

New Frankley in Birmingham Parish Council

Standing Orders

(Including the Procedure For Dealing With Complaints)

Approved at the Meeting of the Parish Council on 17th February 2014

**Amended at the meetings of the Parish Council on
16th June 2014 and 20th October 2014**

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1 Meetings

- 1.1 Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- 1.2 The statutory Annual meeting in an election year shall be held on the Monday next following the fourth day after the ordinary elections to the Council and in a year which is not an election year, shall be held on the third Monday in May.**
- 1.3 The other three statutory meetings shall be held on the third Monday in the months of January, July and October unless previously determined by the Council.**
- 1.4 Additional meetings shall be held on a monthly cycle as determined by the Council.
- 1.5 If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.
- 1.6 The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- 1.7 The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
- 1.8 The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- 1.9 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.**
- 1.10 Subject to Standing Order 1.9, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- 1.11 The period of time designated for public participation at a meeting in accordance with Standing order 1.9 above shall not exceed 15 minutes unless directed by the Chairperson of the meeting.
- 1.12 Subject to Standing order 1.9 above, a member of the public shall not speak for more than 3 minutes.
- 1.13 In accordance with Standing order 1.10 above, a question shall not require a response at

the meeting nor start a debate on the question. The Chairperson of the meeting may direct that a written or oral response be given.

- 1.14 A person shall raise his/her hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairperson of the meeting may at any time permit a person to be seated when speaking.
- 1.15 A person who speaks at a meeting shall direct his comments to the Chairperson of the meeting.
- 1.16 Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairperson of the meeting shall direct the order of speaking.
- 1.17 A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- ~~1.18 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**~~
- 1.19 The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- 1.20 Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in his absence be done by, to or before the Vice-Chairperson of the Council (if any).**
- 1.21 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.
- 1.22 If, prior to a meeting, a Councillor has Submitted reasons for his/her absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- 1.23 The minutes of a meeting shall include an accurate record of the following:**
- i. the time and place of the meeting;**
 - ii. the names of Councillors present and absent;**
 - iii. interests that have been declared by Councillors and non-Councillors with voting rights;**
 - iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;**
 - v. if there was a public participation session; and**
 - vi. the resolutions made.**

- 1.24 A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's Code of conduct in a matter being considered at a meeting is Subject to statutory limitations or restrictions under the Code on his right to participate and vote on that matter.**
- 1.25 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.
- See Standing order 3.5 (viii) below for the quorum of a Committee or Sub-Committee meeting.*
- 1.26 **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.** The business on the agenda for the meeting shall be adjourned to another meeting.
- 1.27 **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 Standing Orders 1.24 and 33)**
- 1.28 A meeting shall not exceed a period of 2 hours.

2 Ordinary Council meetings

(In an election year Councillors should execute declarations of Acceptance of Office in the presence of a Proper Officer previously authorised by the Council to take such declarations, before the annual meeting commences.)

- 2.1 The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson (if any) of the Council.**
- 2.2 The Chairperson of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- 2.3 The Vice-Chairperson of the Council, if any, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council.
- 2.4 In an election year, if the current Chairperson of the Council has **not** been re-elected as a member of the Council, s/he shall preside at the meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but must give a casting vote in the case of an equality of votes.

- 2.5 In an election year, if the current Chairperson of the Council has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chairperson of the Council has been elected. S/he may exercise an original vote in respect of the election of the new Chairperson of the Council and must give a casting vote in the case of an equality of votes.
- 2.6 Following the election of the Chairperson of the Council and Vice-Chairperson (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
- i. **In an election year, delivery by the Chairperson of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date.**
 - ii. **In a year which is not an election year, delivery by the Chairperson of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - iii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iv. Receipt of the minutes of the last meeting of a Committee;
 - v. Consideration of the recommendations made by a Committee;
 - vi. Review of delegation arrangements to Committees, Sub-Committees, staff and other local authorities;
 - vii. Review of the terms of reference for Committees;
 - viii. Appointment of members to existing Committees;
 - ix. Appointment of any new Committees in accordance with Standing Order 3 above;
 - x. Review and adoption of appropriate Standing Orders and financial regulations;
 - xi. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xii. Review of representation on or work with external bodies and arrangements for reporting back;
 - xiii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiv. Review of inventory of land and assets including buildings and office equipment;
 - xv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xvi. Review of the Council's and/or staff subscriptions to other bodies;
 - xvii. Review of the Council's complaints procedure;

