

BETCHWORTH PARISH COUNCIL STANDING ORDERS 2018 (ENGLAND)

ISSUE 1.6

**

INCLUDING SUB COMMITTEES AND WORKING GROUPS

**

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (c.2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

Standing Orders in bold type are statutory and must not be amended or deleted.

Standing Orders in ordinary type may be adjusted and amended to suit the purpose of The Council.

1. RULES OF DEBATE AT MEETINGS.....	3
2. DISORDERLY CONDUCT AT MEETINGS.....	4
3. MEETINGS GENERALLY.....	4
4. COMMITTEES AND SUB-COMMITTEES	7
5. ORDINARY/ANNUAL COUNCIL MEETINGS	8
6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES	10
7. PREVIOUS RESOLUTIONS	10
8. VOTING ON APPOINTMENTS	11
9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER	11
10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE.....	12
11. MANAGEMENT OF INFORMATION.....	12
12. DRAFT MINUTES.....	13
13. CODE OF CONDUCT AND DISPENSATIONS	13
14. CODE OF CONDUCT COMPLAINTS	14
15. PROPER OFFICER	15
16. RESPONSIBLE FINANCIAL OFFICER.....	17
17. ACCOUNTS AND ACCOUNTING STATEMENTS	17
18. FINANCIAL CONTROLS AND PROCUREMENT.....	18
19. HANDLING STAFF MATTERS	19
20. RESPONSIBILITIES TO PROVIDE INFORMATION	20
21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION.....	20
22. RELATIONS WITH THE PRESS/MEDIA.....	20
23. EXECUTION AND SEALING OF LEGAL DEEDS	20
24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS.....	21
25. RESTRICTIONS ON COUNCILLOR ACTIVITIES	21
26. STANDING ORDERS GENERALLY	21
 PART B: THE ROLE AND REMIT OF SUB COMMITTEES AND WORKING GROUPS.....	 22

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 chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- d An amendment shall not be considered unless early verbal notice of it is given at the meeting.
- e A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- f Subject to standing order 1(g), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- g One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- h The mover of an amendment has no right of reply at the end of debate on it.
- i 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- j A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- k 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.

- l Before an original or substantive motion is put to the vote, the chairman 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.
- m Excluding motions moved under standing order 1(k), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman 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, or in such a manner as to scandalise the Council or bring it into contempt or ridicule. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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 chairman 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	● 1
Committee meetings	● 2
Sub-committee meetings	● 3

- 1 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.**
- 1 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.**
- 2 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**
- 1 d **Meetings shall be open to the public unless their presence is**
- 2 **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.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall be allocated at the discretion of the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- 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 chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 1 ●2 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.**
- 1 ●2 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.**
- 1 ●2 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.**
- 1 o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- 1 p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the**

Council (if there is one) 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.

●1 q **Subject to a meeting being quorate, all questions at a meeting shall be**
●2 **decided by a majority of the councillors and non-councillors with**
●3 **voting rights present and voting.**

●1 r **The chairman of a meeting may give an original vote on any matter put**
●2 **to the vote, and in the case of an equality of votes may exercise his**
●3 **casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

●1 s **Unless standing orders provide otherwise, voting on a 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.

t 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 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 or non-councillor with voting rights 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.

●1 u **A councillor or a non-councillor with voting rights who has a**
●2 **disclosable pecuniary interest or another interest as set out in the**
●3 **Council's code of conduct in a matter being considered at a meeting is**
subject to statutory limitations or restrictions under the code on his
right to participate and vote on that matter.

●1 v **No business may be transacted at a meeting unless at least one-third of**
the whole number of members of the Council are present and in no
case shall the quorum of a meeting be less than three.

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- w **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.
- x A meeting shall not exceed a period of three hours.

