



# Bisley-with-Lypiatt Parish Council

## Standing Orders

These Standing Orders were adopted by the Council at its meeting held on 2 May 2018 and amended on 19 March 2019.

Standing Orders shown in **bold type** reflect statutory requirements and cannot be changed or suspended.

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# **PART ONE: MEETINGS AND PROCEDURES**

## ***MEETINGS - GENERAL PROVISIONS***

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. Meetings shall be held at such venues in Wards of the Parish as the Council may determine. They shall be held at 7.30 pm unless the Council has otherwise decided. They shall normally end by 9.30 pm.

1.3. **At least 3 clear days before a meeting of the Parish Council a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the Council, shall be sent to each member of the Council by an appropriate method. When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

1.4. **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.**

1.5. Subject to paragraph 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. above, members of the public are permitted to make representations, ask/answer questions and give evidence in respect of any item of business included in the agenda. Any further participation or comment by the public will be at the discretion of the Chairman.

1.6. To clarify paragraph Subject to paragraph 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. above, members of the public are permitted to make representations, ask/answer questions and give evidence in respect of any item of business included in the agenda. Any further participation or comment by the public will be at the discretion of the Chairman. above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The Chairman may however direct that a question posed by a member of the public be referred to a Councillor for an oral response or to the Parish Clerk for a written or oral response.

1.7. A record of a public participation session at a meeting shall be included in the minutes of that meeting.

1.8. Any person speaking at a meeting shall address her/his comments to the Chairman.

1.9. 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.

**1.10. Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

**1.11. A person who is present at a meeting of the Council or its committees may not orally report or comment about the meeting as it takes place, but otherwise may:**

**1.11.1. Film, photograph or make an audio recording of the meeting;**

**1.11.2. Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**

**1.11.3. Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**

**1.12. In accordance with paragraph 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. above, the press shall be provided reasonable facilities for reporting all or part of a meeting at which they are entitled to be present.**

**1.13. Subject to standing orders which indicate otherwise, anything authorized or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.**

**1.14. 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.**

**1.15. All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

**1.16. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not s/he gave an original vote.**

(See also paragraphs In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, s/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. and In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chairman of the Council has been elected. S/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. below.)

1.17. **Voting on any question shall be by a show of hands** or, if at least 2 members present so request, by signed ballot. The Chairman shall ascertain the number voting for or against any motion or amendment, and her/his declaration as to the result shall be conclusive.

1.18. **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/her vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. A member of the Council has the right to have his or her name recorded.

1.19. **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**

1.20. **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.** (See also paragraphs All Councillors shall observe the code of conduct adopted by the Council. and If members of the public are present and permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted, then Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber. below.)

1.21. The quorum for full Council meetings shall be four members, provided that at least two Wards are represented. Quorums for committee meetings shall be specified in the terms of reference for that committee, **but may in no case be less than 3.**

1.22. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

1.23. The Chairman's decision as to the application of standing orders at meetings shall be final.

## ***ANNUAL MEETING***

1.24. **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.**

**1.25. 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.**

**1.26. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**

**1.27. The Chairman of the Council, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until her/his successor is elected at the next annual meeting of the Council.**

**1.28. The Vice-Chairman of the Council, if any, unless s/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.**

**1.29. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, s/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.**

**1.30. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chairman of the Council has been elected. S/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.**

**1.31. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:**

**1.31.1. In an election year, delivery by Councillors of their declarations of acceptance of office.**

**1.31.2. Confirmation of the accuracy of the minutes of the last meeting of the Council; receiving and noting minutes of and/or determining recommendations made by committees.**

**1.31.3. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.**

**1.31.4. Review of the terms of references for committees.**

**1.31.5. Receipt of nominations to existing committees.**

**1.31.6. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute Councillors) and receipt of nominations to them.**

**1.31.7. Review of the Council's and/or employees' memberships of other bodies.**

1.31.8. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### ***ORDINARY MEETINGS***

1.32. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman (if the Chairman and Vice Chairman are absent) and to receive such declarations of acceptance of office (if any) and undertakings to observe the Council's code of conduct as are required by law to be made or, if these are not then received, to decide when they shall be received.

