Stoke by Clare
Parish Council

STANDING ORDERS (ENGLAND) 2024

Stoke by Clare Parish Council

Issue of Concern

This document lists the Standing Orders for the business of Stoke by Clare Parish Council.

Background

Stoke by Clare Parish Council is elected by the residents of the parish every four years to conduct the most local form of government, and to provide the additional public services which make the Parish such an extra special place.

Amongst other things, the Council:

- Provides small-scale Environmental services, e.g. flowerbeds and park benches.
- Has supported numerous local village groups and charities, e.g. pensioner groups, local sports clubs, and youth groups.
- Holds or supports several annual public events in the Parish,
- Is consulted on the public services provided in the Parish, e.g. health services and the determination of planning applications.
- Supports residents who have had problems getting West Suffolk or County Councils to resolve issues of a public nature, e.g. getting road faults fixed.

Statutory Requirements

All Standing Orders in **emboldened type** are in whole, or in part, laid down by statute, and must be treated as compulsory. No such Standing Order may be suspended by resolution.

Variants of 'Chairman' / 'Vice-Chairman'

Because the role is independent of the individual appointed to it, the individual elected to chair the Council or its Committees is referenced as 'Chairman' in this document.

In practice, the individuals shall be referenced as they wish out of the common titles of 'Chairman', 'Chair-Person', 'Chair', etc. The same shall be true of the Vice-Chairman.

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STOKE BY CLARE PARISH COUNCIL

Standing Orders

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MEETINGS (PLACE AND TIME)

1)

a) Meetings of the Council shall be held at The Barn, Ashen Lane, Stoke by Clere, Suffolk,unless the Council has decided otherwise at a previous meeting.

b) There shall be two Standing Committees of the Council, namely the Planning and Licensing Committee, and the Personnel Committee.

The Planning and Licensing Committee shall have the delegated authority of the Council to express the view of the Council to the Planning and Licensing Authority with regard to all planning and licensing matters, principally strategic planning and licensing policy consultations, and applications for planning permission and licences.

The Personnel Committee shall consist of the Chairman & Vice-Chairman of the Council, plus at least one but no more than three members appointed at the Annual General Meeting of the Council. It shall have the delegated authority of the Council to take decisions on all personnel matters, with the option of referring to the Council any matter upon which it, the Personnel Committee, chooses not to decide.

c) Meetings of the Council shall be held 6 weekly on a dedicated Wednesday on the month, unless the Council has decided otherwise at a previous meeting.

d) Meetings of the Planning and Licensing Committee shall be held remotely via delegated powers from the Chair,Vice-Chair and 1 other member

e) Meetings of the Personnel Committee shall be held as and when necessary.

f) Meetings of the Council or the Council's Committees shall begin at 7.30pm, and all meetings shall end by 10.15pm, unless the Council has decided otherwise at a previous meeting.

g) The Council shall regularly appoint various Working Groups at the Annual General Meeting of the Council and at any other time as may be necessary.

ANNUAL GENERAL MEETING

2) The Annual General Meeting of the Council shall be held as follows :-

a) In an election year on, or within, fourteen days after the day on which the Councillors elected took office.

b) In any other year on such day in May as the Council may determine.

CHAIRMAN OF MEETING

3) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

PROPER OFFICER

4)

a) Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that officer shall be the Clerk:-

i) To provide the Council with legal advice.

ii) To receive declarations of acceptance of office.

iii) To receive and record notices disclosing interests.

iv) To receive and retain plans and documents.

v) To sign notices and other documents on behalf of the Council.

vi) To sign summonses to attend meetings of the Council.

b) In any other case, the Proper Officer shall be the person nominated by the Council, and in default of nomination, the Clerk.

c) A Councillor may be appointed as an unpaid Proper Officer.

QUORUM FOR COUNCIL MEETINGS

5)

a) The quorum for meetings of the Council shall be a third of the Council rounded up, so three members shall constitute a quorum.

b) If a quorum fails to attend any Council meeting, or if during a meeting the number of members present falls below the quorum, any urgent business not transacted shall be dealt with under the Council's urgency arrangements (Standing Orders 46-48), and the non-urgent business shall be dealt with at the next meeting.

VOTING

6)

a) Members shall vote by show of hands.

b) If required by at least two members, a recorded ballot shall take place. Members shall sign a paper ballot, and the Clerk shall record in the minutes the names of the members who voted for, against, or abstained.