- xviii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - xix. Review of the Council's policy for dealing with the press/media; and
 - xx. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
 - xxi. Any other business specified in the Summons
- 2.7 Subject to 2.6(i), no resolution shall be put nor vote taken in respect of any matter raised at any Meetings as "ANY OTHER BUSINESS" save where the Council has, at a previous Meeting, resolved to allow any specific business remaining unresolved from such Meetings to be raised under that heading. **Matters may be raised under an Agenda item "ITEMS FOR INFORMATION" when they involve no more than an exchange of information.**

3 Committees and Sub-Committees

- 3.1 The Council may, at the Annual Meeting, appoint Standing Committees and may, at any other time, appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:-
- i. shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting, and
 - ii. may at any time dissolve or alter the membership of a Committee.
- 3.2 Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.
- 3.3 The members of a Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.
- 3.4 Unless the Council determines otherwise, all the members of an advisory Committee and a Sub-Committee of the advisory Committee may be non-Councillors.
- 3.5 The Council may appoint, at the Annual Meeting, Standing Committees and may at any other time , appoint such other Committees as may be necessary, and:
- i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a Standing Committee up until the date of the next annual meeting of full Council;
 - iii. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings;

- iv. shall, subject to Standing Orders 3.1 and 3.3 above, appoint and determine the terms of office of members of such a Committee;
- v. may, subject to Standing Orders 3.1 and 3.3 above, appoint and determine the terms of office of the substitute members to a Committee whose role is to replace the ordinary members at a meeting of a Committee if the ordinary members of the Committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a Standing Committee, appoint the Chairperson of the Standing Committee;
- vii. shall permit a Committee other than a Standing Committee, to appoint its own Chairperson at the first meeting of the Committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee which shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a Committee;
- x. shall determine if the public and press are permitted to attend the meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee;
- xi. shall determine if the public may participate at a meeting of a Sub-Committee that they are permitted to attend; and
- xii. may dissolve a Committee.

4 Chairperson of the meeting

- 4.1 The Chairperson, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson, if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

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

- 5.1 A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- 5.2 No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- 5.3 The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 17.2 (iii) , correct obvious grammatical or typographical errors in the wording of the motion.
- 5.4 If the Proper Officer considers the wording of a motion received in accordance with Standing order 17.2 (iii) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.
- 5.5 If the wording or Subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairperson of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 5.6 Subject to Standing Order 5.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 5.7 Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- 5.8 Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

6 Motions at a meeting that do not require written notice

- 6.1 The following motions may be moved at a meeting without written notice to the Proper Officer;
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular Committee or Sub-Committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a Committee or Sub-Committee and their members;
 - x. to extend the time limits for speaking;

- xii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xiii. to not hear further from a Councillor or a member of the public;
- xiv. to exclude a Councillor or member of the public for disorderly conduct;
- xv. to temporarily suspend the meeting;
- xvi. to suspend a particular Standing order (unless it reflects mandatory statutory requirements);
- xvii. to adjourn the meeting; or
- xviii. to close a meeting.

7 Voting

- 7.1 Subject to Standing Order 9, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon. A Councillor may request, before moving onto the next item of business, that the manner in which s/he voted be recorded in the Minutes.
- 7.2 The Chairperson may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not s/he gave an original vote. (See also Standing Order 2.5)
- 7.3 Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave her/his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

8 Rescission of previous resolutions

- 8.1 A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least two thirds of the elected Councillors to be given to the Proper Officer in accordance with Standing Order 17, or by a motion moved in pursuance of the recommendation of a Committee or a Sub-Committee.
- 8.2 When a motion moved pursuant to Standing order 8.1 above has been disposed of, no similar motion may be moved within a further six months.

9 Quorum

- 9.1 At a meeting of the Council, four Members shall constitute a quorum or, where more than one third of the Members are disqualified at the same time, the quorum is either three or one third of the qualified Members whichever is the greater until such time as the qualified membership has increased to not less than two thirds of the total.
- 9.2 If a quorum is not present when the Council meet or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at the Meeting shall be transacted at the next Meeting or on such other day as the Chairperson may fix.
- 9.3 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.

