

Brenchley and Matfield Parish Council Standing Orders

NOTE: On 31st March 2020 the Council adopted a Scheme of Delegation outlining how it would manage its ongoing activities. This published document does not replace the Standing Orders but clarifies interim measures that are in place where the Standing Orders cannot be met due to Covid-19 issues and is appended hereto.

COUNCIL MEETINGS

1 Chairing meetings

The Chair of the Council or in his/her absence the Vice-Chair, shall chair meetings of the Council. In their absence the Council shall select a person to chair the meeting.

2 Quorum

No business shall be dealt with unless there is a quorum of 3 members present. If there is no quorum, the meeting must be adjourned immediately.

3 Proper Officer

3.1 The Clerk to the Council is the Proper Officer and employee of the Council and as such is under a statutory duty to carry out all the functions of a local authority's Proper Officer.

3.2 The Clerk shall:

- receive declarations of acceptance of office;
- receive and record notices disclosing interests at meetings;
- receive and retain plans and documents;
- sign notices or other documents, including planning recommendations, on behalf of the Council;
- certify copies of bylaws made by the Council;
- carry out and implement any Council decision;
- sign and issue the summons to attend meetings of the Council;
- keep proper records of all Council meetings.

3.3 The Clerk may take urgent decisions on behalf of the Council in consultation with the Chair and/or another member(s).

4 Holding meetings

4.1 An annual meeting of the Council shall be held in every year in the month of May. In the year of ordinary elections of parish councillors, the annual meeting shall be held within 14 days after the day on which councillors elected take office.

4.2 At least 3 other meetings of the Council shall be held in every year.

4.3 An extraordinary meeting of the Council may be called at any time by the chair.

4.4 Any 2 members may submit a written request signed by them to the Chair to call an extraordinary meeting. In the event of the Chair not calling an extraordinary meeting within 7 days of receiving the request, or refusing to call an extraordinary meeting, the 2 members may call an extraordinary meeting.

4.5 Meetings shall be held at a place, date and time fixed by the Council. Meetings shall not be held in premises being used at the time for the supply of alcohol permitted by the Licensing Act 2003 unless no other suitable room is available.

- 4.6 Notice of the time and place of meetings and a copy of the agenda must be fixed in a conspicuous place in the parish at least 3 clear days before the meeting. Where a meeting is called by members of the Council (4.4 above), the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting (the agenda).
- 4.7 All members of the Council shall be given (by email or by post or left at their residence) at least 3 clear days written notice of all meetings of the Council from the Proper Officer specifying the business proposed to be transacted (the agenda).
- 4.8 An invitation to attend Council meetings will normally be sent to the councillors for the Brenchley and Horsmonden ward of Tunbridge Wells Borough Council, and to the county councillor representing the Tunbridge Wells East division of Kent County Council. They may be invited to give reports to the Council.

5 Order of business for Annual Meetings

5.1 At Annual Meetings the following business may be included:

- Election of Chair (This will be followed immediately by the Chair's declaration of acceptance of office)
- Election of Deputy Chair
- When the Annual Meeting follows Council elections, to note the receipt of declarations of acceptance of office by members
- Receiving any apologies for absence
- Disclosures of interest by members (and employees) in items on the agenda
- Agreeing the minutes of the last meeting and signing them
- Announcements from the Chair
- To appoint committees
- To make appointments and nominations
- Deciding the dates, times and place of meetings of the Council for the year
- To receive recommendations from committees
- Other business placed on the agenda

6 Order of business for ordinary meetings

6.1 At ordinary meetings, the following business will usually be included:

- Receiving any apologies for absence
- Disclosures of interest by members (and employees) in items on the agenda
- Agreeing the minutes of the last meeting and signing them (SO 7)
- Announcements from the Chair
- Public question time (SO 8.3)
- Consideration of planning applications
- Any appointments to committees and other bodies
- To receive recommendations from committees (SO 9)
- To receive business motions from members (SO 10)
- Notification of decisions taken and action implemented by the Clerk
- Reports on other meetings attended by councillors
- Matters arising from previous meetings
- Authorisation and signature of orders for payment
- Other matters as previously notified, including questions from members (SO11).