1.33. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:

1.33.1. To receive Apologies and Declarations of Interest from Councillors.

1.33.2. To record public participation at the meeting.

1.33.3. To read and consider the Minutes, provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.

1.33.4. After consideration to approve the signature of the Minutes by the person presiding as a correct record.

1.33.5. To deal with business expressly required by statute to be done.

1.33.6. To dispose of business, if any, remaining from the last meeting.

1.33.7. To consider planning applications received.

1.33.8. To receive reports from representatives on other bodies.

1.33.9. To consider resolutions or recommendations.

1.33.10. To receive and consider reports and minutes of committees.

1.33.11. To authorize the payment of bills and other claims received.

1.33.12. To receive such communications as the person presiding may wish to place before the Council.

1.33.13. To receive Ward reports.

### ***EXTRAORDINARY MEETINGS***

1.34. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**

1.35. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two**

**Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

1.36. The Chairman of a committee may convene an extraordinary meeting of the committee at any time.

1.37. If the Chairman of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 Councillors, those 2 Councillors may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by those 2 Councillors.

### ***BUSINESS TIMETABLE***

1.38. The following deadlines for the conduct of Parish Council business shall apply:

Monthly meeting + 1 week:	First Draft Minutes issued
Monthly meeting + 2 weeks:	Comments on First Draft Minutes to Clerk
Monthly meeting + 3 weeks:	Final Draft Minutes issued
Tuesday of the week before monthly meeting:	Deadline for Agenda items and supporting information to Clerk
Friday before monthly meeting:	Agenda and meeting packup issued

### ***COMMITTEES***

1.39. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

- 1.39.1. Shall determine their terms of reference;
- 1.39.2. May permit committees to determine the dates of their meetings;
- 1.39.3. Shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- 1.39.4. May, in accordance with standing orders, dissolve a committee at any time.

### ***ADVISORY COMMITTEES***

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

1.41. Advisory committees may consist wholly of persons who are non-Councillors.

## **PROPER OFFICER**

- 1.42. The Council's Proper Officer is the Parish Clerk.
- 1.43. The Council's Proper Officer shall do the following:
- 1.43.1. Upon the Council **having** first resolved that service of summons on Councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient, electronically serve on Councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting, provided that any such email contains the electronic signature and title of the Proper Officer.
- 1.43.2. **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 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
- 1.43.3. Subject to paragraphs No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer by the deadline set out in the Council's Business Timetable at paragraph The following deadlines for the conduct of Parish Council business shall apply:. to Having consulted the Chairman or Councillors pursuant to paragraph If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in or rejected from the agenda. above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final. below, include in the agenda all motions received.
- 1.43.4. Make available for inspection the minutes of meetings.
- 1.43.5. **Receive and retain declarations of acceptance of office from Councillors.**
- 1.43.6. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- 1.43.7. Keep proper records required before and after meetings.
- 1.43.8. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- 1.43.9. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 1.43.10. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

1.43.11. Arrange for legal deeds to be signed by 2 Councillors and witnessed (see also paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph 1.49.10). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph 1.49.10). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.).

1.43.12. 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.

1.43.13. Record every planning application notified to the Council as set out in PART 4 – PLANNING.

1.43.14. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

### ***MOTIONS REQUIRING WRITTEN NOTICE***

1.44. No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer by the deadline set out in the Council's Business Timetable at paragraph The following deadlines for the conduct of Parish Council business shall apply:. (For exceptions to this rule see paragraph Motions in respect of the following matters may be moved without written notice.).

1.45. 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.

1.46. The Proper Officer may, before including a motion in the agenda received in accordance with paragraph No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer by the deadline set out in the Council's Business Timetable at paragraph The following deadlines for the conduct of Parish Council business shall apply:. above, correct obvious grammatical or typographical errors in the wording of the motion.

1.47. If the Proper Officer considers the wording of a motion received in accordance with paragraph No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer by the deadline set out in the Council's Business Timetable at paragraph The following deadlines for the conduct of Parish Council business shall apply:. 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 in clear and certain language by the deadline set out in paragraph The following deadlines for the conduct of Parish Council business shall apply:.

1.48. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in or rejected from the agenda.

1.49. Having consulted the Chairman or Councillors pursuant to paragraph If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in or rejected from the agenda. above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

1.50. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Councillors.