10 Closure

- 10.1 At the end of any speech a Member may, without comment, move "that the Council do now adjourn". If such a motion is seconded and if the Chairperson is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), s/he shall forthwith put the motion. If the motion "that the question be now put" is carried, s/he shall call upon the mover to exercise or waive her/his right of reply and shall put the question immediately after the 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.

(NOTE: Where a meeting is adjourned, the Subsequent proceedings are part of the original meetings and no new notices or agenda need be issued (except a notification to Members not present on the date of the original meeting)).

11 Rules of debate at meetings [Revoked 16th June 2014]

- ~~11.1 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairperson of the meeting.~~
- ~~11.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.~~
- ~~11.3 A motion on the agenda that is not moved by its proposer may be treated by the Chairperson of the meeting as withdrawn.~~
- ~~11.4 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.~~
- ~~11.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.~~

- 11.6 — If an amendment to the original motion is carried, the original motion becomes the Substantive motion upon which further amendment(s) may be moved.
- 11.7 — An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairperson of the meeting, is expressed in writing to the Chairperson.
- 11.8 — A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- 11.9 — If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairperson.
- 11.10 — Subject to Standing order 11.12 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairperson of the meeting.
- 11.11 — One or more amendments may be discussed together if the Chairperson of the meeting considers this expedient but each amendment shall be voted upon separately.
- 11.12 — A Councillor may not move more than one amendment to an original or substantive motion.
- 11.13 — The mover of an amendment has no right of reply at the end of debate on it.
- 11.14 — Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final Substantive motion immediately before it is put to the vote.
- 11.15 — Unless permitted by the Chairperson of the meeting, a Councillor may speak once in the debate on a motion except:
- i. — to speak on an amendment moved by another Councillor;
 - ii. — to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. — to make a point of order;
 - iv. — to give a personal explanation; or
 - v. — in exercise of a right of reply.
- 11.16 — During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing order which s/he considers has been breached or specify the other irregularity in the proceedings of the meeting s/he

~~is concerned by.~~

~~11.17 — A point of order shall be decided by the Chairperson of the meeting and his decision shall be final.~~

~~11.18 — When a motion is under debate, no other motion shall be moved except:~~

- ~~i. — to amend the motion;~~
- ~~ii. — to proceed to the next business;~~
- ~~iii. — to adjourn the debate;~~
- ~~iv. — to put the motion to a vote;~~
- ~~v. — to ask a person to be no longer heard or to leave the meeting;~~
- ~~vi. — to refer a motion to a Committee or Sub-Committee for consideration;~~
- ~~vii. — to exclude the public and press;~~
- ~~viii. — to adjourn the meeting; or~~
- ~~ix. — to suspend particular Standing order(s) excepting those which reflect mandatory statutory requirements.~~

~~11.19 — Before an original or substantive motion is put to the vote, the Chairperson of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived her/his right of reply.~~

~~11.20 — Excluding motions moved under Standing Order 1.18 above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairperson of the meeting —~~

12 Right of Reply

12.1 The mover of a Resolution shall have a right to reply immediately before the Resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion

13 Questions

13.1 A Member may ask the Chairperson any question concerning the business of the Council.

13.2 A Member with or without notice may ask the Chairperson of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.

- 13.3 Every question shall be put and answered without discussion.
- 13.4 A person to whom a question has been put may decline to answer.

14 Disorderly conduct at meetings

- 14.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chairperson of the meeting shall request such person(s) to moderate or improve their conduct.
- 14.2 If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any Councillor or the Chairperson of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 14.3 If a resolution made under Standing order 14.2 above is ignored, the Chairperson of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

15 Draft minutes

- 15.1 If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 15.2 There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 6.1(i) above.
- 15.3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 15.4 If the Chairperson 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 Chairperson of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- 15.5 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

16 Extraordinary meetings of the Council and Committees and Sub-Committees

- 16.1 The Chairperson of the Council may convene an extraordinary meeting of the Council at any time.
- 16.2 If the Chairperson of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.
- 16.3 The Chairperson of a Committee (or a Sub-Committee) may convene an extraordinary meeting of the Committee (or the Sub-Committee) at any time.
- 16.4 If the Chairperson of a Committee (or a Sub-Committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 3 members of the Committee (or the Sub-Committee), any 3 members of the Committee or the Sub-Committee may convene an extraordinary meeting of a Committee or a Sub-Committee.

