



Kempsey Parish Council

Standing Orders

Document revisions

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2.0	Updated in line with NALC Model Standing Orders 2018 (England)	14.12.2020
	Updated quoracy arrangements for the Planning Committee	13.11.2023
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INTRODUCTION

These Standing Orders derive substantially from the National Association of Local Council (NALC) model standing orders 2018 (England).

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The Standing Orders of a council are not the same as the policies of a council but standing orders may refer to them.

Standing orders that are in **bold type** contain legal and statutory requirements. Standing orders not in bold are designed to help the council operate effectively but they do not contain statutory requirements.

DEFINITIONS

The following definitions are for the purposes of these Standing Orders. Unless stated otherwise, these definitions apply to the Council, any of its committees or working parties.

Chairman – the person chosen to preside over a meeting. The term Chairman is used in this document, but the terms Chair and Chairperson have the same meaning.

Full Council – a meeting for which all councillors have been summoned by the Clerk.

Meeting – any gathering of councillors that has been convened at an appropriate venue for the purpose of achieving a common goal through verbal interaction, such as sharing information or reaching agreement.

Point of order - a query in a formal debate or meeting as to whether correct procedure is being followed

Proposal – A proposal is an intention put forward for debate or decision by the Council or any of its committees or working parties. A proposal must be proposed before a vote on the proposal or an amendment to the proposal can take place.

Resolution – a decision by the Council or a committee to carry out a course of action following a vote in which a majority of those authorised to vote are in favour of the course of action.

Substantive proposal - Substantive proposals are independent proposals which are complete in themselves and are neither incidental to, nor dependent upon any proceeding already before the Council or any of its committees.

Standing Committee - a group of councillors and possibly other people appointed by the Council for a specific function of the Council as described in these Standing Orders. Standing Committees report to the Council.

Working Party - a group of councillors and possibly other people appointed by the Council for a specific function and reporting to the Council or a Standing Committee.

1 RULES OF DEBATE AT MEETINGS

- a Proposals 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 proposal (including an amendment) shall not be progressed unless it has been proposed and seconded.
- c A proposal on the agenda that is not put forward by its proposer may be treated by the Chairman of the meeting as withdrawn.
- d If a proposal (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 proposal. It shall not negate the proposal.
- f If an amendment to the original proposal is carried, the original proposal (as amended) becomes the substantive proposal upon which further amendment(s) may be proposed.
- g A councillor may propose an amendment to his own proposal if agreed by the meeting. If a proposal has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- h If there is more than one amendment to an original or substantive proposal, the amendments shall be proposed in the order directed by the Chairman of the meeting.
- i Subject to standing order 1(j), only one amendment shall be proposed and debated at a time, the order of which shall be directed by the chairman of the meeting.
- j 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.
- k A Councillor may not propose more than one amendment to an original or substantive proposal.
- l The proposer of an amendment has no right of reply at the end of debate on it unless agreed by the Chairman.
- m Where a series of amendments to an original proposal are carried, the proposer of the original proposal 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 proposal immediately before it is put to the vote.
- n Unless permitted by the Chairman of the meeting, a Councillor may only speak once in the debate on a proposal except:

- i. to speak on an amendment proposed by another Councillor;
 - ii. to move or speak on another amendment if the proposal has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- o During the debate on a proposal, 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.
- p A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- q When a proposal is under debate, no other proposal shall be put forward except:
 - i. to amend the proposal;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the proposal to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a proposal 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.
- r Before an original or substantive proposal is put to the vote, the Chairman of the meeting shall be satisfied that the proposal has been sufficiently debated and that the proposer of the proposal under debate has exercised or waived his right of reply.
- s Excluding proposals put forward under standing order 1(q), the contributions or speeches by a Councillor shall relate only to the proposal under discussion and shall not exceed 3 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. 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 propose that the person be no longer heard or be excluded from the meeting. The proposal, 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

Mandatory for Full Council meetings



Mandatory for Committee meetings



-  a **Meetings shall usually be held in Kempsey Community Centre. When this is unavailable 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.**
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-  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.**
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-  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.**
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- d 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.
- e The period of time designated for public participation at a meeting in

accordance with standing order 3(d) shall not exceed 30 minutes unless directed by the Chairman of the meeting.