7)

a) Subject to (b) and (c) below, the Chairman may give an original vote on any matter put to the vote, and, in the case of an equality of votes, may give a casting vote, even if he gave no original vote.

b) If the person presiding at the Annual General Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term in office, the person presiding may not give an original vote in an election for Chairman.

c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

ORDER OF BUSINESS

8) At each Annual General Meeting, the first business shall be:-

a) To elect a Chairman, who shall hold office until the next Annual General Meeting of the Council.

b) To receive the Chairman's declaration of acceptance of office, or, if not then received, to decide when it shall be received.

c) To decide when any declarations of acceptance of office, which have not been received as provided, shall be received.

d) To elect a Vice-Chairman, who shall hold office until the next Annual General Meeting of the Council.

e) To appoint members to the two Standing Committees until the next Annual General Meeting of the Council.

f) To elect the Chairman and Vice-Chairman of the Planning and Licensing Committee until the next Annual General Meeting of the Council.

g) To create, and appoint members to, the various Working Groups that may be required until the next Annual General Meeting of the Council.

h) To elect the Chairmen and Vice-Chairmen of the various Working Groups that may be required until the next Annual General Meeting of the Council.

i) To elect members to represent the Council on outside bodies, until the next Annual General Meeting of the Council.

j) To inspect any leases, deeds and trust instruments in the custody of the Council, and shall thereafter follow the order set out in Standing Order 10.

9) At every meeting other than the Annual General 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 as are required by law to be made, or if not then received, to decide when they shall be received.

10) After the first business has been completed, the remaining order of business, unless the Council decides to change it, shall be as follows: -

a) Apologies for Absence.

b) Declarations of Interest.

c) Public Questions / Presentations (maximum of 3 minutes per person and 15 minutes in total).

d) Planning & Licence Applications.

e) Other Planning & Licensing Matters.

f) West Suffolk & Suffolk County Council Matters.

g) Minutes: After consideration of their accuracy, to approve the signature of the Minutes by the presiding Chairman as a true record.

h) Questions from members that do not require resolution or agreement

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

j) To adopt the minutes of the Planning and Licensing Committee and the Personnel Committee as and when necessary.

k) To receive and consider reports from any of the Council's Working Groups.

l) To receive and consider reports from the Chairman, Clerk.

m) To consider and approve Financial Matters.

n) To receive and consider reports concerning the Barn & Allotments.

o) To consider West Suffolk Council matters which are relevant to the Parish.

p) To receive and consider reports from representatives on outside bodies.

q) To consider resolutions in the order in which they have been notified.

r) Any Other Business (not requiring formal decision-making).

s) To transact any Part II business.

RESOLUTIONS MOVED ON NOTICE (ADDITIONAL AGENDA ITEMS)

11) Except as provided in these Standing Orders, a resolution may not be moved at a meeting of the Council, unless the mover has given notice in writing of its terms to the Clerk at least five working days before the meeting is due to take place.

12) The Clerk shall add to the summons (agenda) for every meeting all notices of motion properly given, and not withdrawn, in the order in which they have been received.

13) If a resolution specified on the summons (agenda) is not moved, it shall, unless postponed by the Council, be treated as withdrawn, and shall not be moved without fresh notice.

14) If the subject matter of a resolution lies under the remit of one of the Council's Committees, the resolution shall be referred to the relevant Committee, unless the Council decides there is adequate reason to deal with it at the meeting it was moved.

15) All other resolutions must be dealt with at the meeting at which they are moved.

16) Every resolution shall be relevant to some question over which the Council has power or which affects the Parish.

RESOLUTIONS MOVED WITHOUT NOTICE

17) Resolutions dealing with the following matters may be moved without notice:

a) To appoint a Chairman of the meeting.

b) To alter the order of business.

c) To detail specific corrections to the minutes.

d) To approve the Chairman's signing of the minutes as a true record.

e) To adjourn or close the debate.

f) That the question now be put.

g) To proceed to the next business.

h) To refer a matter to a Committee.

i) To retain a matter that would otherwise be referred to the relevant Committee.

j) To create a Committee or Working Group and appoint members to it.

k) To amend the membership of or dissolve a Committee or Working Group.

l) To adopt a report.

m) To amend a resolution.

n) To give leave to withdraw a resolution or an amendment.

o) To delegate authority to a nominated member/s, or to delegate authority to a nominated member/s with a view to a specified course of action.

p) That the resolution or report be noted.

q) To exclude the public under schedule 12 of the Local Government Act 1972, as amended to schedule 12(A) by the Freedom of Information Act 2000, declaring the category and reason for doing so, i.e. to move into 'Part II' proceedings.

r) To exclude specific members of the public, or the public generally, under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, if there is disorder.

s) To silence, or eject from the meeting, a member named for misconduct.

t) To adjourn the meeting.

u) To give the consent of the Council, where such consent is required by these Standing Orders.

v) To suspend any non-statutory Standing Order, declaring the reason for doing so.

w) To add, vary or revoke a non-statutory Standing Order (at the next meeting).

