

North Curry Parish Council

Standing Orders

Index of Standing Orders

SO		Page
1	Meetings	3
2	Ordinary Council meetings	4
3	Proper Officer	6
4	Motions requiring written notice	7
5	Motions not requiring written notice	8
6	Rules of debate	9
7	Code of Conduct	10
8	Questions	11
9	Minutes	11
10	Disorderly conduct	11
11	Rescission of previous resolutions	12
12	Voting on appointments	12
13	Expenditure	12
14	Execution & sealing of legal deeds	12
15	Committees and Sub-Committees	12
16	Other committees	13
17	Extraordinary meetings	13
18	Advisory committees	13
19	Accounts and Financial Statement	14
20	Estimates/precepts	14
21	Canvassing of and recommendations by councillors	14
22	Inspection of documents	14
23	Unauthorised activities	14
24	Confidential business	15
25	General Power of Competence (GPC)	15
26	Matters affecting council employees	15
27	Freedom of Information Act 2000	16
28	Relations with the press/media	16
29	Liaison with County, District and Unitary Councillors	16
30	Financial matters	17
31	Allegations of breaches of the Code of Conduct	18
32	Equalities	18
33	Variation, revocation and suspension of Standing Orders	18
34	Standing Orders	18

Notes:

1. The Local Government Act 1972 section 270 includes the following definitions and interpretations that are relevant.

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday.

“Easter break” means the periods beginning with the Thursday before and ending with the Tuesday after Easter Day.

2. Text in **bold** may not be suspended as these items are statutory in origin.

1. Meetings

- 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. When calculating the three 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.
- 1.3. 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 in the following form:
 - 1.3.1. "In view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"
- 1.4. Subject to Standing Order 1.3 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. The period of time, which is at the Chairman's discretion, shall not normally exceed 15 minutes.
- 1.5. Subject to Standing Order 1.4 above, each member of the public is entitled to speak once only in respect of business itemised on the agenda, although they may, at the Chairman's discretion, be invited to speak again, and shall not normally speak for more than three minutes.
- 1.6. In accordance with Standing Order 1.4 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.
- 1.7. In accordance with Standing Order 1.6 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.
- 1.8. A brief summary record of a public participation session at a meeting shall be included in the minutes of that meeting.
- 1.9. A member may remain seated when speaking unless requested to stand by the Chairman
- 1.10. Any person speaking at a meeting shall address his comments to the Chairman.
- 1.11. 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.
- 1.12. **i) Broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.**
 - 1.12.ii) Members of the public are permitted to photograph or record meetings in accordance with the NCPC Policy on audio / visual recording and photography at Council meetings.
- 1.13. In accordance with Standing Order 1.3 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.
- 1.14. 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 (if any).
- 1.15. 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.
- 1.16. Subject to Standing Order 1.24 below, all questions at a meeting shall be decided by a majority of the Councillors [and non-Councillors with voting rights] present and voting thereon.
- 1.17. 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.

- 1.18. 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 the vote is taken and before moving on to the next item of business on the agenda.
 - 1.19. The minutes of a meeting shall record the names of councillors present and absent.
 - 1.20. If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
 - 1.21. The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
 - 1.22. 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.
 - 1.23. 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.
 - 1.24. 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.
 - 1.25. Meetings shall not exceed a period of three hours.
2. Ordinary Council meetings
- 2.1. In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
 - 2.2. 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.
 - 2.3. If no other time is fixed, the Annual Meeting of the Council shall take place at 7:30 pm.
 - 2.4. 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 directs. These meetings shall normally be held monthly on the second Wednesday of the month,
 - 2.5. The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the Annual Meeting of the Council.
 - 2.6. 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.
 - 2.7. 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.
 - 2.8. 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.
 - 2.9. 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.

