group will be three members.

- 6.5 The council or a committee may appoint persons other than members of the council to any working group.
- 6.6 Membership of a working group should be reconfirmed after every annual meeting.
- 6.7 The Parish Clerk may be an ex-officio member of any working group.

7.0 Ordinary council meetings

- 7.1 In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- 7.2 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.**
- 7.3 If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- 7.4 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.**
- 7.5 The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council.**
- 7.6 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.**
- 7.7 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.**
- 7.8 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.**
- 7.9 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.**
- 7.10 The business of the annual meeting shall include:
- a. The election of the Chairman of the council and to receive the chairman's declaration of acceptance of office, or if not then received, to decide when it shall be received.
 - b. The election of the Vice-chairman of the council.
 - c. In an election year to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - d. **In an election year, delivery by the Chairman of the Council and councillors of**

their acceptance of office forms unless the council resolves for this to be done at a later date.

- e. Confirmation of the accuracy of the minutes of the last meeting of the council.
- f. Receipt of the minutes of the last meeting of a committee.
- g. Consideration of the recommendations made by a committee.
- h. Appointment of members to standing committees and their chairs.
- i. Appointments to other committees (see 5.0).
- j. Confirm the delegations and terms of reference for committees.
- k. Appointment of representatives to outside bodies.
- l. determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.
- m. Confirm the appointment of the Internal Auditor.

8.0 Extraordinary meetings of the council and committees and sub-committees

8.1 The Chairman of the Council may convene an extraordinary meeting of the council at any time.

8.2 If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place, and agenda for such a meeting must be signed by the two councillors.

8.3 The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

8.4 If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by two members of the committee or the sub-committee any two members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

9.0 Previous resolutions

9.1 A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 11 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

9.2 When a motion moved pursuant to standing order 9.1 above has been disposed of no similar motion may be moved within a further six months.

10.0 Voting on appointments

- 10.1 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.
- 10.2 This process shall be used for the co-option of members to the council.

11.0 Motions for a meeting that require written notice to be given to the Proper Officer

- 11.1 A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- 11.2 No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 11.3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 11.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 11.4 If the Proper Officer considers the wording of a motion received in accordance with standing order 11.2 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 3 clear days before the meeting.
- 11.5 If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 11.6 The decision of the Proper Officer as to whether to include the motion on the agenda shall be final.
- 11.7 Motions rejected shall be recorded with an explanation by the Proper Officer for their rejection.

12.0 Motions at a meeting that do not require written notice

- 12.1 The following motions may be moved at a meeting without written notice to the Proper Officer:
- a. to correct an inaccuracy in the draft minutes of a meeting.
 - b. to move to a vote.
 - c. to defer consideration of a motion.
 - d. to refer a motion to a particular committee or sub-committee.

- e. to appoint a person to preside at a meeting.
- f. to change the order of business on the agenda.
- g. to proceed to the next business on the agenda.
- h. to require a written report.
- i. to appoint a committee or sub-committee and their members.
- j. to extend the time limits for speaking.
- k. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
- l. to not hear further from a councillor or a member of the public.
- m. to exclude a councillor or member of the public for disorderly conduct.
- n. to temporarily suspend the meeting.
- o. to suspend a particular standing order (unless it reflects mandatory statutory requirements shown in this document in **bold**).
- p. to adjourn the meeting; or
- q. to close a meeting.

13.0 Management of Information

- 13.1 **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.**
- 13.2 **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).**
- 13.3 **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.**
- 13.4 **Councillors, staff, the Council's contractors, and agents shall not disclose confidential information or personal data without legal justification.**

14.0 Draft minutes

- 14.1 If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 14.2 There shall be no discussion about the draft minutes of a preceding meeting except in

relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 12.1a above.

14.3 The accuracy of draft minutes, including any amendment(s) made to them, 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.

14.4 If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

14.5 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes, or recordings of the meeting for which approved minutes exist shall be destroyed.

15.0 Code of conduct and dispensations

See also standing order 1.13 above.

15.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council. This code of conduct will be in common with Bracknell Forest Council.

15.2 Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. The councillor may return to the meeting after it has considered the matter in which they had the interest.

15.3 Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest, if so required by the council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

15.4 **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

15.5 A decision as to whether to grant a dispensation shall be made by the Proper Officer.

15.6 A dispensation request shall confirm:

- a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates.
- b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
- c. the date of the meeting or the period (not exceeding four years) for which the

dispensation is sought; and

d. an explanation as to why the dispensation is sought.