### ***MOTIONS NOT REQUIRING WRITTEN NOTICE***

1.51. Motions in respect of the following matters may be moved without written notice.

1.51.1. To appoint a person to preside at a meeting.

1.51.2. To approve the accuracy of the minutes of the previous meeting.

1.51.3. To correct an inaccuracy in the minutes of the previous meeting.

1.51.4. To dispose of business, if any, remaining from the last meeting.

- 1.51.5. To alter the order of business on the agenda for reasons of urgency or expedience.
- 1.51.6. To proceed to the next business on the agenda.
- 1.51.7. To close or adjourn debate.
- 1.51.8. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- 1.51.9. To make appointments (including substitutes) to a committee or sub-committee.
- 1.51.10. To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph 1.49.10). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph 1.49.10). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)).
- 1.51.11. To authorise the payment of monies up to £500.
- 1.51.12. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- 1.51.13. To exclude the press and public for all or part of a meeting.

1.51.14. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

1.51.15. To give the consent of the Council if such consent is required by standing orders.

1.51.16. **To suspend any standing order except those which are mandatory by law.**

1.51.17. To adjourn the meeting.

1.51.18. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

1.51.19. To answer questions from Councillors.

1.52. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, the matter may be referred to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

### ***RULES OF DEBATE***

1.53. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

1.54. Except where it has been proposed by the Chairman, a motion or amendment shall not be considered unless it has been seconded.

1.55. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman.

1.56. A Councillor may move amendments to her/his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

1.57. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

1.58. 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.

1.59. Subject to paragraph 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. above, one or more amendments may be discussed together if the Chairman considers this expedient, but they shall be voted upon separately.

1.60. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

1.61. 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.

1.62. A Councillor raising a point of order shall identify the standing order which she/he considers has been breached, or specify the irregularity in the meeting that concerns her/him.

1.63. A point of order shall be decided by the Chairman and his/her decision shall be final.

1.64. In respect of an item of business included in the Agenda but outside the public participation agenda item, a Councillor may, at the discretion of the Chairman, ask a member of the public present to add further information or comment that will assist the debate during that agenda item.

### ***CODE OF CONDUCT***

1.65. **All Councillors shall observe the code of conduct adopted by the Council.**

1.66. **If members of the public are present and permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted, then Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

### ***DISPENSATIONS***

1.67. Dispensations enable Councillors to speak and vote on matters in which they have interests under their Council's Code of Conduct. The procedure for dealing with dispensation applications is set out in paragraph If a dispensation is sought:.

1.68. If a dispensation is sought:

1.68.1. The councillor(s) should make a written request to the Parish Clerk (as proper officer).

1.68.2. The application should include the following information:

- a. Who is requesting the dispensation;
- b. The request start date and end date (which in any event cannot exceed 4 years or until the end of the term of office, whichever is the earlier);
- c. Details of why the dispensation is being sought.

If the application is a joint application, it should be signed by all members requesting the dispensation.

1.68.3. The application will then be considered by the Council. A simple majority vote is sufficient to decide the matter.

1.68.4. The application may be granted by the Council ONLY if it considers, in the light of all the relevant circumstances that:

64.1.a. Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the Council or committee transacting the business as to impede the transaction of the business; OR

64.1.b. Granting the dispensation is in the interests of persons living in the Parish;  
OR

64.1.c. It is otherwise appropriate to grant a dispensation.

1.68.5. If the Council decides to grant a dispensation, it may allow the Councillor(s) concerned simply to speak on the matter, or to speak and vote on the matter.

1.69. A Councillor to whom a dispensation will apply is not prohibited from taking part in the discussion and voting on the application to grant or refuse the dispensation unless the Council's own Code or Standing Orders so provide (s33(4) Localism Act 2011).

### ***DISORDERLY CONDUCT***

1.70. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

1.71. If, in the opinion of the Chairman, there has been a breach of paragraph No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith without discussion.

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

### ***RESCISSION OF PREVIOUS RESOLUTIONS***

1.73. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 4 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

1.74. When a special motion or any other motion moved pursuant to paragraph A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 4 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee. above has been disposed of, no similar motion may be moved within a further 6 months.

### ***VOTING ON APPOINTMENTS***

1.75. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

### ***EXECUTION OF LEGAL DEEDS***

1.76. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph 1.49.10). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)).).

1.77. **In accordance with a resolution made under paragraph** A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph To authorise legal deeds to be signed by two Councillors and witnessed (see paragraphs 1.73 and 1.74).). and In accordance with a resolution made under paragraph A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution (see paragraph 1.49.10). above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.)). **above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## ***MINUTES***

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

1.79. 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 paragraph To correct an inaccuracy in the minutes of the previous meeting. above.