6.2 The order of business may be changed by the meeting by motion put by the Chair.

7 Minutes

- 7.1 No discussion shall take place on a motion to agree the minutes other than upon their accuracy.
 - 7.2 Any corrections shall be made by moving that the minutes are agreed with the corrections stated.
 - 7.3 The minutes must record the names of members present at the meeting and the declarations of interest of any member.
 - 7.4 The minutes of a meeting must be circulated to all members as soon as practicable and referred to the next meeting (other than an extraordinary meeting) for agreement and signing by the Chair.
- 8 Admission of the public and press
- 8.1 The public and press shall be admitted to all meetings of the Council and its committees and sub-committees.
 - 8.2 The public and press may be temporarily excluded from any meeting by resolution of the Council when the nature of the business to be transacted is confidential, as defined in statute.
 - 8.3 At all meetings of the Council, at the Chair's discretion, fifteen minutes will be set aside for questions from members of the public, each of whom may speak for a maximum of three minutes, relating to items on the agenda, or about issues of general concern. Members of the public are not thereafter permitted to participate in the meeting, without the invitation of the Chair.
 - 8.4 Subject to standing order 8.3, 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.
 - 8.5 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place, without permission.
 - 8.6 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.
 - 8.7 If any member of the public interrupts the proceedings, the Chair may, after warning, order that he/she be removed from the meeting.
- 9 Recommendations of committees
- 9.1 Recommendations of committees must be included in full on the agenda for the Council meeting. Recommendations of committees meeting after the notice of meeting has been sent to members must be circulated to all members as soon as practical.
 - 9.2 Recommendations cannot be discussed until they have been moved and seconded. This will normally be done by the Chair and Deputy Chair of the committee.
- 10 Business motions
- 10.1 Any member may give to the clerk written notice of a motion the member wishes to move at a meeting at least 5 clear days before the meeting (and sufficient to enable the motion to be included on the agenda).
 - 10.2 Motions must be included in full on the agenda in the order they are received.

10.3 Motions cannot be discussed until they have been moved and seconded.

11 Member questions

11.1 Any member may put a question to the meeting about a matter for which the Council has a responsibility or which affects the parish.

11.2 A member seeking a response to a question at the meeting should give the clerk notice of the question at least 5 clear days before the meeting. However, the Chair, at his/her discretion, might accept less or no notice if the matter on which an answer is sought is urgent or straightforward.

12 Rules of debate for committee recommendations and business motions

12.1 The Council normally conducts its business without the need to apply formal rules of debate and the provisions of SOs 12.2-12.11 need not normally be enforced. However there may be occasions where a more formal procedure is necessary and the Chair or any member may require that the rules of debate in this section are applied to the consideration of a particular committee recommendation or business motion.

12.2 Any member may propose an amendment to a committee recommendation or business motion by giving notice of it in writing to the clerk at least 5 hours before the starting time of the meeting. The clerk shall provide all members at the meeting with copies of amendments.

12.3 An amendment must relate directly to the subject matter of the recommendation or motion and may refer the recommendation or motion to a committee for consideration or further consideration, delete words, add words, or delete and add words. An amendment must not have the effect of nullifying the recommendation or motion.

12.4 An amendment cannot be discussed until it has been moved and seconded.

12.5 An amendment can be withdrawn at any time by the member moving it.

12.6 The member moving the recommendation or motion may incorporate an amendment into the recommendation or motion.

12.7 Amendments will be discussed together unless the meeting agrees to discuss them separately on the motion of any member.

12.8 Amendments will be put to the vote in the reverse order in which they were moved. An amendment which is carried shall become the substantive recommendation or motion and other amendments will not be put to the vote.

12.9 The order of speaking shall be:

- mover of the recommendation or motion;
- mover of first amendment;
- mover of second amendment (and so on);
- any other member wishing to speak;
- right of reply of movers of amendments in reverse order;
- right of reply of mover of recommendation or motion.

12.10 A member may speak only once in a debate except where the member has a right of reply or where the Chair, in her/his discretion, permits in the interests of debate.

12.11 During a debate but between speakers, any member may move a procedural motion:

- That the question be put to the vote immediately;
- That the meeting move to the right of reply of the mover of the recommendation or motion and then to the vote;
- To proceed to the next business.

If seconded, the procedural motion shall be put to the vote immediately without discussion.