RULES OF DEBATE

18)

a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the Chairman, be put in writing and handed to him before it is further discussed.

b) A member's speech shall be directed to the question under discussion, or to a question of order, or to a personal explanation.

c) No speech by a mover of a resolution shall exceed ten minutes, and no other speech shall exceed five minutes, except by consent of the Chairman. If the Chairman so consents, all members shall be treated equally for the rest of the debate.

d) Members may speak only once in a debate, except when the mover exercises the right of reply at the end of the debate, or by consent of the Chairman. If the Chairman so consents, all members shall be treated equally for the rest of the debate.

e) An amendment shall be either :-

   i) 'To leave out words'.

   ii) 'To leave out words and to add others'.

   iii) 'To insert or add words'.

f) An amendment must not have the effect of negating the motion before the Council.

g) The mover of a resolution may, with the consent of the seconder, move amendments to his/her own motion.

h) A further amendment shall not be moved until the Council has disposed of the current amendment under debate.

i) A resolution or amendment may be withdrawn by the mover with the consent of the Council, which shall be signified without discussion, and no member may speak on it after permission has been asked for its withdrawal, unless such permission has been refused.

j) When all members wishing to speak in a debate have spoken, or a motion 'that the question now be put' has been carried, the Chairman shall invite the mover of the resolution or amendment under debate to exercise a right of reply, which does not exceed five minutes, does not introduce new matters, and concludes the debate. After the mover has so spoken, no further debate shall be permitted.

k) If an amendment is carried, the resolution, as amended, shall take the place of the original resolution, and shall become the resolution upon which any further amendment may be moved.

19)

a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

b) Members shall address the Chairman, not each other.

c) If two or more members wish to speak, the Chairman shall call upon one of them to speak, and the others shall remain silent until called upon.

d) Whenever the Chairman wishes to speak, all other members shall remain silent.

DISORDERLY CONDUCT

20)

a) No member shall persistently disregard the ruling of the Chairman, willfully obstruct business, bully another member, or behave irregularly / offensively / improperly / in such a manner as to bring the Council into disrepute.

b) If a member believes that another member is in breach of paragraph (a) of this Order, he/she may name the member concerned, and move that the member named be no longer heard, or that the member named do leave the meeting. The motion, if seconded, shall not be debated, and shall be put to the vote.

c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman, or, if the Chairman is the member named, the Vice-Chairman, may adjourn the meeting, or take such further steps as may reasonably be necessary to enforce them.

CLOSURE

21) At the end of any speech, a member may, without consent, move 'that the question be now put', 'that the debate be now adjourned', or 'that the Council do now adjourn'. If such a motion is seconded, and the Chairman is of the view that the question before the Council has been sufficiently debated, he/she shall forthwith put the motion. If the motion 'that the question be now put' is carried, he shall call upon the mover to exercise or waive the right of reply, and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate, or of the Council, shall not prejudice the mover's right of reply at the resumption.

RESCISSION OF PREVIOUS RESOLUTION

22)

a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months, except a planning and licensing decision, or by a Special Resolution carried by a two-thirds majority.

b) When a Special Resolution has been disposed of, no similar resolution may be moved within a further six months.

c) This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendations of a Committee.

COMMITTEES

23) The Council may at the Annual General Meeting appoint Standing Committees, and may at any other time appoint such other committees as may be necessary, but subject to any statutory provision in that behalf:-

a) Shall not appoint any member of a Committee so as to hold office later than the next Annual General Meeting, and

b) May, subject to the Standing Order on rescission of previous resolution, (Standing Order 22), at any time alter or dissolve the membership of a Committee.

24) The Chairman and Vice-Chairman of the Council shall be members of every Committee.

25) Members not appointed to a Committee are entitled to attend and take part in meetings of that Committee, with the exception of voting.

26) The Chairmen and Vice-Chairmen of the Council's Committees shall be appointed at the Annual General Meeting, or when a Committee is appointed at any other time, except the Personnel Committee, where the Chairman and Vice-Chairman of the Committee shall be the Chairman and Vice-Chairman of the Council.

27) If the Chairman and Vice-Chairman of a Committee are absent from a Committee meeting, the first item of business shall be to elect a Chairman for the meeting.

28) The quorum for Committee meetings shall be three members. If a quorum fails to attend a meeting, or if during a meeting the number of members present falls below the quorum, any urgent business not transacted shall be dealt with under the Council's urgency arrangements (Standing Orders 46-48), and the non-urgent business shall be dealt with at the next meeting

29) The Standing Orders on voting shall apply to Committee meetings.

30) The Order of Business for the Planning and Licensing Committee, unless the Committee decides to change it, shall be as follows:-

a) Apologies for Absence.

b) Declarations of Interest.

c) Minutes: After consideration of their accuracy, to approve the signature of the Minutes by the presiding Chairman as a true record.

d) Matters Arising (not elsewhere on the agenda).

e) Public Questions / Presentations (maximum of 3 minutes per person and 15 minutes in total).

f) Consideration of Planning Applications.(if under 21 days extension)

g) Consideration of Planning Appeals.

h) Planning Applications Monthly Update.(if any)

i) Consideration of Licensing Applications.

j) Consideration of Strategic Planning Consultations.

k) Consideration of Licensing Policy Consultations.

l) Any Other Business (not requiring formal decision-making).

31) The order of business for the Personnel Committee, unless the Committee decides to change it, shall be as follows:-

a) Apologies for Absence.

b) Declarations of Interest.

c) To exclude the public under the personal privacy categories of schedule 12 of the Local Government Act 1972, as amended to schedule 12(A) by the Freedom of Information Act 2000, i.e. to move into 'Part II' proceedings, as the business matters relate to the personal circumstances of the Council's employees.

d) Personnel Matters.

