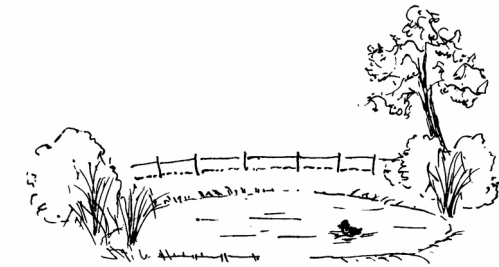


# **Aldbourne Parish Council**



## **STANDING ORDERS**

**Adopted 4 March 2020**

**Next Review May 2022**

**BASED ON THE  
MODEL STANDING  
ORDERS 2018  
(ENGLAND)**

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## **1. RULES OF DEBATE AT MEETINGS**

- a 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.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g 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.
- h 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.
- i 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 of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k 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.
- l A Councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o 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. to exercise a right of reply.
- p During the debate on 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 they considers has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- r 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 or legal requirements.
- s 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 their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed five (5) 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 be 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) 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	<b>F</b>
Committees	<b>C</b>

- F** 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.**
- F** 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** 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**
- F** 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.**
- C** e Members of the public, by invitation from the Chair, 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.
- F** f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes for full Council meetings, or 10 minutes for planning meeting, unless directed by the Chair of the meeting.
- C** g Subject to standing order 3(f), a member of the public shall not speak for more than three (3) minutes.

- F C h** In accordance with standing order 3(e), 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.
- F i** A person shall raise their hand when requesting to speak. They may also be asked to stand should it be required in order for the Council to be able to better hear them, (except when a person has a disability or is likely to suffer discomfort).
- F C j** A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- F C 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.
- F l** **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- F C m** **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- F n** **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.**
- F o** **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 (if there is one).**
- F p** **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council, 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.**
- F C q** **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- F C r** **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 their casting vote whether or not they gave an original vote.**

*See standing orders 7(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*

- F s** **Voting shall be by a show of hands, or, if at least two Councillors so**  
**C** **request, by signed ballot. 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 their vote for or against that question.** Such a  
 request shall be made before moving on to the next item of business on the  
 agenda.
- F t** The minutes of a meeting shall include an accurate record of the following:  
**C**
- i. the date and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors  
 who are absent;
  - iii. interests that have been declared by councillors and non-councillors with  
 voting rights;
  - iv. the grant of dispensations(if any) to councillors and non-councillors with  
 voting rights;
  - v. whether a Councillor left the meeting when matters that they held  
 interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
  - viii. Some background information may also be included for any item  
 discussed, but it will be a short summary and not a verbatim account.
- F u** **A Councillor or a non-Councillor with voting rights who has a disclosable**  
**C** **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 their right to participate and**  
**vote on that matter.**
- F v** **No business may be transacted at a meeting unless at least one-third of**  
**C** **the whole number of members of the Council are present and in no case**  
**shall the quorum of a meeting be less than five.** *(See standing order 4d(vii)*  
*for the quorum of a committee or sub-committee meeting.)*
- F w** **If a meeting is or becomes inquorate no business shall be transacted**  
**C** **and the meeting shall be closed. The business on the agenda for the meeting shall**  
**be adjourned to another meeting.** *(See standing order 28 for Planning*  
*applications)*
- F x** The Proper Officer may speak at the meeting to help clarify a point, clarify legal  
**C** positions, clarify correct administration procedures and present information for  
 the Council Members for their debate.
- F y** A meeting shall not exceed a period of 2 hours.  
**C**

#### **4. COMMITTEES AND SUB-COMMITTEES**

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee/steering group.**
- b The members of a committee may include non-councillors unless it is a committee which decides planning responses or regulates and controls the finances for the Council.**
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - iv. may, subject to standing orders 4(b) and (c), 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 seven (7) days before the meeting that they are unable to attend;
  - v. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than four (4);
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee or a sub-committee.



**5. RESPONSIBILITY GROUPS**

- a The Council shall appoint responsibility groups to allow members to be responsible for all areas under control of the Council.
- b Each responsibility group will have a lead member.
- c The responsibility groups can be made up of non-members if required.
- d Appointments to responsibility groups will be reviewed at each Annual Meeting (standing order item 7j(ix)), but members can be appointed as required during the year;
- e There is no minimum or maximum number of members required for any one responsibility group.
- f There is no requirement for responsibility groups to hold meetings;
- g No responsibility group will have delegated powers, all members must report back to the Clerk with any issues that require action to allow for a decision using existing financial delegated powers attributed to the Clerk, or by the full Council at a meeting.

