



# DORMINGTON & MORDIFORD GROUP PARISH COUNCIL

## STANDING ORDERS

(Updated and Adopted June 2018)



### 1. Meetings

- a. Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b. When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- c. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d. Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business whether included or not on the formal agenda, and within the time allocated on the agenda for public views.
- e. The period of time for 1(d) is at the Chairman's discretion.
- f. Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of any business itemised on the agenda.
- g. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h. In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i. A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- j. A person shall raise his hand when requesting to speak.
- k. Any person speaking at a meeting shall address his comments to the Chairman.
- l. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.
- n. Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- o. In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- p. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- q. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- r. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- s. 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.
- t. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below.)
- u. Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

- v. The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of Councillors who are present and the names of Councillors who are absent;
  - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
  - iv. the grant of dispensations (if any) to Councillors and non-Councillors with voting rights
  - v. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session;
  - vii. the resolutions made.
  
- w. Any Councillor who requires leave of absence from Council meetings for three or more meetings should have such absence approved by resolution. Such resolution shall be recorded in the minutes of the meeting at which the approval was given.
  
- x. The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
  
- y. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
  
- z. 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 3.
  - i. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
  - ii. The Parish Council will meet on the third Wednesday of each month except August and December.
  - iii. In the event of the third Wednesday not being practicable the meeting will be held on the second or fourth Wednesday of the month.
  - iv. Meetings shall not normally exceed a period of 2 hours

## **2. Annual and Ordinary Council Meetings**

*See also standing order 1 above*

- a. In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.
- b. In a year which is not an election year, the Annual Meeting of a Council shall be held on such day in May as the Council may direct.
- c. 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 directs.
- e. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting 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. No

one person shall stay in the office of Chairman for longer than three consecutive full years (unless at the time of election no other person is willing to take the position).

- g. The Vice-Chairman of the Council, if any, 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. No one person shall stay in the office of Chairman for longer than three consecutive full years (unless at the time of election no other person is willing to take the position).
- 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 meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- 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 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 must give a casting vote in the case of an equality of votes.
- j. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i. In an election year, delivery by Councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements to committees, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Receipt of nominations to existing committees.
  - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute Councillors) and receipt of nominations to them.
  - vii. Review and adoption of appropriate standing orders and financial regulations.
  - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - ix. Review of representation on or work with external bodies and arrangements for reporting back.
  - x. In a year of elections, the Council must re-affirm its eligibility to exercise the General Power of Competence
  - xi. Review of inventory of land and assets including buildings and office equipment.
  - xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - xiii. Review of the Council's and/or employees' memberships of other bodies.
  - xiv. Establishing or reviewing the Council's complaints procedure.
  - xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
  - xvi. Establishing or reviewing the Council's policy for dealing with the press/media.

- xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### **3. Proper Officer**

- a. The Council's Proper Officer shall be either (i) the Clerk or such other person as may be nominated by the Council from time to time or (ii) such other person appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b. The Council's Proper Officer shall do the following.
  - i. Sign and serve on Councillors, by delivery or post or email, at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.
  - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or sub- committee (provided that the public notice with agenda of an Extraordinary Meeting of the Council convened by Councillors is signed by them).
  - iii. Subject to standing orders 4(a)–(f) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least five days before the meeting confirming his withdrawal of it.
  - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] or [3(b)ii] above.
  - v. Make available for inspection the minutes of meetings to electors.
  - vi. Receive and retain copies of byelaws made by other local authorities.
  - vii. Receive and retain declarations of acceptance of office from Councillors.
  - viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - ix. Keep proper records required before and after meetings;
  - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
  - xiv. Record every planning application notified to the Council and the Council's response to the local planning authority;
  - xv. Refer a planning application received by the Council to the Chairman or in his absence the Vice-

Chairman of the Council within 2 working days of receipt to facilitate an Extraordinary Meeting if the nature of a planning application requires consideration before the next Ordinary Meeting of the Council.

- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

#### **4. Motions Requiring Written Notice**

- a. In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least five clear days before the next meeting.
- b. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c. If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least five clear days before the meeting.
- d. If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e. Having consulted the Chairman or Councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **5. Motions Not Requiring Written Notice**

- a. Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to an employee.
  - x. To appoint a committee or any Councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee.
  - xii. To dissolve a committee or.
  - xiii. To note the minutes of a meeting of a committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub- committee or an employee.

- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise the payment of monies up to £500.
  - xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xviii. To extend the time limit for speeches.
  - xix. To exclude the press and public for all or part of a meeting.
  - xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxi. To give the consent of the Council if such consent is required by standing orders.
  - xxii. To suspend any standing order except those which are mandatory by law.
  - xxiii. To adjourn the meeting.
  - xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxv. To answer questions from Councillors.
- b. If a motion falls within the terms of reference of a committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **6. Rules Of Debate**

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b. Subject to standing orders 4(a-f) above a motion shall only be considered when it has been proposed and seconded. It will recorded as Supported or Not Supported. Immediately after a vote is taken any Councillor may require that the minutes record whether that Councillor gave his or her vote for or against a proposition or abstained from voting.
- c. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- d. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e. Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- f. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- g. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

- h. Subject to Standing Order 6(g) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- i. Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- j. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- k. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- l. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- m. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- n. Subject to standing orders 6(l) and (m) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- o. During the debate of 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 irregularity in the meeting he is concerned by.
- p. A point of order shall be decided by the Chairman and his decision shall be final.
- q. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- r. Subject to standing order 6(n) above, when a Councillor's 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 silent or for him to leave the meeting;
  - vi. to refer a motion to a committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- s. In respect of standing order 6(r)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## 7. Code of Conduct and Dispensations

- a. All Councillors shall observe the Code of Conduct adopted by the Council.
- b. All Councillors shall undertake training in the code of conduct within 6 months\* of the delivery of their declaration of acceptance of office. (\*subject to the availability of such training). Refusal to accept such training could result in forfeit of office.
- c. Councillors with a Discloseable Pecuniary Interest should declare them as outlined in the Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012 SI 2012 Number 1464 ie Employment, Office, Trade, Profession or Vacation; Sponsorship; Contracts; Land; Licenses; Corporate Tenancies; Securities.
- d. Councillors with a Discloseable Pecuniary Interest should not participate, or participate further, in any discussion or the matter at the meetings and should not participate in any vote, or further vote, taken on the matter at the meeting
- e. Councillors with a Discloseable Pecuniary Interest should leave the room while any discussion and/or vote is taking place.
- f. Councillors with a non-discloseable pecuniary Interest or a non-pecuniary interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber unless, at the strict discretion of the Chairman, they are allowed to say in the room or chamber.
- g. Councillors may exercise the rights contained in standing order 7(f) only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted
- h. A dispensation may be granted in the following circumstances:
  - i. In a situation where without the dispensation the number of parish Councillors voting would leave the Council inquorate
  - ii. Granting the dispensation is in the interests of persons living in the area
  - iii. It is otherwise appropriate to grant a dispensation
- i. Councillors with a Discloseable Pecuniary Interest who feel that a dispensation should be granted to relieve them of either or both of the restrictions in 7 (d) and (e) should do so in writing to the Proper Officer of the Council at least one clear day before the day of the meeting (excluding Sundays and Bank Holidays) where the issue is to be discussed.

The request should include: details of the matter for which dispensation is sought; the nature of the interest; how long the dispensation is needed and how the business of the Council will be impeded without the dispensation.
- j. A decision as to whether to grant a dispensation shall be made by the Proper Officer OR by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- k. 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.
- i. Subject to Standing Orders, a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required OR at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- m. A dispensation may be granted 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.

## 8. Questions

- a. A Councillor may seek an answer to a question concerning any business of the Council provided ten working days' notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.

## 9. Minutes

- a. If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or

recordings of the meeting shall be destroyed.

- f. 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.

## **10. Disorderly Conduct**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c. If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11. Rescission of Previous Resolutions**

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least four Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12. Voting on Appointments**

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

## **13. Expenditure**

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

## **14. Execution and Sealing of Legal Deeds**

A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution. Legal documents are to be signed by the Proper Officer on behalf of the Council.

## 15. Committees

The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer two days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

## 16. Sub-committees *See also standing order 15 above*

Due to the restricted number of Councillors, sub-committees will not be appropriate.

