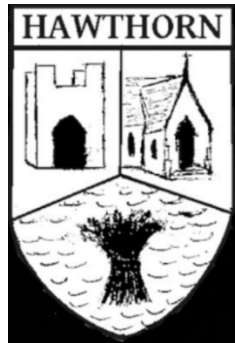


# Hawthorn Parish Council



## Standing Orders

Relating to the Proceedings & Business of the Council

(Nalc 2018 edition)

**Approved May 2020**

- **Mandatory Standing Order is shown in Bold Black Print**
- Discretionary Standing Order Black Print



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## Meetings : General Information

### SO 1 Notice and Venue of the meeting

- 1.1 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.
- 1.2 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.
- 1.3 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 OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].

### SO 2 Quorum

- 2.1 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.
- 2.2 The quorum of a committee or sub-committee meeting is also three
- 2.3 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.

### SO 3 Chairing the Meeting

- 3.1 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).
- 3.2 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.

### SO 4 Public Participation

- 4.1 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.
- 4.2 The period of time designated for public participation at a meeting shall not exceed ten minutes unless directed by the chairman of the meeting.
- 4.3 Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- 4.4 In accordance with standing order 1.6 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.

- 4.5 A person need not stand when requesting to speak and when speaking but shall raise their hand when requesting to speak.
- 4.6 A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- 4.7 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.
- 4.8 A verbal question concerning an item on the agenda asked by a member of the public during public participation at a meeting will normally be taken into account during the subsequent discussion of the agenda item. However, the Chairman may also direct that a response to a question posed by a member of the public be referred to a Councillor for an immediate response or to the Clerk for a written or oral response.
- 4.9 Written questions submitted can be debated by members, however no resolution should be made at the meeting based solely on the comments and representations made under the public participation session.
- 4.10 A record of public participation sessions will be included in the minutes of that meeting.

## SO 5 Voting

- 5.1 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- 5.2 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.**
- 5.3 See Annual Meeting standing orders for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.**
- 5.4 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.**
- 5.5 A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

## SO 6 Excluding the Press and Public

- 6.1 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.**

# Minutes

## SO 7 Council Minutes

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

- a. the time and place of the meeting;
- b. the names of councillors who are present and the names of councillors who are absent;
- c. interests that have been declared by councillors and non-councillors with voting rights;
- d. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- e. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- f. if there was a public participation session; and
- g. the resolutions made.

## SO 8 Draft Minutes

- 8.1 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.
- 8.2 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 8.3
- 8.3 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.
- 8.4 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."
- 8.5 **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- 8.6 Subject to the publication of draft minutes in accordance with standing order 7.3 and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## SO 9 Recording the meeting

- 9.1 **Subject to standing order 6.1 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.

- 9.2 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 9.3 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.

## Annual Meeting of the Council

### SO 10 Order of Business

- 10.1 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.
- 10.2 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.
- 10.3 If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 In principle the tenure of the Chairman should be a maximum of 3 years unless no other member of the council wishes to be elected. (This is an informal agreement and cannot be enforced.)
- 10.8 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.
- 10.9 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.
- 10.10 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.
- 10.11 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:
- 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. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees
- ix. Review and adoption of appropriate standing orders and financial regulations;
- 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. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **Other Meetings**

### **SO 11 Committees and Sub-committees**

**11.1 The Council at its Annual General Meeting (A.G.M.) shall appoint such committees as it may determine and may at any time appoint such other committees as are necessary to carry out the work of the Council, but, subject to any statutory provision in that behalf:-**

- (i) shall determine their terms of reference.
- (ii) shall not appoint any member of a committee so as to hold office later than the next A.G.M. of the Council.
- (iii) may at any time dissolve or alter the membership of a Committee.

**11.2 The Council shall at each A.G.M. appoint members to serve on the said committees for the ensuing year. In the event of a vacancy occurring in the membership of such a committee by resignation or other cause during the course of the year, an appointment shall be made by the Council to fill the vacancy at the next following meeting of the Council.**

**11.3 At the A.G.M. of the Council or at the time of the appointment of Committees the Council shall determine the number of members and may include non-councillors on the Committee, unless it is a Committee which regulates and controls the finances of the Council.**

11.4 With the exception of those matters dealt with under delegated powers, all decisions made by the Committees are subject to confirmation by the Council.

11.5 Every Committee appointed by the Council may, subject to confirmation by the Council, appoint sub-committees, working groups and advisory bodies for purposes to be specified by the Committee.

11.6 Decisions taken by sub-committees, working groups and advisory bodies must be endorsed by their committees and by the Council unless they have been given delegated powers.