32) The order of business for all other Committees, unless the relevant Committee decides to change it, shall start with the following items:-

a) Apologies for Absence.

b) Declarations of Interest.

33) The Standing Orders on resolutions, rules of debate, disorderly conduct, closure and rescissions, (Standing Orders 11-22), shall apply to Committees.

WORKING GROUPS

34) The Council may at the Annual General Meeting, or at any other time, appoint Working Groups of members to carry out specific tasks. These groups:

a) Shall exist only until the next Annual General Meeting.

b) Subject to the Standing Order on rescission of previous resolution, (Standing Order 22), may have their membership altered or dissolved at any time by the Council.

35) The Chairmen and Vice-Chairmen of these Working Groups shall be appointed at the Annual General Meeting, or when a Working Group is appointed at any other time.

36) The Working Groups shall be informal and not governed by any other Standing Orders.

INTERESTS (ETHICAL GOVERNANCE)

37)

a) The Council has adopted the Code of Conduct for the ethical governance of councils in England. The Council shall adopt updates as they are applied.

b) Each time the Council is elected, or the Code of Conduct is updated, all members of the Council shall be required to sign up to the Code.

c) Under the Code, members shall declare the type and nature, but not the extent, of their interests in matters or bodies being considered at meetings, either:

   i) At the start of the meeting under the agenda item 'Declaration of Interests', or

   ii) When they realise, they have an interest in the matter or body being considered, or

   iii) When reference is made to another matter or body in which they have an interest.

d) Members declaring prejudicial interests are entitled to address the meeting at the start of the item in which they have an interest, before having to leave the room.

e) Members declaring personal interests are entitled to reserve their right to speak and/or vote but shall consider the ethical implications before doing either.

38)

a) Under the Local Government Act 2000, members shall submit a register of their interests in the Parish, updating it as their interests change, and of gifts over the value of £50 which they have received in their role as councillors.

b) Each time the Council is elected, or the Code of Conduct is updated, members shall submit a new register of their interests in the Parish.

c) The Standards Authority will display the registers of interest on its website (with signatures redacted).

39) If anybody makes a complaint that a member of the Council has breached the Code of Conduct, and/or failed to declare an interest whilst taking part fully in a decision, the complainant shall be advised to put the complaint in writing to the Monitoring Officer at the Standards Authority, who is responsible for dealing with such complaints.

PUBLIC PARTICIPATION

40)

a) Members of the public wishing to ask questions, or to make presentations on any of the business listed for a meeting, shall be invited to do so under the agenda item 'Public Questions / Presentations', provided they have verbally registered, with the Clerk, their intention to do so before the meeting has started.

b) Each person addressing the meeting shall be limited to three minutes, which may be extended by consent of the Chairman, and the public as a whole shall be limited to fifteen minutes, which may be extended by consent of the Chairman.

c) After the Public Questions / Presentations agenda item has finished, the public may not take any further part in the meeting, unless permitted by the Chairman.

41) If a member of the public, or a group of the public, interrupts the proceedings of any meeting, the Chairman may, after warning the offender/s, move a resolution that the offender/s be removed from the meeting. If that resolution is carried, but disobeyed, the Chairman may adjourn the meeting until such time as the situation is resolved.

42) Members of the public wishing to record the proceedings of meetings orally and/or visually shall be permitted to do so, but only if they provide enough notice so that the Council can, via its own means, record the same proceedings in the same method.

PETITIONS

43)

a) Anybody wishing to petition the Council shall be invited to present their petition at meetings of the Council under 'Public Questions / Presentations'.

b) If the petition concerns the Council's business, and the subject matter of the petition is not elsewhere on the agenda for the meeting, the subject matter shall be put on the agenda for the following meeting, and the petition presenters shall be invited to attend that meeting. (The subject matter could not be considered at the same meeting if it has not been explicitly published as being on the agenda.)

c) If the petition concerns the Council's business, and the subject matter is already on the agenda, the subject matter shall be considered at the same meeting.

d) If the petition concerns business of the Borough or County Councils, the subject matter shall be considered under the agenda items for those councils, and the petition presenters shall be advised how to petition the relevant council directly.

e) If a petition concerns business of some other authority, the Council shall put the subject matter on the agenda for the following meeting (for the same reason as outlined in (b)), invite the petition presenters to that meeting, and/or advise the petition presenters how to petition the relevant authority directly.

WEST SUFFOLK & COUNTY COUNCILLORS PARTICIPATION

44) If they are not members of the Council, the Councillors for Stoke by Clare shall be invited by the Chairman to answer questions and make presentations at any point in meetings should they wish to do so.