- f Subject to standing order 3(e), a member of the public shall not speak for more than 5 minutes, or longer at the discretion of the Chairman
- g In accordance with standing order 3(d), 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.
- h A person shall raise a hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated when speaking.
- i A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- j 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.

○ k **Subject to standing order 3(l), 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.**

○ l **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place, without permission.**

○ m **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

○ n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by or before the Chairman of the Council may in his absence be done by or before the Vice-Chairman of the Council (if there is one).**

○ o **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.**

○ p **Subject to a meeting being quorate, all decisions at a meeting shall be**
△ **decided by a majority of the Councillors present.**

○ q **The Chairman of a meeting may give an original vote on any matter put**
△ **to the vote, and in the case of an equality of votes may exercise his**
 casting vote whether or not he gave an original vote.

See standing orders 5(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.

○ r **Unless standing orders provide otherwise, voting on a formal proposal**
 shall be by a show of hands. At the request of a Councillor, the voting
 on any formal proposal shall be recorded so as to show whether each
 Councillor present and voting gave his vote for or against that
 proposal. Such a request shall be made before voting on this item of
 business on the agenda.

s The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of Councillors who are absent;
- iii. interests that have been declared by Councillors;
- iv. the grant of dispensations (if any) to Councillors
- 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.

○ t **A Councillor who has a disclosable pecuniary interest or another**
△ **interest as set out in the Council's Code of Conduct in a matter being**
 considered at a meeting is subject to statutory limitations or
 restrictions under the code on his right to participate and vote on that
 matter.

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

See standing order 4(g) for the quorum of a committee meeting.

○ v **If a meeting is or becomes inquorate no business shall be transacted**
△ **and the meeting shall be closed. The business on the agenda for the**
 meeting shall be adjourned to another meeting.

- w A meeting shall ideally not exceed a period of 2.5 hours.

4. COMMITTEES AND WORKING PARTIES

- a **Unless the Council determines otherwise, a committee may appoint a working party 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. Non-councillors will not have voting rights. Quoracy must remain with Councillors only.**
- c **Unless the Council determines otherwise, all the members of a working party may be non-councillors.**
- d The Council will appoint the following standing committees, and other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall permit 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 5 days before the meeting that they are unable to attend;
 - v. shall appoint the members of a standing committee
 - vi. shall permit a committee to appoint its own chairman at the first meeting of the committee, or any subsequent meeting if the need should arise; and
 - vii. may dissolve a committee or a working party.
 - viii. If the chairman of a committee does not call a meeting within 14 days of having been requested to do so by 3 members of the committee, any 3 members of the committee may convene a meeting of the committee.
- e Standing committee's members to be appointed annually, or within 90 days of

the Annual Parish Meeting, are;

- I. Commons and Recreation Committee
- II. Community Centres Committee
- III. Environment Committee
- IV. Infrastructure Committee
- V. Planning Committee
- VI. Finance and General Purposes Committee

f Membership

- I. All standing committees shall consist of at least four members with the exception of the Finance and General Purposes, Planning, and Infrastructure Committees
- II. The Planning Committee shall consist of seven members to include the Council Chairman or Vice-Chairman. Other Council members may sit at this committee with full voting rights.
- III. The Finance and General Purposes Committee shall consist of the Council Chairman and Vice-Chairman, and the Chairman of each standing committee.
- IV. The Council Chairman, and in their absence the Council Vice-Chairman, shall chair the Finance and General Purposes Committee
- V. The Council Chairman and Vice-Chairman will not normally serve as members of standing committees, with the exception of Finance and General Purposes and Planning committees. The Council Chairman may, however, sit on the Commons and Hams, Community Centres, and Environment, committees as a non-voting member, or as a voting member if approved by Full Council.
- VI. The Infrastructure Committee may consist of any Councillor, with full voting rights, and any non-councillors invited to participate for their specialist knowledge. Non-councillors will not have voting rights.