- 2.10. Before the election of the Chairman and Vice-Chairman (if any), candidates shall be proposed and seconded by members of the Council and shall confirm their willingness to hold the office if elected.
- 2.11. The election of the Chairman and Vice-Chairman (if any) may be by written secret ballot if requested by any member present, otherwise it shall be by a show of hands.
- 2.12. The candidate elected shall be the candidate with the most votes of those Councillors present at the meeting and voting in the first vote, or if there is more than one vote, in the final vote, subject to the provisions of Clause 2.13.
- 2.13. If there are more than two candidates and there is an equality of votes then the candidate with the lowest number of votes shall withdraw and a second vote shall take place amongst the remaining candidates. This process shall continue until only two candidates remain, after which an equality of votes is dealt with as in 2.8 or 2.9 above.
- 2.14. The votes shall be counted by the Responsible Officer who shall declare the number of votes for each candidate. In the event of a secret ballot the ballot papers shall be destroyed immediately after the announcement of the election results.
- 2.15. 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.
 - 2.15.1. In an election year, delivery by the Chairman of the Council and councillors of their declarations of acceptance of office, 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.
 - 2.15.2. 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.
 - 2.15.3. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - 2.15.4. Review of the terms of references for committees.
 - 2.15.5. Receipt of nominations to existing committees.
 - 2.15.6. Appointment of the Planning Committee and Finance Advisory Panel and 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.
 - 2.15.7. Arrangements for the review and adoption of appropriate Standing Orders and Financial Regulations.
 - 2.15.8. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - 2.15.9. Review of representation on or work with external bodies and arrangements for reporting back.
 - 2.15.10. In a year of elections, if a Council's period of eligibility to exercise the General Power of Competence expired the day before the Annual Meeting, to review and make arrangements to reaffirm eligibility.
 - 2.15.11. Make arrangements for the review of inventory of land and assets including buildings and office equipment.
 - 2.15.12. Make arrangements for the review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - 2.15.13. Make arrangements for the review of the Council's and/or employees' memberships of other bodies.
 - 2.15.14. Make arrangements for the establishment or review of the Council's complaints procedure. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - 2.15.15. Make arrangements for the establishment or review of the Council's policy for dealing with the press/media

- 2.15.16. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
- 2.16. At every meeting other than the Annual Meeting of the Parish Council the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- 2.17. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency or in the interests of those assembled, shall be as follows:-
- 2.17.1. To receive apologies for absence.
 - 2.17.2. To read and consider the Minutes of the previous meeting, and amend these where necessary.
 - 2.17.3. After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - 2.17.4. To hear questions raised by members of the public who are on the electoral roll of the parish.
 - 2.17.5. To deal with business expressly required by statute to be done.**
 - 2.17.6. To dispose of business, if any, remaining from previous meetings.
 - 2.17.7. To consider other agenda matters put before the Council by councillors or sub-committees, etc of the Council.
 - 2.17.8. To receive and consider resolutions or recommendations in the order in which they have been notified.
 - 2.17.9. To answer questions from councillors.
 - 2.17.10. To review and approve the monthly accounts of the Council, and any other financial matters.
 - 2.17.11. If necessary, to authorise the signing of orders for payment.
 - 2.17.12. To receive such communications as the person presiding may wish to lay before the Council,
 - 2.17.13. To receive and consider reports and minutes of committees, sub-committees, advisory committees and representatives on other bodies with which the Parish Council has specific interests.
 - 2.17.14. To agree matters which need publicising to members of the public
 - 2.17.15. To consider any other matters for discussion
- 2.18. In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Chairman of Council, cancel any meeting of Council, a committee or a sub-committee and shall give immediate notice of such cancellation to as many members of council as is practicable.

3. Proper Officer

- 3.1. The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee 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.
- 3.2. The Council's Proper Officer shall do the following.
- 3.2.1. **Sign and serve on councillors by email, delivery or post 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 and sub-committee at least three clear days before the meeting.**

- 3.2.2. **Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- 3.2.3. Subject to Standing Orders 4.1 to 4.5 below, include in the agenda all motions in the order received unless a councillor has given written notice at least six clear days before the meeting confirming his withdrawal of it.
- 3.2.4. **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 3.2.1 above.**
- 3.2.5. Make available for inspection the minutes of meetings.
- 3.2.6. **Receive and retain copies of byelaws made by other local authorities.**
- 3.2.7. **Receive and retain declarations of acceptance of office from councillors.**
- 3.2.8. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- 3.2.9. Keep proper records required before and after meetings;
- 3.2.10. Process all requests made under the Freedom of Information legislation and Data Protection legislation, in accordance with and subject to the Council's procedures relating to the same.
- 3.2.11. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- 3.2.12. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- 3.2.13. Arrange for legal deeds to be signed by two councillors and witnessed.
- 3.2.14. 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.
- 3.2.15. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- 3.2.16. Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if any) of the Planning Committee within two 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 Planning Committee.
- 3.2.17. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.
- 3.2.18. Declare any casual vacancy arising in the office of councillor following resignation, ceasing to be qualified, disqualification or loss of office due to failure to attend; and then to carry out the necessary steps to proceed towards the filling of the vacancy as appropriate.