**6. WORKING PARTY AND STEERING GROUPS**

- a The Council may appoint working parties or steering groups as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall permit a working party or steering group to determine the number and time of its meetings;
  - iii. shall permit a working party or steering group to agree its own lead member;
  - iv. Appointments to working party and steering groups will be reviewed at each Annual Meeting (standing order item 7j(ix)), but members can be appointed as required during the year;
  - v. unless specified by resolution at a meeting of the full Council, working parties and steering groups do not have delegated powers. All actions must be reported at a full Council meeting, and a resolution by the full Council taken upon them;

**7. 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 councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.**
- d **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 decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council. (See standing order 9 for Chair's terms of office)**
- f **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.**
- g **The Vice-Chair of the Council, if there is one, unless they resign 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.**
- h **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 annual 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 shall give a casting vote in the case of an equality of votes.**
- i **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 annual 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 shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include
  - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**

- ii. Review of Council finances (including review of the Council's expenditure incurred under s.137 of the Local Government Act 1972)
- iii. Consideration of annual audit documents.
- iv. Confirmation of arrangements for insurance cover in respect of all insurable risks
- v. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council
- vi. Review of delegation arrangements to committees and sub-committees, where required
- vii. Review of the terms of any reference for committees and sub-committees, where required
- viii. Appoint representatives to outside bodies
- ix. Review, and if required, appointment members to existing responsibility groups, committees, sub committees, steering groups or working parties
- x. Appointment of any new committees in accordance with standing order
- xi. Review of any of the Council's adopted procedures or policies as required;
- xii. Consideration of any recommendations made by a committee;
- xiii. Confirmation of the accuracy of the minutes of the last meeting of the Council;

**8. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-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 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 shall be signed by the two councillors. (See standing order 3 for when notices/agendas should be issued)**
- c) The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

- d) If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any three members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee]. *(See standing order 3 for when notices/agendas should be issued)*

## **9. CHAIR'S TERM OF OFFICE**

- a) The Chair of the Council will be elected for a 1 year period as per standing order 7 (e-i). At the end of this period he/she can stand again for election but only for maximum of 3 consecutive years. At the end of the 3<sup>rd</sup> year period they will stand down and will not be able to stand again for another 2 year period.
- b) The procedures for the Vice Chair's election will be the same as for the Chair. The Vice Chair will not be restricted from standing for the Chair position during or immediately after their term as Vice Chair. The Vice Chair does not have to stand as the Chair.
- c) Should no one be willing to stand as Chair, then the Vice Chair will be asked to stand in for a maximum of 4 months to allow further efforts to find a Chair.
- d) If more than one person stands for either position a paper ballot will be taken.
- e) All nominations must have a proposer and seconder.
- f) If no councillors have declared an interest in standing as Chair or Vice Chair by one month before the May elections, the Clerk should advise the Council and ask for nominations for the posts of Chair and or Vice Chair.

## **10. 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 eight (8) councillors to be given to the Proper Officer in accordance with standing order 13, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b) When a motion moved pursuant to standing order 10(a) has been disposed of, no similar motion may be moved for a further six months.

## **11. 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 exercisable by the Chair of the meeting.

## **12. VACANCIES AND CO-OPTION**

- a) In the event of a resignation or another reason for creation of a vacancy the Clerk will immediately contact Wiltshire Council electoral registration office on the effective date of the vacancy and request the initiation of the advertising of the Notice of Vacancy.
- b) If this advertisement does not initiate the 10 signatures of electors in the period of time required by legislation (at present 14 working days) move to the co-option process step c), otherwise the election process will be followed.
- c) The co-option process will be advertised within 21 days of the end of the time for the Notice of Vacancy.
- d) The co-option notice will include the final date for acceptance of requests for consideration and the number of vacancies. (Where possible this should be a minimum of seven (7) days after the date of notice)
- e) The notice will be placed on the village notice board as well as being published on the Aldbourne Parish Council Website & Facebook page.
- f) The co-option process will be put into the village newsletter when possible.
- g) Members may point out the vacancies and the process to any qualifying candidate(s).
- h) Candidates found to be offering inducements of any kind will be disqualified.
- i) All candidates will be asked to put their request for consideration in writing with the following additional information:- reason for wishing to be a Councillor, previous and current jobs or voluntary work, any other skills they can bring to the Council. Upon invitation by the Chair this information can be given verbally by the candidate at the meeting where co-option is being considered. It will be a condition of membership that a means of contact by telephone will be public information, as well as a photograph of the successful candidate.

- j) The information disclosed by the candidates as per item i) will be deemed private and thus should not be disclosed to any other party outside the Council either before or after voting. Doing so would be a breach of the Council's Privacy Policy and could subject anyone doing so to scrutiny by the Information Commission Office or the Monitoring Officer at Wiltshire Council.
- k) Any Councillor present at the meeting where co-option is being considered may propose a resolution to take a vote upon any candidate not present at the meeting. If no resolution is forthcoming, any candidate not present will not be voted upon.
- l) If required, discussion will take place in Council session without intervention from the candidates or public.
- m) A resolution may be put at this stage that the vote be not taken at this stage for the first (and second) meeting of the Council.
- n) A vote will then be taken by signed paper ballot, all candidates present (or not present if a resolution is taken as per item k) will be considered.
- o) The first candidate to receive an absolute majority of votes is declared elected. Should no single candidate receive a majority on the first vote, the person(s) with the lowest number of votes is eliminated, voting takes place on the remainder. This continues until one person receives an absolute majority. This process will be repeated for each subsequent vacancy.
- p) Candidates will be furnished with a full agenda of the meeting at which they are to be considered for election. The successful candidates will sign their Declaration of Acceptance of Office following the meeting to which they were elected. If the Chair allows, the candidate may sign their Declaration of Acceptance of Office immediately and then take part in the remainder of the meeting. Register of Interest must be submitted within 28 days of co-option.