g Quoracy

- I. The quorum for committee meetings shall be the greater of three or one third of the committee membership, whichever is greater, with the exception of the Finance and General Purposes Committee when preparing the annual budget for submission to the Council and the Planning Committee and the Infrastructure Committee.
- II. When preparing the budget for submission to the Council the quorum

for the Finance and General Purposes Committee shall be the Council Chairman, Council Vice-Chairman and all standing committee Chairmen except:

1. In the event of unavoidable absence of a standing committee Chairman, that committee shall be represented by a Council member of that committee.
2. If a standing committee chairman is the chairman of one or more other standing committees, he shall represent only one standing committee. All other standing committees for which he is Chairman shall be represented, with full voting rights, by a Council member of that Committee

- III. The Planning Committee shall consist of one third of the number of councillors (rounded up to the nearest whole number) with a minimum of 3 councillors for a quorum.

This translates to:

Council at full complement of 13 – quorum of 5

Council of 10-12 Councillors – quorum of 4

Council of 9 or less – quorum of 3

- IV. The Infrastructure Committee shall consist of five voting members to be quorate.

h Duties and Powers

- i. Standing committees shall have no decision making powers except where such powers have been specifically delegated to it by the Council.
- ii. All standing committees shall prepare and submit written proposals to the Finance and General Purposes Committee in November of their planned revenue and expenditure requirement for the next financial year.
- iii. Commons and Recreation Committee shall be responsible for monitoring all commons and allotments for which the Council has responsibility, reporting regularly to the Council, and as and when necessary, or when instructed by the Council, recommending and formulating any necessary action. They shall also be responsible for monitoring the Playing Field at Plovers Rise and liaising with the clubs using the Playing Field to ensure the proper and agreed use of the facilities, reporting regularly to the Council and as and when necessary, or when instructed by the Council, recommending any necessary action.
- iv. Community Centres Committee shall be responsible for monitoring all activities in Kempsey Community Centre, Kempsey Youth Centre and the Sports Pavilion, the physical condition of these facilities, liaison with all tenants and users, reporting regularly on these to the Council and, as and when necessary or when instructed by the Council, recommending and formulating any necessary action. It shall also be responsible for formulating proposals for maximising the revenues

from these facilities.

- v. Environment Committee shall be responsible for monitoring all environment matters including but not limited to bus shelters, litter bins, benches, seats, footpaths, pavements and walkways and the Rocky area, reporting regularly to the Council and when necessary, or when instructed by the Council, recommending and formulating any necessary action. They shall also be responsible for monitoring playground equipment at the Plovers Rise Playing Field, reporting regularly to the Council, and as and when necessary or when instructed by the Council recommending any necessary action.
- vi. Finance and General Purposes Committee shall formulate and present written proposals for income and expenditure for all Council activities, in the following financial year, to the Council in January. It shall also formulate recommendations and proposals on any matters outside the scope of the other standing committees. It shall be responsible for monitoring all staffing matters, recruitment and selection, staffing and training budgets, annual performance reviews, employee policies and as and when necessary, or when instructed by the Council, recommending and formulating any necessary action.
- vii. Planning Committee shall be responsible for scrutinising all planning applications on which the Council is consulted, and for recommending objection, no objection, support, conditional or otherwise to the relevant planning authority, and to consider other planning matters relevant to the parish, through delegated powers in accordance with Standing Order 4(i).
- viii. The Infrastructure Committee shall be responsible for overseeing the acquisition of a site for, and the design and development of a new recreation & community centre and sports ground. The committee to have delegated powers to vary the composition and membership of the committee as and when required. The committee to provide oversight and guidance to appointed consultants/contractors. This committee to report to full Parish Council.

