

POLICY AND PROCEDURE: PERSISTENT, VEXATIOUS OR ABUSIVE COMPLAINTS

PURPOSE: The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

SCOPE:

- This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be persistent or vexatious.
- In this policy the term complainant includes those making both informal or formal complaints.
- In this policy the term persistent means 'done repeatedly or as a habit'.
- For the purpose of this policy the following definitions of persistent or vexatious complainants will be used:
 - The repeated and/or obsessive pursuit of:
 - a. unreasonable complaints and/or unrealistic outcomes; and/or
 - b. reasonable complaints in an unreasonable manner.
- The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.
- The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998. It includes persistent enquiries which do not specifically mention the FOIA.
- Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

POLICY: Persistent or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

PROCEDURE:**1. The Process**

1.1 The overall process is as follows:

- Establish whether the individual has the characteristics of a persistent, vexatious or abusive complainant (Section 2 and Appendix 1)).
- Decide whether the Clerk/Council has taken all reasonable steps to satisfy the complainant (Section 3 and Appendix 2).
- Reach a decision on whether to designate an individual as a persistent, vexatious or abusive complainant (Section 4).

1.2 Advice on what to do if the complainant persists is given in Section 5 and Appendix 3.

1.3 The Clerk will ensure that proper records are kept of the case and the action which has been taken (Section 2.3). Full Council will be told that a member of the public has been designated as a persistent or vexatious complainant (Section 5.2).

2. Establish whether a complainant has persistent, vexatious or abusive characteristics

2.1 A persistent complainant may exhibit *one or more* of the behaviours outlined in **Appendix 1**.

2.2 A persistent complainant is likely to start by being dissatisfied with the level of service delivery and persist in demanding levels of service from the Council. It is for the Clerk to decide whether or not the service received has been reasonable. Any relevant guidelines or service standards or legislative requirements will be considered by the Clerk.

2.3 If the Clerk considers that further investigation is unjustified due to the persistent nature of the complaint, consideration should be given to whether this policy should be applied to that individual. At that point the Clerk should ensure that proper record keeping is put in place and the individual should be warned that the Council will not necessarily respond to further service requests and given a copy of this policy.

3. Decide whether the Clerk/Council has taken all reasonable steps to satisfy the complainant

3.1 If the complainant persists with requests for service, then **Appendix 2** outlines considerations for determining if this policy should be applied. The Council must ensure that the points in Appendix 2 have been satisfactorily addressed.

3.2 The council must avoid the danger is that their complaint, even if meritorious, is treated without a significant degree of seriousness and consideration, which compounds their complaint and leads to criticism of the Council.

4. Designation of an individual as a persistent, vexatious or abusive complainant

4.1 If circumstances permit, before deciding to apply restrictions, the Clerk should convene a meeting of a *Complaints Panel*¹ in order to consider the application of this policy to the individual.

4.2 In serious cases where appropriate action is clear, this may not be necessary i.e. a persistent complainant exhibits threatening or abusive behaviour. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered e.g. reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

4.3 If the Complaints Panel decides that the nature of the complaint is persistent in nature, the complainant should receive a written warning from the Clerk that, if specified behaviour or actions continue, the Council will apply some or all of the actions set out in *Options for Action (Appendix 3)* and the reasons for doing so. A copy of this policy should be sent with the letter.

5. Action if the behaviour continues

5.1 If the complainant continues to pursue their complaint, the Clerk should respond to the complainant that the policy has now been applied and what it means for their contacts with the Council, how long any restriction will last and what the complainant can do to have the decision reviewed. A copy of this policy should be sent with the letter.

5.2 The Full Council shall be notified at this point that a member of the public has been designated as a persistent or vexatious complainant.

¹ The Complaints Panel will consist of 3 councillors (selected by the Clerk) who have played no part in dealing with the information request or complaint.

5.3 If the complainant still continues to complain, the Council should state that the matter is now at an end and that the Council will not enter into any further communication unless it relates to a fresh complaint unrelated to the current complaint.

5.4 If the complaints continue then the Council should send a response stating that there is nothing more that can be added to the Council's letter set out in 4.2 above.

5.5 If contact continues, the Council should decline to comment further.

5.6 When a decision has been taken not to comment further, any future letters or e-mails from the complainant should be read to pick up any significant new information. **New** complaints from individuals who have come under this policy will be treated on their merits. The Clerk, Chair of Council and Chair of the Complaints Panel will decide whether any restrictions that have been applied are still appropriate and necessary in relation to the new complaint.

5.7 The status of a complaint judged to be unreasonably persistent or vexatious will be reviewed by the Clerk, Chair of Council and Chair of the Complaints Panel after 3 months and at the end of every subsequent 3 months during which the policy is to apply. The complainant will be informed of the result of the review if the decision to apply this policy has been changed or extended.