13 Voting

- 13.1 Members shall vote by show of hands or, if at least 2 members so request, by signed ballot.
- 13.2 Immediately after a vote is taken and before the next business is commenced, a member may require that the minutes of the meeting record the way in which that member has voted or that he/she abstained from voting.
- 13.3 Immediately before a vote is taken, any member may request that a vote is recorded. When a request is made, the Chair or person nominated by the Chair shall call the names of all the members and after each name is called the member shall state whether he/she is voting for or against the question put or abstaining. The record of voting shall be recorded in the minutes.
- 13.4 In the case of an equality of votes the Chair may give a casting vote whether or not he/she gave a first vote.
- 13.5 If the person presiding at an annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term of office, he/she may not give a first vote in an election for Chair of the Council.
- 13.6 The person presiding must give a casting vote in the event of there being an equality of votes for the election of Chair of the Council.

14 Procedural motions

- 14.1 Any member at any time may move, between speakers, any of the following motions:
- To proceed to the next business
 - To move to the vote
 - To refer a matter to a committee
 - To exclude temporarily from the meeting and for a specific reason, members of the public and press (SO 8.2)
 - To adjourn the meeting
- 14.2 If the motion is seconded, it must be put to the vote immediately without discussion.

15 Conduct

- 15.1 Members, and non-voting members appointed to committees and sub-committees, must abide by the Code of Conduct adopted by the Council on 30 April 2020.
- 15.2 In particular, members must disclose personal and prejudicial interests in any Council business, as required by the Code of Conduct. Unless dispensation has been obtained from the Tunbridge Wells Borough Council Audit and Standards Committee, members with a prejudicial interest in an item of business must withdraw from the room while that business is considered by the Council.
- 15.3 A member when speaking must address the Chair.

- 15.4 Members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chair in the proper management of the meeting.
- 15.5 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructing business, the Chair may move that the member be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.
- 15.6 If the member continues to behave improperly after a motion that the member be not further heard, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If the motion is seconded, it must be put to the vote immediately without discussion.
- 15.7 If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chair may adjourn the meeting for as long as he/she considers necessary.

COMMITTEE MEETINGS

16 Appointment of committees

- 16.1 At its Annual Meeting, the Council may appoint standing committees and, at any other time, may appoint such committees as are necessary, or dissolve or alter the membership of committees.
- 16.2 Committee members shall not hold office later than the next Annual Meeting.
- 16.3 The Council may appoint persons other than Council members, as non-voting members to any committee, except the Finance Committee.
- 16.4 Committees may appoint sub-committees.
- 16.5 No member shall be appointed to a committee established to review planning applications unless they have successfully completed an approved training course on planning policy, except where this would lead to the committee being inquorate. In such circumstances, a member may be appointed on the understanding that she or he undertakes the approved training, when a suitable course has been identified.
- 16.6 The Council's Health & Safety Policy requires that a Safety Officer be appointed to act as the Lead Member for health and safety matters. The person appointed will be a member of any committee(s) where health and safety matters form part of its remit.

17 Chairing committee meetings

- 17.1 The Council may elect Chairs and Deputy Chairs of committees when the committees are appointed. Alternatively, every committee shall, at its first meeting and before conducting any business, elect a Chair for the year. A committee may elect a Deputy Chair.
- 17.2 The Chair of the committee, or in his/her absence the Deputy Chair, will chair meetings of the committee. In their absence, the committee shall select a person to chair the meeting.

18 Committee Quorum

- 18.1 The Council will set a quorum for committees on their appointment. This will normally be half of the members of the committee but in no case will it be fewer than 3 members.

18.2 No business shall be dealt with unless the committee is quorate. If there is no quorum, the meeting must be adjourned immediately.

19 Committee meeting procedures

19.1 The provisions of the following Standing Orders (SO) governing Council business will equally apply to committee meetings:

- SO 4.3 – 4.7 on holding meetings
- SO 6 on order of business (insofar as the items listed are relevant to the business of the committee)
- SO 7 on minutes. Minutes of committee meetings should be circulated to all Council members.
- SO 8 on admission of the public and press
- SO 12 on rules of debate
- SO 13 on voting
- SO 15 on conduct

19.2 Any Council member not being a member of a committee may attend any meeting of the committee and the Chair may permit any such member to speak.

20 Protection and Management of Information

20.1 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.

20.2 The Council shall appoint a Data Protection Officer.

20.3 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his or her personal data.

20.4 The Council shall have a written policy in place for responding to and managing a personal data breach.

20.5 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.

20.6 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.