i Planning Committee Constitution

- i. In accordance with section 4(h)vii above, all planning applications on which the Parish Council is consulted by Planning Authorities shall be scrutinised by the Planning Committee. All such planning applications will be notified to all Parish Councillors.
- ii. For each application, or other planning matter, the Planning Committee shall make a response within the timeframe requested by the Planning Authority, or to reflect the urgency of any other planning matter. The chair of the Planning Committee shall request the Proper Officer to convene meetings of the Planning Committee to accommodate these timeframes.
- iii. Should any Parish Council member have any comments relevant to any planning application, or other planning matter, they should notify the Proper Officer prior to the scheduled Planning Committee meeting who shall ensure that such comments are circulated to all members of the Planning

Committee prior to consideration of the application or matter by the Planning Committee.

- iv. The Planning Committee shall have the delegated authority to submit a formal response to planning applications and other planning matters on behalf of the parish council.
- v. When timing constraints are such that the Planning Committee is unable to submit a response on a planning application by the due date, the Proper Officer shall submit a request to the relevant Planning Authority, or other relevant body, for acceptance of a late submission.
- vi. If any Parish Council member considers that a particular application, or other planning matter, should be taken for consideration at a full Parish Council meeting, they may request the Proper Officer to place a relevant proposal on the agenda of the next Parish Council meeting. The Proper Officer shall consider the timeframe for the response, liaising with the relevant Planning Authority, or other relevant body, if necessary, before effecting the request.
- vii. Pursuant to Clause 4i(iv), and in consideration of Clause 25(a)ii, the Chair of the Planning Committee (or an authorised Planning Committee member) shall be given the delegated authority to speak and make official representations to outside bodies on the Parish Council's behalf following a resolution to this effect by the Planning Committee, or Full Council, whichever meets the timescale of the representation first.
- viii. The Planning Committee shall have the delegated authority to respond to any external body seeking consideration of a consultative document relating to planning matters, subject to clause 4i(vi).

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the 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 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 of the Council (if there is one) at the Annual Meeting, or within 60 days of the Annual Meeting, the Council shall conclude the following business:**
 - i. **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;**
 - ii. **Confirmation of the accuracy of the minutes of the last meeting of the Council;**
 - iii. **Consideration of the recommendations made by committees;**
 - iv. **Review of delegation arrangements to committees, staff and other local authorities;**
 - v. **Review of the terms of reference for committees;**
 - vi. **Appointment of members to standing committees;**

- vii. Appointment of any new committees in accordance with standing order 4(d);
 - viii. Review and adoption of appropriate standing orders and financial regulations;
 - ix. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - x. Review of representation on or work with external bodies and arrangements for reporting back;
 - xi. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xii. Review of inventory of land and other assets including buildings and office equipment;
 - xiii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xiv. Review of the Council's and/or staff subscriptions to other bodies;
 - xv. Review of the Council's Complaints Procedure;
 - xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
 - xvii. Review of the Council's policy for dealing with the press/media;
 - xviii. Review of the Council's employment policies and procedures;
 - xix. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - xx. Determining the time and place of ordinary meetings of the Council up to and including the next Annual Meeting of the Council.
- k At any ordinary meeting of the Council, the co-option of applicants onto the Council may take place. This can happen when one or more Councillor vacancies exist and the vacancies have been duly advertised and applications received. Co-option will not take place, however, if a formal election has been requested.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL

- 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.**

7. PREVIOUS RESOLUTIONS

- a A resolution agreed by majority vote at Full Council shall not be rescinded within six months except either by a special proposal, which requires written notice by at least five Councillors to be given to the Proper Officer in accordance with standing order 9, or by a proposal moved in pursuance of the recommendation of a standing committee.
- b When a proposal moved pursuant to standing order 7(a) has been disposed of, no similar proposal 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. PROPOSALS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A proposal 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 proposal may be put forward at a meeting of the full council unless it is on the agenda and the proposer has given written notice of its wording to the Proper Officer at least 6 clear days before the date of 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 proposal on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the proposal.