15.7 Subject to standing orders 15.4 and 15.6 above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.

15.8 A dispensation may be granted in accordance with standing order 15.5 above if having regard to all relevant circumstances the following applies:

a. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or

b. granting the dispensation is in the interests of persons living in the council's area or

c. it is otherwise appropriate to grant a dispensation.

16.0 Code of conduct complaints

16.1 Upon notification by Bracknell Forest Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 13 above, report this to the council.

16.2 Where the notification in standing order 16.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 16.4 below.

16.3 The council may:

a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law.

b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

16.4 Upon notification by Bracknell Forest Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

17.0 Proper Officer

17.1 The Proper Officer shall be the Parish Clerk. In the absence of the Clerk, the Chairman of the Council and the Chairman of the Finance & General Purposes Committee shall appoint an individual/s to undertake the role of Proper Officer.

17.2 The Proper Officer shall:

at least three clear days before a meeting of the council, a committee, and a sub-committee

- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place, and the agenda (provided the councillor has consented to service by email), and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 1.2 above for the meaning of clear days for a meeting of a full council and for a meeting of a committee.

- a. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- b. **facilitate inspection of the minute book by local government electors.**
- c. **receive and retain copies of byelaws made by other local authorities.**
- d. hold acceptance of office forms from councillors.
- e. hold a copy of every councillor's register of interests.
- f. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures.
- g. liaise, as appropriate, with the Council's Data Protection Officer.
- h. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary.
- i. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g., the Limitation Act 1980).
- j. arrange for legal deeds to be executed.
See also standing order 25 below.
- k. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations.
- l. record every planning and tree application notified to the council and the council's response to the local planning authority.
- m. refer planning and tree applications to the Planning & Transport Committee.
- n. manage access to information about the council as appropriate
- o. retain custody of the seal of the Council (if there is one) which shall not be used

without a resolution to that effect.

See also standing order 25 below.

- p. Carry out other activities as laid out in the in the council's scheme of delegation.

18.0 Responsible Financial Officer

- 18.1 The council has appointed appropriate the Parish Clerk to undertake the work of the Responsible Financial Officer. In the absence of the Clerk, the Chairman of the Council, with the Chairman of the Finance & General Purposes Committee shall appoint an individual/s to undertake the role of Responsible Financial Officer.

19.0 Accounts and accounting statements

- 19.1 "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- 19.2 All payments by the council shall be authorised, approved, and paid in accordance with the law, proper practices, and the council's financial regulations.
- 19.3 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September, and 31 December in each year a statement to summarise:
- a. the council's aggregate receipts and payments for the year to date.
 - b. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 19.4 As soon as practicable after the financial year end on 31 March, the Responsible Financial Officer shall provide:
- a. each councillor with a statement summarising the council's receipts and payments for the year to date for information; and
 - b. to the full council the accounting statements for the year in the form of Section 2 of the Annual Governance & Accountability Return, as required by proper practices, for consideration and approval.
- 19.5 The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. The Annual Governance & Accountability Return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

20.0 Financial controls and procurement

- 20.1 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:
- a. the keeping of accounting records and systems of internal controls.

- b. the assessment and management of financial risks faced by the council.
 - c. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually.
 - d. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - e. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- 20.2 Financial regulations shall be reviewed at least annually for fitness of purpose by the Responsible Financial officer and reported to the council.
- 20.3 **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- 20.4 Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services, or the execution of works shall include, as a minimum, the following steps:
- a. a specification for the goods, materials, services, or the execution of works shall be drawn up.
 - b. an invitation to tender shall be drawn up to confirm (a) the council's specification (ii) the time, date, and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process.
 - c. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate.
 - d. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
 - e. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed.
 - f. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- 20.5 Neither the council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 20.6 **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in**

excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

20.7 **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

21.0 Handling staff matters

21.1 A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 13 above.

21.2 The Staffing Committee will conduct a review of the performance and annual appraisal of the work of the Clerk & Responsible Financial Officer.

21.3 The Clerk will conduct a review of the performance and annual appraisal with all other members of staff, unless directed by resolution by the council.

21.4 All staff will have their terms and conditions of contract reviewed annually by November, ahead of the annual estimates and any amendments required will be proposed to council through the Staffing Committee.

21.5 Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) 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.

21.6 Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman, this shall be communicated to another member of the council, which shall be reported back and progressed by resolution of the council.

21.7 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance, or disciplinary matters as confidential and secure.

21.8 The council shall keep all written records relating to employees secure.

21.9 Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.