Document Approval:

(Chair to Melbourn Parish Council)

Date of Parish Council meeting:

Review Policy: Every 12 months

APPENDIX 1

EXAMPLES OF PERSISTENT, VEXATIOUS AND ABUSIVE BEHAVIOUR

1. Using obscene, racist, abusive, offensive, unreasonable or threatening language in written correspondence.
2. Seek to coerce or intimidate staff, or abusing or distressing them by the language and tone of telephone communications.
3. Threatening or aggressive or abusive behaviour in direct personal contacts with staff.
4. Threatening, abusive or violent behaviour or actions directed at other people involved in the events which gave rise to the complaint.
5. Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
6. Attempting to use the complaints procedure to pursue a personal vendetta against a member or officer of the Council.
7. Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
8. Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope, or that they are not within the power of the Council to investigate, change or influence.
9. Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
10. Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced by a senior officer or with a person named by the complainant.
11. Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
12. Refusal to accept information provided, for no apparently good reason.
13. Making statements the complainant knows are not true or persuading others to do so.
14. Supplying manufactured "evidence" or other information the complainant knows/believes is incorrect.

15. Lodging numbers of complaints in batches over a period of time, resulting in related complaints being in different stages of the complaints procedure.
16. Demanding outcomes, which the complaint procedure cannot in itself provide (for example dismissal or criminal prosecution of staff, or actions which would be illegal or infringe the rights of others).
17. Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
18. Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
19. Adopting a 'scattergun' approach: pursuing a complaint or complaints with the Parish Council and, at the same time, with a Member of Parliament/a District or County councillor, the Monitoring Officer of SCDC or local police or solicitors.
20. Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
21. Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
22. Using the vehicle of valid new complaints to resurrect issues, which were included in previous complaints.
23. Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
24. Persistence in sending letters/emails which demand responses, or making telephone calls or seeking interviews with staff, long after the Council has closed the investigation into a complaint.
25. Combinations of some or all of these.

APPENDIX 2

HAS THE COUNCIL TAKEN ALL NECESSARY STEPS?

1. The decision to designate someone as an unreasonable or unreasonably persistent complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied, authorities should be satisfied that:

(a) the Clerk and/or Council has communicated clearly and consistently. State actions must have been completed except where an explanation for a different course of action has been given to the complainant.

(b) the complaint is being or has been investigated properly via the complaints procedure. If the complainant asks the same question due to failure by the Council to adequately answer the question this cannot be considered as a persistent complaint.

(c) any decision reached on it is the right one and all evidence placed on file will corroborate action taken via the unreasonable persistent complaints policy, for example details of any abusive phone calls (or other Appendix 1 examples). All file notes should be comprehensive and objective containing date/time/telephone call/meeting/officer.

(d) communications with the complainant have been adequate.

(e) the complainant is not now providing any significant new information that might affect the authority's view on the complaint.

2. Even if these points are satisfied consideration should be given to whether further action is necessary prior to taking the decision to designate the complainant as unreasonably persistent. Examples might be:

(a) No meeting has taken place between the complainant and the Clerk. Such meetings may dispel misunderstandings and move matters towards a resolution.

(b) If the complainant has special needs, an advocate might be helpful to both parties.

(c) Before applying any restrictions the complainant should be given a warning that if his/her actions continue the Council may decide to treat him/her as an unreasonably persistent complainant, and an explanation why given.

APPENDIX 3

OPTIONS FOR ACTION

1. Any restrictions applied to a complainant should be appropriate and proportionate to the nature of their contacts with the Council at that time.
2. In deciding which options to apply, the Complaints Committee should be particularly careful to balance the rights of the individual at all times with the needs of the Council.
3. The following list provides options for managing a complainant's involvement with the Council from which one or more might be chosen and applied, *if warranted*:
 - a) placing time limits on telephone conversations and personal contacts.
 - b) restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week)
 - c) limiting the complainant to one medium of contact (telephone, letter, email etc).
 - d) requiring the complainant to communicate only with a named member of staff.
 - e) requiring any personal contacts to take place in the presence of a witness.
 - f) closing the investigation into a complaint.
 - g) providing the complainant with acknowledgements only of further letters or e-mails received after a particular point.
 - h) banning a complainant from some or all of an authority's premises.
 - i) the threat or commencement of civil proceedings in the courts (for harassment, defamation etc).
 - j) asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed.
 - k) in cases where the Council believes the complainant has committed a criminal offence (for example, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave the authority's premises, the involvement of the police.