17 Proper Officer

- 17.1 The Proper Officer shall be either (i) the clerk or (ii) other staff member nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 17.2 The Proper Officer shall:
- i. at least three clear days before a meeting of the Council, a Committee and a Sub-Committee serve on Councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.
See Standing Order 1.6 above for the meaning of clear days for a meeting of a full Council and Standing Order 1.7 above for a meeting of a Committee.
 - ii. give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a Committee or a Sub-Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
See Standing Order 1.6 above for the meaning of clear days for a meeting of a full Council and Standing order 1.7 above for a meeting of a Committee.
 - iii. Subject to Standing Order 5 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;

- iv. convene a meeting of full Council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in his office;
- v. facilitate inspection of the minute book by local government electors;
- vi. receive and retain copies of byelaws made by Birmingham City Council;
- vii. retain acceptance of office forms from Councillors;
- viii. retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same for inspection including **arranging for the uploading of a copy of the register to the Council's website;**
- ix. keep proper records required before and after the meeting;
- x. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- xi. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xii. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xiii. arrange for legal deeds to be executed;

See also Standing Order 20 below.

- xiv. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. refer a planning application received by the Council to the Chairperson or in his absence Vice-Chairperson (if any) of the Planning, Environmental, Highways and Public Transport Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning, Environmental, Highways and Public Transport Committee;
- xvii. manage access to information about the Council via the publication scheme; and
- xviii. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

See also Standing order 20 below.

18 Handling staff matters

- 18.1 A matter personal to a member of staff that is being considered by a meeting of the Staffing Committee is subject to Standing order 22 above.
- 18.2 Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairperson of Staffing Committee, or if s/he is not available, the Chairperson of the Council of absence occasioned by illness or other reason and that person shall report such absence to the Staffing Committee at its next meeting.
- 18.3 The Chairperson of the Staffing Committee or in her/his absence, the Chairperson of the Council, shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the employee's job title]. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing Committee.
- 18.4 Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairperson of the Staffing Committee or in her/his absence, the Chairperson of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- 18.5 Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the Chairperson of the Staffing Committee or the Vice Chairperson of the Council, this shall be communicated to another member of Staffing Committee which shall be reported back and progressed by resolution of the Staffing Committee.
- 18.6 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 18.7 The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- 18.8 Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 18.6 and 18.7 above if so justified.
- 18.9 Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 18.6 and 18.7 above shall be provided only to Proper Officer and/or the Chairperson of the Council.

19 Delegated Powers

- 19.1 The day-to-day management of facilities shall be the responsibility of officers, working under the supervision of the head of the paid service, the Clerk to the Council.
- 19.2 Executive powers are delegated to the Clerk to the Council, following consultation with the Chairperson or Vice-Chairperson of the Council or Committee, as appropriate, for matters that require a decision before the next ordinary meeting.
- 19.3 The Planning, Environmental, Highways and Public Transport Committee has full delegated powers to respond to any planning applications.

20 Execution and sealing of legal deeds

See also Standing Orders 17.2 (xiii) and 17.2 (xviii) above.

- 20.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 20.2 Subject to Standing order 20.1 above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

21 Voting on appointments

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

22 Handling confidential or sensitive information

- 22.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 22.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

23 Confidential business

- 23.1 Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- 23.2 A Councillor in breach of the provisions of Standing Order 23.1 above may be removed from a Committee or a Sub-Committee by a resolution of the Council.

24 Responsible Financial Officer

- 24.1 The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

25 Resolutions on Expenditure

- 25.1 Any motion which is moved which, if carried, would, in the opinion of the Chairperson, Substantially increase the expenditure upon any service which under the management of or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon.
- 25.2 The Clerk of the Council may, in any one month, expend on behalf of the Council, a sum not exceeding £250 for the purchase of books or other items which s/he shall, at her/his discretion, decide are required for the proper running of the business of the Council and its offices.

26 Expenditure

- 26.1 Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- 26.2 The Council's financial regulations shall be reviewed once a year,**
- 26.3 The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a Committee, Sub-Committee or to an employee.**

27 Estimates/precepts

- 27.1 The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- 27.2 Any Committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

28 Power of well-being

- 28.1 Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish Council.
- 28.2 The Council's period of eligibility begins on the date that the resolution under Standing Order 28.1 above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- 28.3 After the expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 28.2 above.

