

STANDING ORDERS OF STANDISH PARISH COUNCIL – DECEMBER 2012

Amended (addition at 17a) November 2016

1. 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 **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**

- c **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.**

- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.

- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes. A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- f A person may not orally report or comment about a meeting as it takes place if s/he is present at the meeting of a parish council but otherwise may:
 - a) film, photograph or make an audio recording of a meeting;
 - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

- g In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

- h Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**

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

- j Subject to model standing order 1 (q) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

- k The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote.**

- l Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

- m The minutes of a meeting shall record the names of councillors present and absent.**

- n The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

- o An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**

- p No business may be transacted at a meeting unless at least 3 councillors are present.**

- q **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

- r Meetings shall not exceed a period of two and a half hours.

2 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 election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**

- e. **The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**

- f. **The Vice-Chairman and Vice-Chairman of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

- g. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman 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 Chairman of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

- i. **Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of**

the Council, the order of business shall be as follows.

- i. In an election year, delivery by councillors of their declarations of acceptance of office.
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council
- iii. Review and adoption of appropriate standing orders and financial regulations.
- iv. Review of representation on or work with external bodies and arrangements for reporting back.
- v. Review of inventory of land and assets including buildings and office equipment.
- vi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- vii. Review of the Council's and/or employees' memberships of other bodies.
- viii. Establishing or reviewing the Council's complaints procedure.
- ix. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- x. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer

- a. The Council's Proper Officer shall be the clerk. The Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders.
- b. The Council's Proper Officer shall do the following.
 - i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.**
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office, in accordance with standing order [3(b)i] OR [3(b)ii] above.**
 - iv. Make available for inspection the minutes of meetings.
 - v. **Receive and retain copies of byelaws made by other local authorities.**
 - vi. **Receive and retain declarations of acceptance of office from councillors.**
 - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - viii. Keep proper records required before and after meetings;
 - ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

- xii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority ;
- xv. Refer a planning application received by the Council to all members within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council..
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Rules of debate

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b. A motion shall not be considered unless it has been proposed and seconded.

5 Code of conduct (England)

- a. All councillors shall observe the code of conduct adopted by the Council.
- b. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

6 Questions

- a. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

7 Minutes

- a. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

8 Disorderly conduct

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

9 Voting on appointments

- a. Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

10 Expenditure

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

11 Execution and sealing of legal deeds

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. **In accordance with a resolution made under the standing order above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

12 Extraordinary meetings

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

13 Advisory committees

- a. The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

14 Accounts and Financial Statement

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

15 Estimates/precepts

- a. **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.

16 Inspection of documents

- a. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

17 Unauthorised activities

- a. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.
 - iii. speak or act against the council's corporate decision unless he/she makes clear he/she is speaking in

a private capacity and not as a councillor.

18 Confidential business

- a. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

19 Matters affecting council employees

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.

20 Freedom of Information Act 2000

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman

21 Relations with the press/media

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be referred to the chair

22 Liaison with District and County Councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County Council

23 Financial matters

- 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 accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;

- iii. the work of the Internal Auditor 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;
- v. procurement policies

- b. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £250 shall be procured on the basis of three quotations.**
- c. The council is not bound to accept the lowest quote.

24 Allegations of breaches of the code of conduct

- a. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved
- c. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 24(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- d. Standing order 24(c) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- e. The council shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;

25 Variation, revocation and suspension of standing orders

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of as least 3 councillors.

26 Standing orders to be given to councillors

- a. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.
- c. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.