APPENDIX F

STANDING ORDERS

PURPOSE: Standing Orders are the written rules of a Parish Council. The SOs confirm the statutory requirements (items in bold).

SCOPE: Standing Orders are used to confirm the council's internal, organisational, administrative and procurement procedures and procedural matters for meetings.

Standing Orders do not include financial regulations. These regulations have been adopted separately by Melbourn Parish Council.

Standing Orders are not the same as policies. Policies are adopted separately.

The Clerk is the Proper Officer (see section 15) of the Council and also carries out the RFO role (see section 16). The Assistant Clerk may be nominated to perform the role in the absence of the Clerk.

Section 19 refers to the Clerk rather than the Proper Officer because the Assistant Clerk cannot perform the function as defined.

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1. Rules of debate at meetings

- a Items/motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting. They must be for positive actions.

EITHER

- b Items on the agenda are *usually* phrased as issues for discussion. In that case, the Chair will listen to the discussion and when an apparent consensus emerges will suggest wording for a proposal or ask another Councillor to suggest the wording for a proposal.
- c The wording will be discussed and agreed, and the Chair will ask for a proposer and seconder and then call for a vote.

OR

- d If a Councillor has formally proposed a motion on the agenda, the procedure set out at (e) to (t) will be followed.
- e A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- f A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- g 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.
- h An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- i If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- j An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- k A councillor may move an amendment to their 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.




- l If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
- m Subject to standing order 1(n) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- n One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- o A councillor may not move more than one amendment to an original or substantive motion.
- p The mover of an amendment has no right of reply at the end of debate on it.
- q 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.
- r Unless permitted by the Chair 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 they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- s 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- t A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- u 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 Working Party 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.
- v Before an original or substantive motion is put to the vote, the Chair 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 his right of reply.
- w Excluding motions moved understanding order 1(r) 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 Chair of the meeting.

2. Disorderly conduct at meetings








- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair 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.
- c If a resolution made under standing order 2(b) above is ignored, the Chair 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.







3. Meetings generally

-  Full Council meetings
-  Committee meetings
-  Working Party meetings

-  a **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.**
-  b **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.

-  c **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.**
-   d **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.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Members of the public who raise matters not on the agenda should be asked to put the matter before the Clerk in writing for future consideration.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak.
- j A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
-   l Recording, filming and photography is allowed at meetings which members of the public can attend, so long as proceedings are not disrupted. The use of social media during meetings is also allowed to bring Council issues to the attention of a wider audience.
-   m **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.**

-  n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice Chair of the Council.
-  o The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair, if present, shall preside. If both the Chair and the Vice Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
-  p 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 voting¹.
-  q The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
See standing orders 5(g) and (h) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.
- r Unless standing orders provide otherwise, voting on a question shall be by a show of hands. The voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.
- s 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.
-  t 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.
-  u 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.

¹ Councillors who are not members of a particular committee cannot vote.

See standing order 4d(vi) below for the quorum of a committee or working party meeting.



- v **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.
- w A meeting shall not exceed a period of 3 hours.

4. Committees and Working Parties

- a The council may appoint Working Parties, whose terms of reference and members shall be determined by the council.
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of a working party may be non-councillors.**
- d The council may appoint committees as necessary, and:
 - i. shall determine their initial terms of reference; any proposed changes in the light of experience must be referred back to council for agreement;
 - ii. shall determine the number and time of the ordinary meetings of a 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 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. shall permit a committee to select its own Chair and Vice Chair at the first meeting of the committee and forward the nomination to council for approval;
 - vi. shall determine the place, notice requirements and quorum (which shall be no less than three) for a meeting of a committee;
 - vii. shall determine when the public may participate at a meeting of a committee; and
 - viii. may dissolve a committee.
- e The council may appoint working parties as necessary, and:
 - i. shall determine their initial terms of reference; any proposed changes in the light of experience must be referred back to council for agreement;
 - ii. shall, subject to standing orders 4(b) and (c) above, appoint and determine the

- terms of office of members of such a committee;
 - iii. shall permit a working party to select its own Chair and Vice Chair at the first meeting of the committee;
 - iv. shall determine the quorum (which shall be no less than three) for a meeting of a working party; and
 - v. may dissolve a committee.
- f Working parties will make their minutes available to the public.