11.7 Unless required otherwise by law, or by a decision of the Council, the quorum for Committees, Sub-Committees, Working Groups and Advisory Bodies is three members.



- 11.8 Unless required otherwise by law, or by a decision of the Council, the Chairman and Vice-Chairman of each committee shall be the person so appointed by the Council for the year.
- 11.9 In the absence of the Chairman and Vice Chairman from a meeting, a Chairman for the meeting shall be appointed by the members present for the conduct of the meeting.
- 11.10 Voting at a meeting of a committee, sub-committee, working group or advisor body shall be determined by show of hands of the members present and entitled to vote. The Chairman shall have a casting vote.
- 11.11 Members can, if they wish, have recorded in the minutes the way in which they voted on a particular question
- 11.12 The minutes of Committees shall be printed and sent to each member of the Council with the summons for the Council Meeting at which they are to be presented.
- 11.13 All ordinary meetings of committees, the dates of which shall have been fixed by the Council at its A.G.M., shall be summoned by the Town Clerk. All other meetings of committees and of sub-committees, working groups and advisory groups shall be summoned by the Clerk after consultation with the Chairman thereof. When neither the Chairman nor the Vice-Chairman concerned can be consulted, the Parish Clerk may convene any meeting for the transaction of urgent business.
- 11.14 The Parish Clerk, on the instruction of the Chairman of a committee or subcommittee may summon a special meeting of such committee or sub-committee at any time.
- 11.15 Any member of the council may attend any meeting of a committee or subcommittee (except for the Personnel and Appeals Sub-Committees) of which he/she is not a member but shall not speak thereat except by the permission of the committee or sub-committee.
- 11.16 A member of the Council who is not a member of a committee or sub-committee at which he/she attends shall not be permitted to vote on any subject before the committee or sub-committee.
- 11.17 The Council Chairman and Vice chairman shall be ex-officio members of all committees with the exception of the Personnel and Appeals Sub-Committees, and the Chairman will be a member of the Personnel Sub-Committee and the Vice chairman will be a member of the Appeals Sub-Committee but neither shall be a member of both.

## SO 12 Extraordinary Meetings of the Council

- 12.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 12.2 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.**
- 12.3 The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.**
- 12.4 If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].**

## Officers

### SO 13 The Proper Officer

#### 13.1 The Proper Officer shall be the clerk

#### 13.2 The Proper Officer shall 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 orders 1.2 and 1.3 for the meaning of clear days for a meeting of a full council and for a meeting of a committee;
  - subject to standing order 7 include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- i. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - ii. facilitate inspection of the minute book by local government electors;
  - iii. receive and retain copies of byelaws made by other local authorities;
  - iv. hold acceptance of office forms from Councillors;
  - v. hold a copy of every councillor's register of interests;
  - vi. 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;
  - vii. liaise, as appropriate, with the Council's Data Protection Officer;
  - viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - ix. 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);
  - x. arrange for legal deeds to be executed;
  - xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

- xii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiii. refer all planning applications received by the Council to all members via e mail
- xiv. manage access to information about the Council via the publication scheme

## SO 14 Responsible Financial Officer

### 14.1 The Council shall appoint a Responsible Financial Officer.

14.2 In HPC this will be the Clerk

## At the Meeting

### SO 15 Rules of Debate at Meetings

- 15.1 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.
- 15.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 15.3 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 15.4 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- 15.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 15.6 If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- 15.7 An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- 15.8 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.
- 15.9 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- 15.10 Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 15.11 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.
- 15.12 A councillor may not move more than one amendment to an original or substantive motion.
- 15.13 The mover of an amendment has no right of reply at the end of debate on it.
- 15.14 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 15.15 Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

- I. to speak on an amendment moved by another councillor;
- II. to move or speak on another amendment if the motion has been amended since he last spoke;
- III. to make a point of order;
- IV. to give a personal explanation; or
- V. to exercise a right of reply.

15.16 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.

15.17 A point of order shall be decided by the chairman of the meeting and his decision shall be final.

15.18 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.

15.19 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.

15.20 The contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## SO 16 Disorderly Conduct at Meetings

16.1 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.

16.2 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.

16.3 If a resolution made under standing order 16.2 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.

## SO 17 Previous Resolutions

17.1 A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 15, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

17.2 When a motion moved pursuant to standing order 15 has been disposed of, no similar motion may be moved for a further six months.

## SO 18 Voting on Appointments

**18.1 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.**

## SO 19 Motions for a Meeting Requiring Formal Notice

19.1 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.

19.2 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 ( 5 ) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

19.3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 13.2 correct obvious grammatical or typographical errors in the wording of the motion.