22.0 Responsibilities to Provide information

- 22.1 **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- 22.2 **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

23.0 Responsibilities under data protection legislation

(Below is not an exclusive list).

See also standing order 13

- 23.1 The Council shall appoint a Data Protection Officer.
- 23.2 **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 23.3 **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 23.4 **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.**
- 23.5 **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.**
- 23.6 **The Council shall maintain a written record of its processing activities.**

24.0 Relations with the press/media

- 24.1 Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled by the Proper Officer.

25.0 Execution and sealing of legal deeds

See also standing orders 17.2i and 17.2o above.

- 25.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 25.2 **Subject to standing order 25.1 above, any two councillors may sign on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

26.0 Communicating with Unitary councillors

- 26.1 The council may decide to send an invitation to attend a meeting of the council, together with the agenda, to the ward councillor(s) of Bracknell Forest Council representing the area of the council.

27.0 Restrictions on councillor activities

- 27.1 Unless authorised by a resolution, no councillor shall:
- a. inspect any land and/or premises which the council has a right or duty to inspect; or
 - b. issue orders, instructions, directions, or letters on behalf of the Council.

28.0 Standing orders generally

- 28.1 All or part of a standing order, except one that incorporates mandatory statutory requirements (shown in **bold**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 28.2 A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9 above.
- 28.3 The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- 28.4 The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- 28.5 The standing orders shall be subject to regular review. The Proper Officer will ensure the standing orders reflect statutory requirements or good practice and make the necessary recommendations.
- 28.6 In the event of the council operating on political lines, additional guidance will be published as an addendum to the standing orders.

29.0 Questions or statement by councillors

- 29.1 A councillor who is not a member of a committee may request of the chairman of the committee permission to ask a question or request to make a statement on an item under consideration by the committee or on a matter overseen by the committee.
- 29.2 The request and the question shall be made in writing to the Parish Clerk no later than 12 noon on the day of the meeting. The Clerk will relay the request to the chairman of the committee. The chairman decision is final.
- 29.3 The question or statement asked by the Councillor will be the question or statement submitted to the Clerk.
- 29.4 Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- 29.5 An answer may take the form of:
- a. A direct oral answer
 - b. Where the desired information is in a publication of the Council or other published work, a reference to that publication or
 - c. Where the reply cannot conveniently be given orally, a written answer circulated

later to the questioner within 10 working days

29.6 A Councillor asking a question under SO 29.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

30.0 Confidential business

30.1 No member of the Council shall disclose to any person not a member of the Council any business declared to be confidential by the Council and discussed, for the avoidance of doubt, after the passing of a motion to exclude the public and the press.

30.2 The content of any document or report circulated to Councillors which are marked CONFIDENTIAL shall not be disclosed to any other person as per 30.1.

31.0 Temporary delegation of decisions from meetings

31.1 Under section 101 of the Local Government Act 1972, the council will make use of delegatory power provision to allow virtual meetings to continue, on a temporary basis.

31.2 Meetings will make recommendations to the Proper Officer.

31.3 **The temporary delegation provisions in standing order 31.4 will expire no later than 11:59pm on Wednesday 12 May 2022, unless extended by authority of the full council.**

31.4 The Proper Officer is empowered to take, in conjunction with the chair of the council or the appropriate committee any decisions recommended to them by the relevant committee or full council.

31.5 This empowerment does not affect the delegations already in place via Standing Orders, Financial regulations or the scheme of delegation.

31.6 The Proper Officer may not take additional decisions that would normally be taken by a committee or full council unless that committee or full council has met in a meeting convened under the requirements of the Local Government Act 1972 and made available to the public to view (where not covered by confidentiality) and expressly agreed for that decision to be enacted via this temporary delegation.

31.7 Recommended decisions made at meetings will be circulated by the Proper Officer to the appropriate chair, who must confirm their consent in writing that the recommendation is correct and can be actioned by the Proper Officer. All decisions taken under 31.4 will be advised to members in accompaniment to the minutes of the meeting.

31.8 The following items are reserved for full council decision only and cannot be delegated under this standing order.

- To appoint the chairman and vice-Chairman
- To sign off the Annual Governance & Accountability Statement
- To set the precept
- To appoint the Parish Clerk
- To make byelaws
- To borrow money
- To consider any matter required that by law should be considered by council.

Version Control

- 1.0 Document approved
- 1.1 Standing Order 31 amended to end 8 September 2021 (approved July 2021)
- 1.2 Standing Order 31 amended to end 12 May 2021 (approved September 2021)