PROCEDURES FOR THE CONDUCT OF COUNCIL BUSINESS

45)

a) The Council shall conduct its business as required by statute and by these Standing Orders.

b) Motions for inclusion in the summons (agenda) for a meeting must be submitted to the Clerk at least five working days before the meeting is due to take place, in accordance with Standing Order 11.

c) The summons (agenda) and associated documents for meetings shall be published and distributed at least three working days before each meeting.

d) Minutes of Council meetings shall be drafted by the Clerk on the next working day and sent to members with the summons (agenda) for the following meeting.

e) Minutes of the Planning and Licensing Committee meetings shall be approved and signed at the next meeting of the Committee, and will then be tabled for adoption at the next available Council meeting.

f) Minutes of the Personnel Committee will be referred directly to the Council for approval and adoption at the next available Council meeting, subject to at least one member of the Personnel Committee being present and confirming the minutes to be accurate.

g) Motions recommended by a Standing Committee must be proposed by the Chairman of that Committee, or in his/her absence the Vice-Chairman of that Committee, at the next full Council meeting after the Committee met.

URGENCY ARRANGEMENTS

46) The Council shall conduct its business at meetings only, and not by email message or any other form of communication outside of meetings.

47)

a) The Chairman of the Council, or the Clerk, may summon an Extraordinary Meeting of the Council at any time, providing as per Standing Order 45(c), three working days notice is given for the meeting.

b) Similarly, the Chairman of a Committee, the Chairman of the Council or the Clerk may summon a Committee meeting at any time, providing as per Standing Order 45(c), three working days notice is given for the meeting.

48)

a) If the Chairman of the Council or relevant Committee, or the Vice-Chairman if the Chairman is unavailable, believes that a matter is so urgent that it cannot wait for a meeting, he/she may send and record a written message to the relevant members containing:

   i) A description of the matter at hand.

   ii) An explanation for the urgency.

   iii) A proposal for action.

   iv) Advice from the Clerk.

   v) A deadline for responses.

b) If a majority of written responses are in favour of the action proposed, the Chairman or Vice-Chairman is entitled to take a decision, pending ratification at the next relevant meeting, or the following meeting if the decision is taken within the five working days notice period required for resolutions.

POWERS DELEGATED TO EMPLOYEES

49)

a) Unless a member requests in writing to the Clerk that a specific matter is referred to the Council, or the Clerk wishes to refer a specific matter to the Council, the Clerk has the delegated authority of the Council to determine:

   i) The day-to-day management of the Council's affairs

   ii) Requests to facilitate Burial management plans.

   iii) Requests to use the Barn (to send forward to approved Barn Committee).

   iv) Requests to put up any constructions, e.g. sheds, on the Allotments.

v) Requests to display posters on the public noticeboards around the Parish.

vi) Requests for information under the Freedom of Information Act 2000.

b) The Clerk may, in turn, delegate any of the above powers to the Council's staff..

FINANCIAL REGULATIONS

50) All of the Council's financial activities, including budget setting, financial control, payments administration, value for money, procurement, grants, accounting, assets and risks, shall be governed by the Council's financial regulations, which are documented separately and shall be reviewed annually.

MEMBERS' TERMS

51)

a) **The member's role is voluntary**, and is not pensionable.

b) Only the Chairman of the Council may receive an allowance.

UNAUTHORISED ACTIVITIES

52) Unless authorised to do so by the Council or the relevant Committee, no member shall, in the name of, or on behalf of, the Council:

a) Make representations on behalf of the Council; or

b) Issue orders; or

c) Inspect any lands or premises which the Council has a right or duty to inspect.

53)

a) During the campaigning period for any elections, members of the Council shall be subject to the Government's Code of Recommended Practice on Local Authority Publicity, which is generally known as being put in 'purdah'.

c) Whilst in purdah, no member shall, in his/her official role as a councillor, conduct or publicise activities that could be interpreted or confused as an attempt to gain party or individual political advantage in the ongoing election.

INSPECTION OF DOCUMENTS

54) Members of the Council are entitled access to any document held by the Council.

FREEDOM OF INFORMATION

55)

a) As per the Freedom of Information Act 2000, the Council shall maintain a Scheme of Publication, which lists the public documents held by the Council.

b) As per the Standing Order detailing the powers delegated to employees (Standing Order 49), the Clerk has the delegated authority of the Council to deal with all requests for information under the Act ('FOI requests').

56)

a) If any member or employee receives such a request, the request shall be passed to the office, where the request, and the date it was received, shall be recorded.

b) Within two working days, the Clerk shall send and record a response, which acknowledges receipt of the request and states the request is being processed.

c) Within five working days, the Clerk will take and record decisions on whether:

i) The information requested is relevant to the Council.

ii) It would be practically, operationally and financially possible to compile the information requested.

d) Within eighteen working days, **so that it is received within the statutory period of twenty working days, the Clerk shall:**

i) Compile, send and record the information requested.

or:

ii) Send and record a response, which details why the information requested could not be produced, and provides the contact details for appealing to the Information Commissioner.

57)

a) FOI requests, which seek copies of email messages, shall, in keeping with regulations, only receive copies of messages where an official email address has been used at some point in sending or receiving, e.g. '@stokebcpc@outlook.com'.

b) The Council shall co-operate fully in any appeals considered and determined by the Information Commissioner.