- d If the Proper Officer considers the wording of a proposal received in accordance with standing order 9(b) is not clear in meaning, the proposal shall be rejected until the proposer resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposal is considered improper or not relevant, the Proper Officer shall consult with the Chairman of the Council or, as the case may be, the Councillors who have convened the extra ordinary meeting, to consider whether the proposal shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the proposal on the agenda shall be final.
- g Proposals received shall be recorded and ordered according to the items on the agenda.
- h Proposals rejected shall be responded to with an explanation by the Proper Officer, or Chairman of the Council, of the reason for rejection.

10. **PROPOSALS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following proposals may be put forward 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 proposal;
 - iv. to refer a proposal to a particular 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 and its 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 Gouncillor 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 and Committee meetings:

- 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 by councillors.
- 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. The draft minutes or recordings of the meeting for which approved minutes then exist shall be destroyed.
- 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 (full council or committee) held on [date] in respect of (item) 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.”

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(t)

- a All councillors shall observe the Code of Conduct adopted by the Council.
- b Unless a dispensation has been granted, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she has the interest.
- c Unless he/she has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council's Code of Conduct. He/she may return to the meeting after it has considered the matter in which he/she has the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or at least 24 hours before the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council for which the dispensation is required.
- h **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**

- a Upon notification by the District Council that it is dealing with a complaint that a Councillor has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 11, 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 (or locumb Clerk) 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 Council that a Councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against that person. Such action excludes disqualification or suspension from office.**

15. **PROPER OFFICER**

- a The Proper Officer shall be either the Clerk, other staff member, or locumb 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 or a 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).**
 - ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities which affect, or could affect,;**
 - v. hold Acceptance of Office forms from Councillors;
 - vi. hold a copy of every Councillor's Register of Interests;
 - 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

See standing order 3(b) for the meaning of clear days for a meeting of a full council or a committee meeting;

information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

- xi. arrange for legal deeds to be executed;
(see also *standing order 23*);
- 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 the Council's response to the local planning authority in a book, or electronically, for such purpose;
- xiv. refer a planning application received by the Council to the Chairman of the Planning Committee within two working days of receipt to facilitate a meeting if the nature of a planning application requires consideration;
- xv. manage access to information about the Council via the Publication Scheme; and
- xvi. retain custody of the seal of the Council which shall not be used without a positive resolution to that effect.
(see also *standing order 23*).

16. RESPONSIBLE FINANCIAL OFFICER

- a The Council shall appoint appropriate staff member(s) or locum 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.
- 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 if content, 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. For tenders estimated to be in excess of £25,000, subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council, or a committee with delegated responsibility.
- e. Neither the Council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **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 the F&GP committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Council or, if not available, the Vice-Chairman of the Council, of absence occasioned by illness or other reason and that person shall report such absence to the F&GP committee at its next meeting.
- c The Chairman of the Council, or in his absence, the Vice-Chairman, shall upon a resolution conduct an appraisal of the work of Proper Officer. The reviews and appraisal shall be reported in writing to the F&GP Committee and are subject to approval by resolution by the F&GP committee.
- d Subject to the Council's policy regarding the handling of staff grievance matters, the Council's most senior member of staff (or other members of staff) shall in the first instance contact the Chairman of the Council or, in his absence, the Vice-Chairman of the Council, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the F&GP committee
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Proper Officer or other member of staff relates to the Chairman of the Council, this shall be communicated in the first instance to a member of the F&GP committee, which shall be reported back and progressed by resolution of the F&GP committee.
- f 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.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

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 *If gross annual income or expenditure of the Council (whichever is the higher) exceeds £200,000* **The Council, shall publish information in accordance with the requirements of the Local Government (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 Communications Policy.

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xi) and (xvi).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), the Council's Common Seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnesses.**

24. **COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**

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

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised by the Proper Officer or by resolution of the Council, 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 to any individual or organisation except in an emergency.

26. **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 proposal 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 put forward by a special proposal, the written notice by at least five 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 new Councillor as soon as possible.
- d The decision of the Chairman of a meeting of the Full Council or a Standing Committee as to the application of Standing Orders at the meeting shall be final.