5. Ordinary council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- d The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice Chair of the Council.
- e The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.
- f The Vice Chair of the Council, if any, unless they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the council.
- g In an election year, if the current Chair of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.
- h In an election year, if the current Chair of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

- i. Following the election of the Chair of the Council and Vice Chair 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 Chair of the Council and councillors of their acceptance of office forms. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office;**
 - ii. **The Code of Conduct shall be signed by all Councillors**
 - 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. Agreement of committee structure for the forthcoming year in accordance with standing order 4 above;
 - vii. Review of delegation arrangements to committees, working parties, staff and other local authorities;
 - viii. Review of the terms of reference for committees and working parties;
 - ix. Appointment of members to existing committees;
 - 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 the schedule for review of policies and procedures; and
 - xviii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees

- a **The Chair of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chair 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.**

- c The Chair of a committee may convene an extraordinary meeting of the committee at any time.
- d If the Chair of a committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of a committee.

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 8 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a working party.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a 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 by the Chair of the meeting.

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

- a 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.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the

meeting. Clear days do not include the day of the notice or the day of the meeting.

- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d The Proper Officer will ask for assurance that the motion is supported by an evidenced case before including it on the agenda.
- e If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 clear days before the meeting.
- f If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair 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.
- g Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- h Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- i Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
- j It is the responsibility of the mover to provide supporting arguments and documentation in time for publication with the agenda. If this is not done, the Proper Officer will remove the motion from the agenda.

10. items at a meeting that do not require written notice

- a 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 working party;
 - 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 working party and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

- a 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.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c The Council may remove any member in breach of paragraphs a and b above from the relevant committee or working party.

12. Draft minutes

- a 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.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. If there is disagreement about a suggested correction, the Proper Officer and Chair (or Vice Chair) will listen to the recording and adjust the minutes accordingly.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as

an accurate record of the meeting to which the minutes relate.

13. Code of conduct and dispensations

See also standing order 3(t) above.

- a All councillors and non-councillors who are members of committees and working parties shall observe the code of conduct adopted by the council.
- b Unless they have been granted a dispensation, a councillor or non- councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Clerk and that decision is final.
- f 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.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by Clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required]
- h **A dispensation may be granted in accordance with standing order 13(d) 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.

14. Code of conduct complaints

- a Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined (England) and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c 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; and
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District Council that a Councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. Proper Officer

- a The Proper Officer shall be either (i) the Clerk or (ii) Assistant Clerk nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. at least three clear days before a meeting of the council, a committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer *See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) 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 (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.

- iii. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iv. facilitate inspection of the minute book by parishioners;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. 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;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
See also standing order 22 below.
- xii. 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;
- xiii. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose in the Council's minutes;
- xiv. refer a planning application received by the council to the next meeting of the Planning Committee. If the next meeting of the Planning Committee is too late, the Proper Officer consults with the Chair of the Planning Committee as to the necessity of holding an Extraordinary Planning Committee meeting;
- xv. manage access to information about the council via the publication scheme; and
See also standing order 22 below.

16. Responsible Financial Officer

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

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable each year a statement to summarise:
 - i. the council's income and expenditure for each quarter;
 - ii. the council's aggregate income and expenditure for the year to date;
 - iii. the balances held at the end of the quarter being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d 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 income and expenditure for the last quarter and the year to date for information; and
 - ii. to 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.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (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, after external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a 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 parishioners 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 £.
- b Financial regulations shall be reviewed at least annually for fitness of purpose.
- c **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 £8000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.** For an estimated value of between £2000 and £8000, the Clerk or RFO will strive to obtain 3 estimates.
- d 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 after the deadline for submission of tenders has passed at a council or committee meeting at least one week before consideration by Councillors;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee with delegated responsibility.
- e Neither the council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **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.**

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the HR Panel is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chair of the HR Panel or, if they are not available, the Vice Chair of the HR Panel of absence occasioned by illness or other reason and that person shall report such absence to the HR Panel at its next meeting.
- c The 3 members of the HR Panel shall conduct a review of the performance and annual appraisal of the work the Clerk. The review and appraisal shall be reported in writing.
- d Appraisal of other staff will be carried out by the Clerk, and reported in writing to the HR Panel for approval by resolution.
- e Any recommendation for pay progression arising from the appraisal (for any member of staff) shall be subject to approval by resolution by the Council.
- f Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the Chair of the HR Panel or their absence, the Vice Chair of HR Panel in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the HR Panel.
- g Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the Chair or Vice Chair of the HR Panel, this shall be communicated to another member of the HR Panel which shall be reported back and progressed by resolution of the remaining members of the HR Panel.
- h 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.
- i 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.
- j Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(h) and (i) above if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(h) and (i) above shall be provided only to the Clerk and the Chair of the Council.

20. Requests for information

- a 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.

21. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

22. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

23. Communicating with District and County councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

24. Restrictions on councillor activities

- a. 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.

25. Standing orders generally

- a. 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.
- b. 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 2 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

Document Approval:

(Chair to Melbourn Parish Council)

Date of Parish Meeting:

Review Policy: Every 12 months