1.80. 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.

1.81. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, s/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 ( ) are a correct record but his/her view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”

1.82. 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.

## ***CANVASSING OF & RECOMMENDATIONS BY COUNCILLORS***

1.83. Canvassing Councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

1.84. A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

1.85. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## ***INSPECTION OF DOCUMENTS***

1.86. Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee and request a copy for the same purpose. The

minutes of meetings of the Council and its committees shall be available for inspection by Councillors and members of the public alike.

### ***UNAUTHORISED ACTIVITIES***

1.87. Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

1.87.1. Inspect any land and/or premises which the Council has a right or duty to inspect; or

1.87.2. Issue orders, instructions, directions or permissions.

### ***CONFIDENTIAL BUSINESS***

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

1.89. A Councillor in breach of the provisions of paragraph Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature. above may be removed from a committee by a resolution of the Council.

### **MANAGEMENT OF INFORMATION**

1.90. 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.

1.91. 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).

1.92. 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.

1.93. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

1.94.

## ***MATTERS AFFECTING COUNCIL EMPLOYEES***

1.95. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the committee in question has decided whether or not the press and public shall be excluded pursuant to paragraph 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. above.

## ***FREEDOM OF INFORMATION ACT 2000***

1.96. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

1.97. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Parish Council. The Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under paragraph Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same. above.

## **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a **The Council may appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**
- e **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.**
- f **The Council shall maintain a written record of its processing activities.**

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

1.98. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the District and County Council representing its electoral ward.

1.99. Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council Councillor representing its electoral ward.

### ***WARDS***

1.100. The Parish is comprised of 3 Wards: Bisley, Eastcombe and Oakridge. Each Ward is represented by 4 Councillors. One Councillor shall be elected by the Councillors of each Ward to chair the Ward Committee. The Chairman of the Ward committee may convene Ward Meetings at any time.

### ***VARIATION, REVOCATION & SUSPENSION OF STANDING ORDERS***

1.101. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

1.102. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

### ***STANDING ORDERS TO BE GIVEN TO COUNCILLORS***

1.103. The Clerk shall provide a copy of the Council's standing orders to a Councillor upon delivery of his/her declaration of acceptance of office.

1.104. If there is any permanent variation to or revocation of Standing Orders the Clerk shall issue a complete copy of the revised document to all Councillors.

## **PART TWO: FINANCE**

1. All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations.

### ***PURCHASES***

2. The Parish Council is able to reclaim VAT on purchases made for its own use. In order for the Council to take advantage of this considerable cost saving, all purchases of a value above £25 are to be made through the Parish Clerk.

## **PART THREE: CONTRACTS**

1. Procedures to be followed when letting contracts are set out in the Council's Financial Regulations.

## **PART FOUR: PLANNING**

4.1. A Councillor from each Ward is to be appointed as Ward Planning Lead by the Parish Council at the Annual General Meeting of the Council or at such other time as may be required.

4.2. The Parish Clerk shall maintain a Planning Register holding the following information for each Planning Application made within the Parish:

4.2.1. The Reference Number.

4.2.2. The address of the property covered by the Planning Application.

4.2.3. The date received by the Parish Council.

4.2.4. The date on which the notice of the application was sent to the Ward.

4.2.5. The date on which the Ward's comments were received.

4.2.6. The date a response was agreed by the Parish Council - details of the response will be held in the minutes of that meeting.

4.2.7. The date that response was sent to the Planning Authority.

4.2.8. The date the Decision Notice was received from the Planning Authority.

4.3. When notice of a Planning Application is received by the Clerk he shall, as soon as it is received, enter the Reference Number, the address of the property and the date of receipt in the Planning Register.

4.4. The Clerk shall refer every Planning Application to the relevant Ward Planning Lead within 2 working days of receipt and shall update the Planning Register with this date.

4.5. The Ward Planning Lead will seek the views of Ward Councillors on Applications arising within their Ward, and of the Parish Tree Wardens for tree related applications, and summarise the Ward view (including details of any views expressed by residents to any of the Ward Councillors) together with a list of applicable Planning Policies. This information then is to be sent as feedback to the Parish Clerk.

4.6. Each Planning Application will be placed on the agenda for consideration by the full Parish Council at the next available meeting following receipt of the notice of the Application. Copies of the Ward feedback on each Application will be circulated to Councillors as part of the pre-meeting paperwork pack.