19.4 If the Proper Officer considers the wording of a motion received in accordance with standing order 13.2 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 ( 5 ) clear days before the meeting.

19.5 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.

19.6 The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

19.7 Motions received shall be recorded and numbered in the order that they are received.

19.8 Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## SO 20 Motions at Meetings Not Requiring Written Notice

**20.1 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.

## SO 21 Code of Conduct and Dispensations

- 21.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 21.2 Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 21.3 Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so, required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- 21.4 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.
- 21.5 A decision as to whether to grant a dispensation shall be made by the Council.
- 21.6 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.
- 21.7 Subject to standing orders as above a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- 21.8 A dispensation may be granted in accordance with standing order 21.6 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.

## SO 22 Suspending / Amending Standing Orders

- 22.1 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.**
- 22.2 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 ( 3 ) councillors to be given to the Proper Officer.**
- 22.3 The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.**
- 22.4 The decision of the chairman of a meeting as to the application of standing order is final**

## SO 23 Code of Conduct Complaints

- 23.1 Upon notification by DCC 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 report this to the Council.
- 23.2 Where the notification 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.
- 23.3 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;
- 23.4 Upon notification by the DCC 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.

## Financial Matters

### SO 24 Accounts and Financial Matters

- 24.1 “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- 24.2 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations, and which should be reviewed annually.
- 24.3 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:
- a the Council’s receipts and payments (or income and expenditure) for each quarter;
  - b the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
  - c the balances held at the end of the quarter being reported and
  - d which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 24.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- a 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
  - b to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- 24.5 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.**

### SO 25 Financial Controls and Procurement

- 25.1 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.



- 25.2 Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 25.3 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 25.1 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.**
- 25.4 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 or sub-committee with delegated responsibility.
- 25.5 Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 25.6 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.**
- 25.7 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.**

## Miscellaneous

### SO 26 Handling Staff Matters

- 26.1 A matter personal to a member of staff that is being considered by a meeting of the council is subject to SO6
- 26.2 Subject to the Council's policy regarding absences from work, the Clerk shall notify the chairman.
- 26.3 The Chairman and Vice Chairman of the Council shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by Council.
- 26.4 Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the 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 Council.
- 26.5 Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman this shall be reported back and progressed by resolution of remainder of the Council.
- 26.6 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.

### SO 27 Responsibilities to provide Information

- 27.1 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.
- 27.2 *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

### SO 28 Management of Information and GDPR

- 28.1 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.
- 28.2 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).
- 28.3 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.
- 28.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification

- 28.5 The Council shall appoint a Data Controller if required**
- 28.6 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 28.7 The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 28.8 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.**
- 28.9 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.**
- 28.10 The Council shall maintain a written record of its processing activities.**

## **SO 29 Relations with the Press / Media**

- 29.1 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.**

## **SO 30 Execution and Sealing of Legal Deeds**

- 30.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.**
- 30.2 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. *The above is applicable to a Council without a common seal.***

## **SO 31 Communicating with Unitary Officers**

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

## **SO 32 Restrictions on Councillor Activities**

### **32.1 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.

## SO 33 General Power of Competence (England)

- 33.1 Before exercising the General Power of Competence , a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 and the Council qualifies as an eligible Parish Council.
- 33.2 The Council’s period of eligibility begins on the date the resolution under Standing Order 33.1 above was made and expires on the day before the Annual Meeting of the Council that takes place in a year of ordinary elections.
- 33.3 If the Council loses its qualified Clerk or has insufficient elected Councillors then it must record its ineligibility at the next ‘relevant’ annual meeting of the Council (after the ordinary election). If the new Council has already started an activity it can finish that but not start anything new.

## SO 34 Covid – 19 : Modification of Meetings

- 34.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; In force between the dates of 4 April 2020 – May 2021 National Association of Local Councils, Legal Briefing Note, 3 April 2020.
- 34.2 Persons attending a council meeting do not need to be in the same place. “Place” means more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- 34.3 A member in remote attendance attends the meeting at any time if the member is able at that time:
- 34.4 to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- 34.5 to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- 34.6 to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 34.7 Voting at remote meetings will be carried out by
- 34.8 a show of hands, by a roll call of councillors’ names and asking them to state their vote or by another method of voting, should a platform allow it.
- 34.9 The method of remote access for the press and public will be advertised on the meeting’s agenda.
- 34.10 Notice of a meeting must be placed on the Council’s website[2] and in a prominent physical place to meet advertising standards contained in Schedule 12 of the Local Government Act 1972.
- 34.11 The Council will take account of social distancing requirements before deciding to put notices in physical spaces.
- 34.12 There is no requirement for the Parish Council to hold its annual meeting.