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.**
- 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 an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may at its Annual Meeting appoint sub committees and working groups and may at any other time appoint such other sub committees as are necessary, but subject to any statutory provision in that behalf:-
 - (a) shall not appoint any member of a sub committee so as to hold office later than the next Annual Meeting,
 - (b) may, at any time dissolve or alter the membership of a committee
- e The Chairman shall be an ex officio member of every sub committee. Other members of the Council may attend meetings of any sub committee or working group, but may not vote.
- f All meetings of sub committees and working groups shall be held in public meeting places or openly in private houses. Meetings shall not be held on premises licensed to sell alcohol.
- g Every sub committee and working group shall, at its first meeting, before proceeding to any other business, elect a Chairman and may elect a Vice Chairman both of whom shall hold office until the next Annual Meeting of the Council.
- h The Chairman of a sub committee or the Chairman of the Council may convene an additional meeting of that committee at any time. An additional meeting shall also be convened on the requisition in writing of not less than a quarter of the members of the committee. At least three days notice of any meeting must be given to all members of the sub committee or working group (unless all members can attend at an earlier date).
- i The task of each sub committee or working group is to discuss issues within its remit , and to bring recommendations forward to the full Council. Sub committees and working groups have no power to take decisions on behalf of the Council, or to bind the Council to any contract or course of action..

- j If any member of the Council, either being present at the sub committee, or by giving notice in writing to the Chairman of the sub committee before the meeting, requests that a particular matter be decided by the full Council then that matter shall not be decided by the sub committee under its delegated powers but may be subject to a recommendation to the Council.
- k The Clerk will advise all members of a sub committee or working group of the details of the meeting and distribute the agenda. The sub committee Chairman and Clerk are also responsible for arranging for members to have copies of any relevant papers, and for reporting recommendations to the full Council.
- l A quorum of a sub committee shall be one half of its members, rounded if necessary to the next whole number above.
- m The normal rules concerning Councillors interests apply to all subcommittees and working groups.
- n Sub committees and working groups shall have at least two Councillors as members, who may co-opt up to eight further members as agreed by the Council. However only Councillors can vote on recommendations which shall be placed in front of the full Council unless the timescale set by the local planning authority makes that impossible, in which case the Chairman or other pre-nominated members of the Parish Council may approve and sign-off comments.

5. ORDINARY AND ANNUAL COUNCIL MEETINGS

Meetings of the Council shall be held on the first Monday of each month (or when this is a Bank Holiday, the first Tuesday), in the Hamilton Room, Church Street at 8pm, unless otherwise decided by the Council at a previous meeting, or remotely via an internet meeting conference platform.

- i. Smoking is not permitted at any meeting of the Council.
- ii. No political comment or canvassing shall be permitted at 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 6pm.**
- 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 Chairman and Vice-Chairman (if there is one) of the Council.**

- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he 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.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- In an election year, delivery by the Chairman 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 Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
- k *At each Annual Meeting the first business shall be:-*
- i. *To elect a Chairman*
 - ii. *To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received*
 - iii. *In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations*
 - iv. *To decide when any declarations of acceptance of office which have not been received as provided by law, shall be received*
 - v. *To elect a Vice-Chairman*
 - vi. *To appoint committees*
 - vii. *To inspect any deeds and trust instruments in the custody of the Council; and shall thereafter follow the order set out in Standing Order 5n.*
- l *At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.*

- m In every year not later than the meeting at which the estimates are settled the Council shall review the pay and conditions of service of existing employees.
- n After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
 - i. To read and consider the minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
 - ii. After consideration to approve the signature of the Minutes by the person presiding as a correct record.
 - iii. To deal with business expressly required by statute to be done.
 - iv. To dispose of business, if any, remaining from the last meeting.
 - v. To receive such communications as the person presiding may wish to lay before the Council.
 - vi. To hear questions from the public.
 - vii. To receive and consider reports.
 - viii. To receive and consider reports from the Clerk.
 - ix. To authorise the sealing of documents.
 - x. To authorise the signing of orders for payment.
 - xi. To consider resolutions or recommendations in the order in which they have been notified.
 - xii. Any other business specified in the summons.
- o A motion to vary the order of business
 - i. may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - ii. shall be put to the vote without discussion.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- 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 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.**
- c The chairman 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 chairman 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 four members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within three months except either by a special motion, which requires written notice by at least four councillors to be

given to the Proper Officer in accordance with standing order 9, 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 7(a) has been disposed of, no similar motion may be moved for 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 exercisable by the chairman 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 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 three 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), 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 9(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 three 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 chairman 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.