4.7. If the period between receipt of a Planning Application and date of the next available Parish Council meeting exceeds the time allowed for consultation on the Application, the Clerk will request an extension from SDC. If this is refused the Clerk, in consultation with the Parish Council Chairman (or in his absence the Vice-Chairman), may convene an Extraordinary Meeting of the Parish Council to consider the Application.

4.8. Following each Parish Council meeting the Clerk will notify the Planning Authority of the Council's response to each Planning Application considered at that meeting.

4.9. Where a Planning Application arising in one Ward has implications which may extend to other Wards within the Parish, or is of a particularly complex nature, the relevant Ward Planning Lead may consult other Ward Planning Leads and reflect their comments in the Ward advice on the Application submitted to the full Parish Council.

4.10. If the Parish Council is notified of a Planning Application that is not in Bisley-with-Lypiatt Parish but may have implications that will affect the Parish, it will be considered jointly by the Ward Planning Leads who will make recommendations to the full Parish Council for action.

4.11. In the event that a Planning Application is submitted by a Parish Councillor the following procedure is to take effect:

4.11.1. The Councillor is to notify the Clerk when the Planning Application is submitted to the Planning Authority.

4.11.2. Upon receipt of the Planning Application from the Planning Authority, the Clerk is to register it in the normal way and pass it to the appropriate Ward Planning Lead with a covering note advising that, in accordance with the Council's Code of Conduct, the Councillor Applicant must declare an interest and play no part whatsoever in the decision-making process regarding the Application.

4.11.3. In the event that the Councillor Applicant is also the Ward Planning Lead the Application is to be notified to the Chairman of the Parish Council who will then appoint a Planning Lead from one of the other Wards in the Parish to liaise with the appropriate Ward Councillors and prepare advice for the full Parish Council. The Councillor Applicant is again to declare an interest and play no part whatsoever in the proceedings.

### ***TREES IN CONSERVATION AREAS***

4.12. Formal Parish Council comments on a Notification of Work to Trees in a Conservation Area may be agreed at a meeting of the Ward Committee of the Ward in which the property is located. The Ward Planning Lead is responsible for relaying the comments to Stroud District Council, with a copy to the Parish Clerk, and for reporting the comments to the next following meeting of the Parish Council.

## **PART FIVE: COMPLAINTS**

### ***ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT***

1. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Monitoring Officer at Stroud District Council.
2. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Parish Council of that fact. Upon receipt of such notification, the Chairman shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, and that person shall continue to act in respect of the matter until the complaint is resolved.
3. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
  - 53.1. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - 53.2. Ensure that any background papers containing the information set out in paragraph On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Monitoring Officer at Stroud District Council. above are not made public.
  - 53.3. Ensure that the public and press are excluded from meetings as appropriate.
  - 53.4. Ensure that the minutes of meetings preserve confidentiality.
  - 53.5. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
4. Paragraph The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality: above should not be taken to prohibit the Council from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
5. References in paragraphs On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Monitoring Officer at Stroud District Council. to The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality: to a notification shall be taken to

refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

### ***EMPLOYEES OF THE COUNCIL***

6. Complaints about an employee of the Council will be dealt with as an employment matter. The complainant should be assured that the matter will be dealt with internally and appropriate action will be taken. The complainant is to be informed of the Council's decision.

### ***COMPLAINTS REGARDING THE ADMINISTRATION OF THE COUNCIL OR ITS PROCEDURES***

#### **Before the Meeting:**

7. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.

8. If the complainant does not wish to put the complaint to the Clerk, they may be advised to put it to the Chairman of the Council.

9. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council.

10. The complainant shall be invited to attend the relevant meeting and bring with them such representatives as they wish.

11. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

#### **At the Meeting:**

12. The Council shall consider whether the circumstance of the meeting warrants exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.

13. Chairman to introduce everyone.

14. Chairman to explain procedure.

15. Complainant (or representative) to outline grounds for complaint.

16. Members to ask questions of the complainant.

17. If relevant, Clerk to explain the Council's position.

18. Members to ask any question of the Clerk.
19. Clerk and complainant to be offered opportunity of last word (in this order).
20. Clerk and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties are to be invited back).
21. Clerk and complainant return to hear decision, or to be advised when decision will be made.

**After the Meeting:**

22. Decision confirmed in writing within seven working days together with details of any action to be taken.