DATA PROTECTION

58) In keeping with the General Data Protection Regulations (May 2018), the Council shall ensure that:

a) The personal data held by the Council shall be secure, necessary, accurate, and up-to-date.

b) Individuals shall have access to the information held about them.

CONFIDENTIALITY

59)

a) **No member or employee of the Council shall disclose outside of the Council:**

i) Any information which has been declared to be confidential by the Council.

ii) Any information which falls under schedule 12 of the Local Government Act 1972, as amended to schedule 12(A) by the Freedom of Information Act 2000, i.e. 'Part II' information.

iii) Any information that is confidential under the General Data Protection Regulations (May 2018).

b) If a member or employee of the Council makes a material disclosure of any information in (ii) and (iii), the Council shall seek the individual's prosecution.

c) i) If a member of the Council makes a material disclosure of any of the information in (a), the Council will submit a complaint to the Monitoring Officer at the Standards Authority.

ii) If an employee of the Council makes a material disclosure of any of the information in (a), the Council will invoke its Disciplinary Procedure.

iii) If the Council suffers any damages, as a result of a material breach of confidentiality concerning any of the information in (a), the Council shall also take whatever action is appropriate against the individual/s who made the disclosure, for example seek to recover costs.

PLANNING APPLICATIONS AND APPEALS

60)

a) As soon as the Council is consulted on an application for planning permission, the application will be recorded in the office in the appropriate manner.

b) Details of each planning application for consideration by the Planning and Licensing Committee will be included on the agenda for the meeting where it is due to be considered,(if required 21 day extension) and a copy of the agenda will be displayed on the main noticeboard in the village.

c) Each notice shall state that the applications are available for viewing online on the Planning Authority's website.

d) On receipt of the agenda for the Planning & Licensing Committee, if any member has a question or concern regarding a specific application, they should raise it with the Parish Clerk, who if necessary shall obtain further information from the Planning Authority's Case Officer for the application.

e) Prior to considering each planning application, the Clerk shall inform members about the letters/messages of support or objection received by the Council.

f) In considering each planning application, members of the Committee shall not be influenced by any Community Infrastructure Levy implications.

g) Each planning application shall be considered on its own individual merit, with the Planning and Licensing Committee deciding solely on planning grounds whether:

   i) to support the application; or

   ii) to have no objections to the application; or

   iii) to object to the application; or

   iv) to note the application.

h) The Planning and Licensing Committee shall give the grounds for its decision when supporting or objecting to an application and may make ancillary comments when considering any application.

i) The Parish Clerk shall submit the Council's recommendations and comments to the Planning Authority after a decision has been reached.

j) The Council may submit to the Planning Authority at any time additional recommendations and/or comments, which may materially alter or modify the previous decision of the Planning and Licensing Committee.

k) No member may solicit from the general public support for, or objections to, any planning application, by purporting to represent the Parish Council.

l) If a planning application is referred to a meeting of the Planning Authority's Development Management Committee, the Chairman of the Planning and Licensing Committee, or another member of the Council nominated by

him/her, shall attend the meeting to represent the Council and present the Council's case.

61)

a) As soon as the Council is consulted on an appeal against refusal of planning permission, details of the appeal shall be included on the agenda for the next meeting of the Planning and Licensing Committee.

b) With each appeal, the Planning and Licensing Committee shall decide whether to submit any further planning comments in support or objection to the original planning application.

c) The Parish Clerk shall send any additional comments to the Planning Inspectorate and the Planning Authority after the meeting.

LICENSING APPLICATIONS AND APPEALS

62)

a) According to the Licensing Act 2003, parish councils are not statutory consultees in the consideration of Licence applications and appeals. However, the Licensing Authority (West Suffolk Council) has undertaken to consult the Council on Licensing matters out of courtesy.

b) As soon as the Council is consulted on an application for a licence, the application will be recorded in the office in the appropriate manner.

c) Details of each licence application for consideration by the Planning and Licensing Committee will be included on the agenda for the meeting where it is due to be considered, and a copy of the agenda will be displayed on the main noticeboard in the village.

d) Each notice shall state that the applications are available for viewing online on the Licensing Authority's website.

e) On receipt of the agenda for the Planning & Licensing Committee, if any member has a question or concern regarding a specific application, they should raise it with the Parish Clerk, who if necessary shall obtain further information from the Licensing Authority's Case Officer for the application.

f) Prior to considering each licence application, the Clerk shall inform members about the letters/messages of support or objection received by the Council.

g) When considering each licence application, the Planning and Licensing Committee shall consider only issues that are relevant to the four headings determined by the Licensing Act 2003:

   i) a reduction in public safety

   ii) a reduction in the safety of children

iii) an increase in crime

iv) an increase in public nuisance

h) When considering these headings, the Planning and Licensing Committee shall ensure comments relate to the application, as opposed to any problems that relate purely to the existing licence, and comments are supported by robust evidence.