4. Motions requiring written notice

- 4.1. In accordance with Standing Order 3.2.3 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 eight clear days before the next meeting.
- 4.2. The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 4.3. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 4.1 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 six clear days before the meeting.

- 4.4. 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.
- 4.5. Having consulted the Chairman or councillors pursuant to Standing Order 4.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 4.6. Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- 4.7. Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- 4.8. 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

- 5.1. Motions in respect of the following matters may be moved without written notice.
 - 5.1.1. To appoint a person to preside at a meeting.
 - 5.1.2. To approve the absences of councillors.
 - 5.1.3. To approve the accuracy of the minutes of the previous meeting.
 - 5.1.4. To correct an inaccuracy in the minutes of the previous meeting.
 - 5.1.5. To dispose of business, if any, remaining from the last meeting.
 - 5.1.6. To alter the order of business on the agenda for reasons of urgency or expedience.
 - 5.1.7. To proceed to the next business on the agenda.
 - 5.1.8. To close or adjourn debate.
 - 5.1.9. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - 5.1.10. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - 5.1.11. To receive nominations to a committee or sub-committee.
 - 5.1.12. To dissolve a committee or sub-committee.
 - 5.1.13. To note the minutes of a meeting of a committee or sub-committee.
 - 5.1.14. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - 5.1.15. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - 5.1.16. To authorise legal deeds to be signed by two councillors and witnessed.
 - 5.1.17. To authorise the payment of monies up to £500 and of all staff salaries.
 - 5.1.18. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - 5.1.19. To extend the time limit for speeches.
 - 5.1.20. To exclude the press and public for all or part of a meeting.
 - 5.1.21. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

- 5.1.22. To give the consent of the Council if such consent is required by Standing Orders.
 - 5.1.23. To suspend any Standing Order except those which are mandatory by law.**
 - 5.1.24. To adjourn the meeting.
 - 5.1.25. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - 5.1.26. To answer questions from councillors.
- 5.2. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-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

- 6.1. 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.
- 6.2. Subject to Standing Orders 4.1 to 4.5 above, a motion shall not be considered unless it has been proposed and seconded.
- 6.3. Subject to Standing Order 3.2.3 above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- 6.4. 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.
- 6.5. 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.
- 6.6. Any amendment to a motion shall be either:
 - 6.6.1. to leave out words;
 - 6.6.2. to add words;
 - 6.6.3. to leave out words and add other words.
- 6.7. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 6.8. 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.
- 6.9. Subject to Standing Order 6.8 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- 6.10. Pursuant to Standing Order 6.8 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- 6.11. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- 6.12. 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.
- 6.13. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding three minutes.
- 6.14. 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.
- 6.15. Subject to Standing Orders 6.13 and 6.14 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.

- 6.16. 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.
- 6.17. A point of order shall be decided by the Chairman and his decision shall be final.
- 6.18. 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.
- 6.19. Subject to Standing Order 6.15 above, when a councillor's motion is under debate no other motion shall be moved except:
 - 6.19.1. to amend the motion;
 - 6.19.2. to proceed to the next business;
 - 6.19.3. to adjourn the debate;
 - 6.19.4. to put the motion to a vote;
 - 6.19.5. to ask a person to be silent or for him to leave the meeting;
 - 6.19.6. to refer a motion to a committee or sub-committee for consideration;
 - 6.19.7. to exclude the public and press;
 - 6.19.8. to adjourn the meeting;
 - 6.19.9. to suspend any Standing Order, except those which are mandatory.
- 6.20. In respect of Standing Order 6.19.4 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