29 Accounts and accounting statements

- 29.1 "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- 29.2 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 29.3 The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- i. the Council's receipts and payments for each quarter;
 - ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- 29.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii. of the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- 29.5 The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

30 Financial controls and procurement

- 30.1 The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. procurement policies (subject to Standing Order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £10,000.
- 30.2 Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 30.3 Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in Standing order 30.4 below.

- 30.4 Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the Submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be Submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for Submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee or Sub-Committee with delegated responsibility.
- 30.5 Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 30.6 Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

31 Declaration of interests/public participation

- 31.1 Any interest to be disclosed at a meeting is either a Member's interest or that of the Member's wife, husband or civil partner or that of a person with whom the Member is living as husband or wife or a civil partner.
- 31.2 If any Member has a non-pecuniary interest in any contract, or proposed contract, or other matter, s/he shall declare it and shall say what the interest is. However, s/he can still take part in the meeting and voting on the matter under consideration UNLESS the non-pecuniary interest is also a pecuniary interest.

- 31.3 If any Member has a pecuniary interest in any contract, or proposed contract, or other matter, s/he shall declare it and shall say what the interest is. The Member must not take part in the discussion of the matter at the meeting and must not vote on the matter (but see Standing Order 31.4). The Member need not withdraw from the meeting.
- 31.4 If any Member has a pecuniary interest in any contract, or proposed contract, or other matter, s/he shall declare it and shall say what the interest is and shall be permitted to remain in the meeting for the purpose of making representations, answering questions or giving evidence relating to the business to be transacted subject to members of the public being afforded the same facility.
- 31.5 At all meetings of the Council, the Chairperson may at his/her discretion, and at and the appropriate point of the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the meeting in law and shall be duly minutes. The Code of Conduct which was adopted by the Council on **16th July 2012** shall apply to members of the Council in respect of the entire meeting. Where, however, Members of the Council exercise their rights pursuant to Standing Order 31.4, members of the Public shall allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
- 31.6 The Clerk shall record, in a book to be kept for the purpose, particulars of any notice given by any Member or any Officer of the Council, of a non-pecuniary or pecuniary interest in a contract proposed contract or other matter, and the book shall be open during reasonable hours of the day for the inspection of any Member and Members of the Public.

32 Code of Conduct and dispensations

See also Standing order 1.25 above.

- 32.1 All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 32.2 Unless s/he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which s/he has a disclosable pecuniary interest. S/he may return to the meeting after it has considered the matter in which s/he had the interest.
- 32.3 Unless s/he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which s/he has another interest if so required by the Council's Code of Conduct. S/he may return to the meeting after it has considered the matter in which s/he had the interest.

- 32.4 Dispensation requests shall be in writing and Submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 32.5 A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 32.6 A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.

Subject to Standing Orders 32.4 and 32.6 above, dispensations requests shall be considered at the beginning of the meeting of the Council, or Committee or a Sub-Committee for which the dispensation is required.

- 32.7 A dispensation may be granted in accordance with Standing Order 32.5 above if having regard to all relevant circumstances the following applies:
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
 - ii. granting the dispensation is in the interests of persons living in the Council's area or
 - iii. it is otherwise appropriate to grant a dispensation.

33 Code of Conduct complaints

- 33.1 Upon notification by the Birmingham City Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 22 above, report this to the Council.
- 33.2 Where the notification in Standing order 33.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairperson of Council of this fact, and the Chairperson shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has

agreed what action, if any, to take in accordance with Standing Order 33.4 below.

33.3 The Council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

33.4 Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against her/him. Such action excludes disqualification or suspension from office.

34 Canvassing of and recommendations by Councillors

34.1 Canvassing Councillors or the members of a Committee or Sub-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.

34.2 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.

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

35 Admission of the Public and Press to meetings

35.1 The Public and Press shall be admitted to all meetings of the Council and its Committees and Sub-Committees which may, however, temporarily exclude the public or the press or both by means of the following Resolution:-

That, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business to be transacted, the press and/or public be excluded from the meeting during consideration of the following -.

(N.B. The special reasons should be stated: if a person's advice or assistance is needed they may be invited (by name) to remain).