i) Each licence application shall be considered on its own individual merit, with the Planning and Licensing Committee deciding solely on licensing grounds whether:

i) to support the application; or

ii) to have no objections to the application; or

iii) to object to the application; or

iv) to note the application.

j) The Planning and Licensing Committee shall give the grounds for its decision when supporting or objecting to an application and may make ancillary comments when considering any application.

k) The Clerk shall forward the Council's recommendations and comments to the Licensing Authority after a decision has been reached.

l) The Council may submit to the Licensing Authority at any time additional recommendations and/or comments, which may materially alter or modify the previous decision of the Planning and Licensing Committee.

i) No member may solicit from the general public support for, or objections to, any licence application, by purporting to represent the Parish Council.

j) If a planning application is referred to a meeting of the Licensing Authority's Licensing Committee, the Chairman of the Planning and Licensing Committee, or another member of the Council nominated by him/her, shall attend the meeting to represent the Council and present the Council's case.

63)

a) As soon as the Council is consulted on an appeal against the refusal of a licence, details of the appeal shall be included on the agenda for the next meeting of the Planning and Licensing Committee.

b) With each appeal, the Planning and Licensing Committee shall decide whether to submit any further licensing comments in support or objection to the original licence application.

c) The Clerk shall send any additional comments to the relevant authority for Licensing appeals and the Licensing Authority after the meeting.

PERSONNEL

64)

a) The Personnel Committee has the delegated authority of the Council to take decisions on all personnel matters, unless it decides to refer a matter back to the Council, (as per Standing Order 1(b)).

b) The public shall be excluded from all personnel matters under the personal privacy categories of schedule 12 of the Local Government Act 1972, as amended to schedule 12(A) by the Freedom of Information Act 2000, (i.e. 'Part II'), as the business matters relate to the personal circumstances of the Council's employees.

65)

a) The Council's permanent staff shall be employed under contracts, which state their terms and conditions of employment, and can only be amended by agreement.

b) The Council shall list staff pay in a pay register and shall review staff pay annually.

c) The Council shall continue its required membership of the Local Government Pension Scheme, which provides pension arrangements for the Council's staff, and is reviewed every four years.

d) The Council shall conduct staff appraisals annually and shall continue to budget funding for staff training.

e) The Council is currently developing a disciplinary procedure and an equality policy to replace the holding arrangements for these matters in the existing staff contracts. Once these policies have been completed, and the contracts have been negotiated, the following employment policies shall be reviewed every four years:

   i) Capability Procedure.

   ii) Disciplinary Procedure.

   iii) Grievance Procedure.

   iv) Equality Policy.

66) On the advice of the Clerk, the Council shall decide whether to create, negotiate changes or delete permanent posts, and whether to employ temporaries.

67)

a) When a post becomes vacant, and is not deleted, the Council shall recruit a new employee using a process which shall include advertising the vacancy, sifting applications and holding interviews.

b) i) If anybody applying for a post is related to any member or employee of the Council, the candidate shall disclose the relationship on the application form, and the related member or employee shall declare their interest in writing to the Clerk, who will forward the disclosure to the Council. If the relation is a member, he/she will also need to declare the prejudicial interest and leave the room whenever the matter arises at any meetings.

ii) A candidate, who fails to make such a disclosure, shall be disqualified from being considered, or if appointed, may be dismissed. A related member, who fails to declare the interest, shall be in obvious breach of the Code of Conduct.

c) The Council shall select a first choice candidate and a reserve, or re-advertise the vacancy more widely, and start the process again.

d) Any candidate selected shall have his/her application references, and any other references he/she can provide, checked thoroughly before he/she is appointed.

DISCLOSURE & BARRING SERVICE CHECKS

68)

a) Some Council activities unavoidably involve a high level of trust, for examples the management of public money or contact with children at public events.

b) The Government has outlawed disclosure & barring service checks on anybody who does not have constant, close contact with children, so all members and staff of the Council cannot be required to undergo the basic version of these checks.

c) If it has been demonstrated that a member of the Council or staff has a conviction involving the handling of money, or inappropriate contact with children, he/she will be excluded from activities where the risk of crime may be increased.

EXPENSES

69) Subject to the Council's financial regulations, and the Clerk's pre-authorisation, members and employees shall be reimbursed for expenses incurred in their roles.

CIVIC EMERGENCIES

70)

a) The Council has signed up to West Suffolk Council's protocol for civic emergencies, and in the unlikely event that the Council is called upon, the Council shall do everything it can, in the strictest confidence, to assist the emergency services and other public bodies.

b) If a member or employee of the Council takes a decision or acts during such an event, he/she shall record at the time as much as possible of the 'where/when/what/who/why' for review purposes and in case an enquiry is held.