10. **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 committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- 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.

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

- 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.**

12. DRAFT MINUTES

Full Council meetings ●1
Committee meetings ●2
Sub-committee meetings ●3

- 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. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, 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.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

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

13. 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 he has been granted a dispensation, a councillor or non-councillor with

voting rights shall not participate and may be excluded when it is considering a matter in which he has a disclosable pecuniary interest. He may resume participation in the meeting after it has considered the matter in which he had the interest.

- c **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.
- d A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- e 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.
- f Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- g **A dispensation may be granted in accordance with standing order 13(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.**

14. **CODE OF CONDUCT COMPLAINTS**

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended by the National Association of Local Councils.

- a Upon notification by the District or 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 11, report this to the Council.

- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(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 District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(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 delivery or post at their residences or by email 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 9, include on the agenda all motions in the order received unless a councillor has given notice at least 1 day before the meeting confirming his withdrawal of it;

- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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. hold a copy of every councillor's register of interests;
- viii. 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;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. 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);
- xii. arrange for legal deeds to be executed;
(see also *standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Councillors within two working days of receipt to and to request an extension on the decision deadline or alternatively facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of The Council.
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. 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 23*).

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".
- 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.
- i. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Clerk. Such payment shall be authorised by the subcommittee, if any, having charge of the business to which it relates, or by the Clerk for payments with the approval of the Chairman or Vice Chairman of the Council.
 - ii. All payments ratified under sub paragraph 17.b.i of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- i. the Council's receipts and payments (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 2 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 14 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.

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 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 18(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 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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. tenders are to be submitted addressed to the Proper Officer;
 - iv. 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 contract or 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.**

19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council or committee is subject to standing order 11.
- b. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be discussed by the Council until the public has been excluded.
- c. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance,

capabilities, grievance or disciplinary matters.

- d In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(c).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- 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 Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his 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.**

22. 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.

23. EXECUTION AND SEALING OF LEGAL DEEDS

- a A legal deed shall not be executed on behalf of the Council unless authorised

by a resolution.

Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY 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.

25. 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.

26. STANDING ORDERS GENERALLY – new section - optional

- 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 four councillors to be given to the Proper Officer in accordance with standing order 9.
- 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 chairman of a meeting as to the application of standing orders at the meeting shall be final.

PART B - THE ROLE AND REMIT OF SUB COMMITTEES AND WORKING GROUPS

The task of each sub committee or working group is to discuss issues within its remit, and to bring recommendations forward to the full Council. Sub committees and working groups have no power to take decisions on behalf of the Council, or to bind the Council to any contract or course of action, except those specifically delegated in Section B.

The Chairman of each sub committee or working group is responsible for convening meetings (or the Clerk in the case of the Finance sub committee), arranging for members to have copies of the relevant papers, and for reporting recommendations to the full Council.

SECTION B1: FINANCE SUB COMMITTEE

B1.1 This sub committee has responsibilities for overall planning and control of the Council's finances. It should prepare a budget of income and expenditure for each financial year in accordance with the following timetable:

- prepare a draft budget for the following financial year and present it to the full Council for consideration in December;

- prepare the precept for agreement and signing on behalf of the Council in January ahead of the date required by the District Council in February.

B1.2 As part of the budgeting process the sub committee should liaise with other sub committees to establish their likely income and expenditure by the end of October. A review should also take place with regard to employees remuneration to be effective from the following April as well as insurance of the Councils property.

B1.3 The budget should be monitored throughout the year on a regular basis and reports made to the full Council accordingly.

B1.4 The sub committee should have referred to it any capital expenditure planned or deemed necessary that was not included in the original budget.

B1.5 The sub committee has the following delegated powers:

- (a) to authorise expenditure up to £250 in line with budgeted expenditure, for reporting to the full Council at the next meeting.

B1.6 An in-house audit of the Clerk's work should be carried out not less frequently than once a year, and more often if that is felt necessary.