36 Relations with the press/media

- 36.1 All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- 36.2 In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

37 Liaison with the City Council Councillors

- 37.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of Birmingham City Council representing its electoral ward.
- 37.2 Unless the Council otherwise orders, a copy of each letter sent to Birmingham City Council shall be sent to the Councillor representing its electoral ward.

38 Requests for information

- 38.1 Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 38.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairperson of the () Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

39 Freedom of Information Act 2000

- 39.1 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.
- 39.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairperson of the Council. The said Committee 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 Standing Order 3.2(x) above.

40 Inspection of documents

40.1 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 or a Sub-Committee, and request a copy for the same purpose. The minutes of meetings of the Council, its Committees or Sub-Committees shall be available for inspection by Councillors.

41 Communicating with District and County or Unitary Councillors

41.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of Birmingham City Council representing the area of the Council.

41.2 Unless the Council determines otherwise, a copy of each letter sent to Birmingham City Council shall be sent to the ward Councillor(s) representing the area of the Council.

42 Restrictions on Councillor activities

42.1 Unless authorised by a resolution, no Councillor shall:

- i. inspect any land and/or premises which the Council has a right or duty to inspect;
or
- ii. issue orders, instructions or directions.

43 Adoption of Code practice for dealing with complaints

43.1 The Council may, from time to time as it shall see fit, formally, by Resolution, adopt any voluntary Code of Practice recommended by the National Association of Local Councils or any other like organisation.

- i. The Council shall deal with complaints of maladministration allegedly committed by any Member of the Council by referring such complaints to the Standards Board for England for adjudication.
- ii. The Council shall deal with complaints of maladministration or complaints regarding its procedures in the manner recommended in the procedure appended to these Standing Orders. (Procedure for Dealing with Complaints)

44 Variation, revocation and suspension of Standing Orders

- 44.1 All or part of a Standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 44.2 A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two thirds of the Councillors to be given to the Proper Officer in accordance with Standing Order 9 above.
- 44.3 A motion to permanently vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Council.
- 44.4 Any part of the Standing Orders, except those printed in bold may be suspended by resolution in relation to any specific items of business.
- 44.5 The decision of the Chairperson of a meeting as to the application of Standing Orders at the meeting shall be final.

45 Standing Orders to be given to Councillors

- 45.1 The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of his declaration of acceptance of office,
- 45.2 The Chairperson's decision as to the application of Standing Orders at meetings shall be final,
- 45.3 A Councillor's failure to observe Standing Orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with Standing Orders.

Procedure For Dealing with Complaints

Before the Meeting

1. The complainant to be requested to put the complaint about the Council's procedures or administration in writing to the Clerk or the Chairperson or the Vice-Chairperson.
2. The receipt of the complaint to be acknowledged by the Clerk who will advise the complainant when the matter will be considered either by the Council or by a Committee established for the purpose of hearing complaints.
3. The complainant shall be invited to attend the meeting at which the complaint is to be considered and advised that they may be accompanied by a representative if they so wish.
4. At least seven clear days before the meeting the complainant shall be required to provide the Council with copies of such documents and other evidence they wish to refer to at the meeting. The Council, similarly, will provide the complainant with copies of those documents and other evidence upon which it will rely at the meeting.
5. In preparing the Agenda for the meeting, the Clerk will form an opinion as to whether the matter before the Council or the Committee should be considered in Public or Private (ie whether the press and the public should be permitted to remain during consideration of the circumstances of the complaint) and prepare the Agenda accordingly.

At the Meeting

1. The Chairperson to introduce everyone and to explain the procedure.
2. The complainant or their representative to present the reason(s) for the complaint.
3. The Members may ask any questions they may have of the complainant or their representative regarding the complaint.
4. The Clerk to explain the Council's position.
5. The Members may ask any questions of the Clerk regarding the Council's position.
6. The Clerk be offered the opportunity to sum up case for the Council.
7. The complainant or their representative be offered to sum up their case.
8. The Clerk and the complainant be asked to withdraw from the meeting room while the Council or Committee consider the evidence presented

and determine whether or not the complaint should be upheld. (If a point of clarification is required, both parties to be invited back).

9. The Clerk and the complainant be invited back and advised of the decision, or be advised as to when a decision will be made.
10. The decision of the Council or Committee to be announced at a meeting in public.

After the Meeting

1. The decision of the Council or of the Committee to be confirmed in writing within seven working days together with details of any action the Council or Committee require to be taken.