NON-STRATEGIC MATTERS RE OTHER COUNCILS/PUBLIC BODIES

71)

a) If a resident contacts a member or employee about a non-strategic matter which is the responsibility of another council or public body, e.g. the County Council, the member or employee shall try to gain an understanding of whether the resident would be able to report the matter directly to the relevant authority:

   i) If so, the member or employee shall give the resident the contact details for the relevant authority, and invite the resident to return to the Parish Council if he/she is unsuccessful in getting the matter resolved.

   ii) If not, the member or employee shall try to obtain the details of the matter, if possible/applicable inspect the matter with his/her own eyes, and then if appropriate report the matter on the resident's behalf.

b) If a member or employee does not know where the responsibility lies on a matter, or does not know the contact details for the relevant authority, he/she shall obtain advice from the office or other sources, before advising the resident further.

c) If a member him/herself obtains the details of more than a handful of matters for which other authorities are responsible, he/she shall report the matters en bloc directly to each relevant authority, and if necessary thereafter escalate the matters, as a single strategic issue, to a meeting of the Council.

PERFORMANCE

72) The Council's performance shall be reviewed publically, along with the performance of other public bodies, at the Annual Parish Meeting, which takes place in mid April.

COMPLAINTS

73)

a) This Standing Order applies to complaints made about the Council, as opposed to complaints made about individual members breaching the

Code of Conduct and/or failing to declare interests whilst taking part in decisions.

b) The Standing Order for the latter type of complaint, Standing Order 39, can be found under the section 'Interests (Ethical Governance)'

c) When a member or employee receives a verbal complaint about the Council, the member or employee shall try to resolve the complaint verbally.

d) If the member or employee is unable to satisfy the complainant fully, the complainant shall be advised to put the complaint in writing to the Clerk, or if the complaint involves the Clerk, to the Chairman of the Council.

e) The complainant shall be asked to include the following details in the complaint:

   i) Name.

   ii) Address.

   iii) Telephone number and/or email address.

   iv) The full details of the complaint, and any supporting evidence.

   v) What could be done to resolve the complaint.

f) On receipt of such a complaint, and if the complaint is not about his/her own actions, the Clerk or Chairman shall investigate the complaint, including interviewing any members or employees who are the subject of the complaint.

g) The Clerk or Chairman shall then attempt to resolve the complaint directly with the complainant.

h) If the complaint is about the Clerk's or Chairman's own actions, or the Clerk or Chairman are unsuccessful in resolving the complaint, the complainant shall be asked in writing if he/she wishes the complaint to be considered by the Council in private, under Part II of the Local Government Act 1972, or if he/she wishes the Council to waive the legislation and consider the complaint in public under Part I.

i) On receiving written notice of the complainant's choice of Parts I or II, consideration of the complaint shall be programmed for the next meeting of the Council, (or the meeting after if the notice is received within the five working days notice period required for the next meeting's agenda items).

j) The complainant shall be invited to attend the meeting and present the complaint.

k) The Council shall consider the complaint, regardless of whether the complainant is present at the meeting, shall decide what action if any to take, and shall determine the reasoning for its decision.

l) If the complainant is present at the meeting, the Chairman shall re-iterate the Council's decision and reasoning, and shall advise the complainant on how, if he/she wishes, to take the matter further.

m) The next working day after the meeting, the Clerk shall send the same details to the complainant in writing.

n) If the complainant wishes to take the matter further, and the complaint concerns financial irregularity, the complainant shall be given the contact details for the Audit Commission.

o) If the complainant wishes to take the matter further, and the complaint concerns other issues, the complainant shall be given the contact details for the Local Government Ombudsman, and the advice that government ombudsmen tend only to investigate cases where an individual can demonstrate that they have been materially affected financially by a Council's alleged mal administration.

PUBLIC RELATIONS

74)

a) Official contact, on behalf of the Council, via social media/the Council's website/ television/press, shall be representative of the Council's views and be conducted by the Clerk, Chairman or Vice-Chairman of the Council.

b) These Standing Orders in no way restrict individual members giving their own views on the internet/television/press, providing that they identify themselves as individual councillors, and do not purport to speak on behalf of the Council.

OTHER COMMUNICATION

75)

a) All correspondence, contact and liaison with outside authorities, bodies, groups and individuals on behalf of the Council shall be conducted through the Clerk, unless specific prior authority is given to a member or members of the Council.

b) Correspondence addressed to individual members and received at the office shall be delivered to those members as soon as practicable.

b) Unless the Council otherwise instructs, each letter or message directed to be sent to West Suffolk or County Councils shall be copied to the Councillors for the ward or the County Councillor for the division.

SUSPENSION AND VARIATION OF STANDING ORDERS

76)

a) Any or every part of Standing Orders except those in bold type may be suspended by resolution in relation to any specific item of business.

b) A resolution permanently to add, change, or revoke a Standing Order shall, when proposed and seconded, stand adjourned to the next meeting of the Council.

c) These Standing Orders are to be reviewed every four years when Councils are coming to an end and are up for election, with the next review due June 2027.

MEMBERS TO BE REFERRED TO STANDING ORDERS

77)

a) Upon delivery of a member's declaration of acceptance of office, the Clerk will explicitly refer the member to these Standing Orders on the Council's website.

c) As any revisions are made to these Standing Orders, the Clerk will notify the Council about the changes made and re-refer the Council to the website.

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