## 17. Extraordinary Meetings *See also standing order 1 above*

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

## 18. Advisory Committees and Working Groups

*See also standing order 1 above*

- a. The Council may appoint advisory committees or working groups comprised of a number of Councillors and non-Councillors.
- b. Advisory committees and any working group may consist wholly of persons who are non-Councillors.

## 19. Accounts and Financial Statement

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
  - b. The Responsible Financial Officer shall supply to each Councillor at each Parish Council meeting a statement summarising the Council's receipts and payments for the period between meetings and the balances held.
  - c. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and
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expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **20. Estimates/Precepts**

- a. The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

## **21. Canvassing Of And Recommendations By Councillors**

- a. Canvassing Councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b. A Councillor or a member of a committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Inspection of Documents**

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

## **23. Unauthorised Activities**

Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

## **24. Confidential Business**

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

- b. A Councillor in breach of the provisions of standing order 23(a) above may be removed from a committee by a resolution of the Council.

## **25. General Power of Competence**

- a. 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 required to qualify as an eligible parish Council.
- b. The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c. The Council continues to be an eligible Council under the Power of Wellbeing solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

## **26. Filming or Recording of Meetings**

- a. Members of the public and press are permitted to film or record meetings (to which they are permitted access) in a non-disruptive manner and from areas designated for the public.
- b. No prior permission is required however the Chairman may ask at the beginning of the meeting if anyone present wishes to record proceedings.
- c. Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded.
- d. The use of digital and social media recording tools, for example Twitter, blogging or audio recording is allowed as long as it is carried out in a non-disruptive manner.
- e. The Chairman of the meeting, in accordance with Standing Order No. 10, has the ability to stop a meeting if any person is deemed to be disruptive.
- f. Disruptive behaviour could be any action or activity which disrupts the conduct of meetings or impedes others being able to see, hear or film the proceedings. This could include:
  - i. moving to areas outside the areas designated for the public
  - ii. excessive noise in recording, setting up or re-siting equipment during the meeting
  - iii. intrusive lighting and use of flash photography
  - iv. asking for statements made to be repeated for the purposes of recording.
- g. Filming or recording should be kept to a minimum and the filming should focus on those making representations to the meeting
- h. Members of the public should not be inconvenienced and all involved should be treated respectfully
- i. Any person or organisation choosing to film, record or broadcast any meeting of the Council will be responsible for any claims or other liability resulting from them so doing.

## **27. Relations with the Press/Media**

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other

media.

- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **28. Matters Affecting Council Employees**

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c. The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the employee and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the employee relates to the Chairman or Vice-Chairman, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f. Written records of all meetings must be kept, relating to performance, capabilities, grievance and disciplinary matters for any employee.
- g. The Council shall keep written records relating to employees secure.
- h. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

## **29. Freedom of Information Act 2000**

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.
- c. 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.

- d. 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.

### **30. Responsibilities Under Data Protection Legislation**

- a. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b. The Council shall have a written policy in place for responding to and managing a personal data breach.
- c. 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.
- d. 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.
- e. The Council shall maintain a written record of its processing activities.

### **31. Management of Information**

- 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.

### **32. Liaison with Unitary Councillors**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the Unitary Council representing its electoral ward.
- b. Unless the Council otherwise orders, a copy of each letter sent to the Unitary Council shall be sent to the Unitary Council Councillor representing its electoral ward.

### **33. Financial Matters**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the 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 33(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed 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.
- e. Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- g. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall

comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

- h. Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- i. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

### **34. Allegations of Breaches of the Code of Conduct**

- a. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council including the Proper Officer shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- d. Standing order 34(c) above should not be taken to prohibit the Council from disclosing information to members and Officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- e. The Council committee shall have the power to:
  - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;

ii. seek and share information relevant to the complaint;

- f. References in standing order 34 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.
- g. Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

**35. Variation, Revocation and Suspension of Standing Orders**

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

**36. Standing Orders To Be Given To Councillors**

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

**These Standing Orders were adopted by Dormington and Mordiford Group Parish Council:**

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**Chairman – Cllr D Lloyd**

**20th June 2018**  
**Date**