**13. 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 for which it is tabled 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 five (5) 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 13(b), correct obvious grammatical or typographical errors in the wording of the motion.

- d) If the Proper Officer considers the wording of a motion received in accordance with standing order 13(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least five (5) clear days before the meeting.
- e) 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.
- f) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g) Motions received shall be recorded and numbered in the order that they are received.
- h) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

#### **14. MOTIONS 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 responsibility group, committee, sub-committee or steering group;
  - 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 responsibility group, steering group, committee or sub-committee 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 other 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 or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

**15. MANAGEMENT OF INFORMATION**

*See also standing order 23.*

- a) **The Council shall have in place and keep under review, technical and organisational measures to keep secure information(including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b) **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d) **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

**16. DRAFT MINUTES**

Full Council meetings **F** - Committees **C**

- F** a If the draft minutes of a preceding meeting have been served on  
**C** councillors prior to the next agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- F** b There shall be no discussion about the draft minutes of a preceding  
**C** 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 14(a)i).
- F** c The accuracy of draft minutes, including any amendment(s) made to  
**C** 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.



- F** d If the Chair of the meeting does not consider the minutes to be an  
**C** accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair 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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- F** e **If the Council’s gross annual income or expenditure (whichever is**  
**C** **higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

- F** f Subject to the publication of draft minutes in accordance with standing  
**C** order 16(e) and standing order 23(a) and following 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.

## 17. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a) All Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b) Unless they have 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 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 with voting rights 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 Proper Officer** 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 a majority of voting members in attendance at the meeting of the Council, or committee or sub-committee for which the dispensation is required, 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 17(d) and (f), a dispensation request shall be considered by voting members present at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h) **A dispensation may be granted in accordance with standing order 17(e) if having regard to all relevant circumstances any of the following apply:**
  - 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;**
  - 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.**

## **18. CODE OF CONDUCT COMPLAINTS**

- a) Upon notification by the Unitary 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 15, report this to the Council.
- b) Where the notification in standing order 18(a) 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 person 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 18(d).
- c) The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - 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 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 them. Such action excludes disqualification or suspension from office.**

## **19. PROPER OFFICER**

- a) The Proper Officer shall be either (i) the Clerk or (ii) other person(s) 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 or a sub-committee,**
    - **serve on councillors by email delivery or post at their residences authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (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) for the meaning of clear days for a meeting of a full Council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to standing order 14, include on the agenda all motions in the order received unless a Councillor has given written notice at least seven (7) days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of Office forms from councillors;
- vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- viii. liaise, as appropriate, with the Council's Data Protection Officer; (if there is one)
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;  
*(see also standing order 26);*
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and liaise with the Planning Chair, or Vice Chair to arrange a date/time for a planning meeting to be held to consider the items. *(see also standing order 28 and Planning Terms of Reference)*
- xiv. manage access to information about the Council via the publication scheme; and
- xv. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. *(see also standing order 26).*

## **20. RESPONSIBLE FINANCIAL OFFICER**

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

## **21. 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".
- 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 If so requested, the Responsible Financial Officer shall supply to any Councillor as soon as practicable after each quarter in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) 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.
- 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 Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability 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 apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 10 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **22. 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 local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 22(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- 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 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.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contractor in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **23. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 24.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **24. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

*(Below is not an exclusive list).*

*See also standing order 16.*

- a **The Council shall appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**

- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## **25. 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.

## **26. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing orders 19(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 26(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

*The above is applicable to a Council without a common seal.*

## **27. COMMUNICATING WITH UNITARY COUNCILLOR**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Ward Councillor of the Unitary Council representing the area of the Council.
- b The Ward Councillor may be invited to sit at the table with the Council, but must not participate in Council business unless invited to do so by the Chair of the meeting at which they are present at.



**28. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised 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.

**29. REQUEST FOR AUTHORISATION TO USE COUNCIL LAND**

If an organisation/party or individual asks to use Parish Council land, which is owned by them or for which they have responsibility for, to hold an event, that has not been listed on the agenda for that meeting, the Council may agree to consider this event and any conditions of use, at said meeting without resolution.

Outside of meetings the Clerk, in consultation with the Chair and Vice-Chair, is delegated to consider such requests and give authorisation and conditions of use, if agreed.

**30. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal 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 or legal requirements, shall be proposed by a special motion, the written notice by at least six (6) councillors to be given to the Proper Officer in accordance with standing order 13.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.