20.7 The Council shall maintain a written record of its processing activities.

20.8 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.

20.9 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).

20.10 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.

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

OTHER PROVISIONS

21 Smoking

21.1 Smoking, including e-cigarettes and similar devices, is prohibited during any Council and committee meeting.

22 Exercise of Council functions by individual members

22.1 A member cannot individually exercise any functions of the Council on behalf of the Council. A member must not issue any order relating to work being done for the Council or claim any right to enter any property on behalf of the Council.

23 Access to documents

23.1 In addition to the provisions of SO 4.6, a reasonable number of copies of agendas and any open reports submitted to the Council shall be available, from the Clerk, for members of the public attending meetings, if requested in advance..

23.2 Agreed minutes of Council meetings will be published on the Parish website.
(www.brenchleyandmatfield.co.uk).

23.3 Council minutes, committee minutes and any open reports or other open documents held by the Council will be available for inspection on application to the clerk. Copies of documents may also be requested. Individual copies of minutes will be available free of charge. Multiple or bulk copies of minutes and copies of other documents may be subject to a copying charge.

23.4 A Council member may, for the purpose of his/her duty (but not otherwise), inspect any document in possession of the Council or a committee and, if copies are available, shall on request, be supplied with one.

Brenchley and Matfield Parish Council S 101 Scheme of Delegation from 1st April 2020

Basis

The wording of the 1972 Act provides that “a local authority may arrange for the discharge of any of their functions— (a) by a committee, a sub-committee or an officer of the authority; or (b) by any other local authority.

This does not imply that delegation would remove/undermine/jeopardize the democratic role of councillors, and this Scheme is intended to underpin the principle of the body corporate whilst agreeing arrangements for an element of delegated authority. This provides assurance for audit and insurance requirements, particularly during a period when the usual scheme of governance cannot be discharged.

Following advice received from central Government, the Parish Council shall not meet in public. This mechanism is therefore established to ensure that there is an audit trail, and justification for retrospective approval of actions taken.

Delegation Principles

1. Except for the permissions already delegated to the Clerk via the Financial Regulations, all decisions of the Council are to be agreed by consensus, wherever possible. In exceptional circumstances, taken on a case-by-case basis, decisions would be taken by the Clerk, in consultation with the Chairman.
2. Councillors are reminded to take note of the adopted Financial Regulations and Standing Orders, which shall remain in place with particular reference to sections 4., 5., and 6.
3. The Clerk shall continue to be bound by the Statutory Powers of the Parish Council and shall undertake such actions with her best endeavours, and in good faith. No personal liability shall be attributed to the Clerk for any actions taken in following this Delegation mechanism.
4. The approval of the precept and budget provides the general agreement for expenditure, and this shall continue to be the guiding principle of the Council's activities.
5. The Chairman and the Clerk shall make day-to-day decisions that are not material to Financial or Health and Safety matters and which require immediate attention due to their nature.

Process

- Consultation with Councillors shall be wholly via email, except where this is impossible in which case telephone contact shall be acceptable and recorded by the Clerk.
- The Clerk shall circulate all Councillors with specific recommendations, these shall be numbered in the header and shall include only one subject per email.
- Conflicts of interest should continue to be declared.
- All Councillors may forward recommendations to the Council for circulating under this mechanism, the Clerk shall do so within a timeframe of 48 Hours.
- Responses to recommendations shall be time-limited to 48 hours, the deadline shall be specified.
- A simple majority of responses received by the required time shall be taken as the resolved position of the Council and the Clerk shall be authorised to progress these.
- The Chairman shall continue to have a casting vote.
- The terms of the Bank mandate shall not alter and two Councillors shall be required to authorise payments via the usual method, It is proposed that this should be done in rotation, beginning with: Cllr. Woodley and Cllr. Mrs. Butler, for the March accounts; Cllr. Mrs. Warner and Cllr. Sparkhall or April; and Cllrs. de Guingand and Stevenson for May. This rotation to continue until further notice.
- Actions taken under item 5 above - via the Scheme of Delegation (numbered SD – XX) and under item 1 above - following agreement of the Council (numbered PC – XX) shall be circulated in a numbered log to the Council weekly and published monthly. These shall form the minutes of Council activity for scrutiny in due course and shall be signed by the Chairman at the next available opportunity.

Approved (via email), adopted and published by the Council on 31st March, 2020