- 7.1. All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 7.2. All councillors shall undertake training in the Code of Conduct within six months of the delivery of their declaration of acceptance of office.
- 7.3. 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 a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 7.4. 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.
- 7.5. 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.
- 7.6. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- 7.7. 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.
- 7.8. Subject to standing orders 7.5 and 7.7 above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- 7.9. A dispensation may be granted in accordance with standing order 7.6 above if having regard to all relevant circumstances the following applies:
 - 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 or**
 - ii. granting the dispensation is in the interests of persons living in the council's area or it is otherwise appropriate to grant a dispensation**

8. Questions

- 8.1. A councillor may seek an answer to a question concerning any business of the Council provided seven clear days notice of the question has been given to the Proper Officer.
- 8.2. 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.
- 8.3. Every question shall be put and answered without discussion.

9. Minutes

- 9.1. **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.**
- 9.2. 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.
- 9.3. 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 5.1.4 above.
- 9.4. 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.
- 9.5. 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."
- 9.6. 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.

10. Disorderly conduct

- 10.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- 10.2. If, in the opinion of the Chairman, there has been a breach of Standing Order 10.1 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.

- 10.3. If a resolution made in accordance with Standing Order 10.2 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

- 11.1. A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least seven councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- 11.2. When a special motion or any other motion moved pursuant to Standing Order 11.1 above has been disposed of, no similar motion may be moved within a further six months.

12. Voting on appointments

- 12.1. 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. Any tie may be settled by the Chairman's casting vote.
- 12.2. If the Council wishes, it may use a secret ballot when voting on appointments.

13. Expenditure

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

14. Execution and sealing of legal deeds

- 14.1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 14.2. In accordance with a resolution made under Standing Order 14.1 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15. Committees and Sub-Committees

- 15.1. The Council may, at its Annual Meeting, appoint a Planning Committee and other standing committees and may at any other time appoint such other committees as may be necessary, and:
- 15.1.1. shall determine their terms of reference;
- 15.1.2. may permit committees to determine the dates of their meetings;
- 15.1.3. 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; [non-councillors may not be members of the Finance Committee] [(unless the Council determines otherwise)]
- 15.1.4. 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 one day before the meeting that they are unable to attend;
- 15.1.5. an ordinary member of a committee who has been replaced at a meeting by a

substitute member (in accordance with Standing Order 15.1.4 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;

- 15.1.6. may in accordance with Standing Orders, dissolve a committee at any time.
- 15.2. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year
- 15.3. The Chairman and Vice Chairman of Council may elect to be a voting member of any committee or sub-committee other than the Staffing Committee.
- 15.4. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.
- 15.5. The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
- 15.6. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
- 15.7. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
- 15.8. A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

16. Other committees

The Council will appoint a councillor, or other suitable parishioner, to represent them on any management committee of any body that leases assets from the Council. These representatives will be expected to report to the Council at least three times a year on the activities of such management committees and bodies.

17. Extraordinary meetings

- 17.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 17.2. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven 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.**
- 17.3. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- 17.4. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by seven councillors, those seven councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the seven councillors.

18. Advisory committees

- 18.1. The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- 18.2. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
- 18.3. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee which will be determined by the Council.
- 18.4. An advisory committee may make recommendations and give notice thereof to the Council.

- 18.5. The Chairman and Vice-Chairman of the Council shall be members of every advisory-committee appointed by the Council unless they signify that they do not wish to serve, and shall, ex-officio, be voting members of every advisory committee.

19. Accounts and Financial Statement

- 19.1. 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.
- 19.2. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Accounting Statements of the Council (which are subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20. Estimates/precepts

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

21. Canvassing of and recommendations by councillors

- 21.1. Canvassing councillors or the members of a committee or sub-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.
- 21.2. A councillor or a member of a committee or sub-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.
- 21.3. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22. Inspection of documents

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

23. Unauthorised activities

- 23.1. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
- 23.1.1. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - 23.1.2. issue orders, instructions or directions.

24. Confidential business

- 24.1. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- 24.2. A councillor in breach of the provisions of Standing Order 24.1 above may be removed from a committee or a sub-committee by a resolution of the Council.

25. General Power of Competence (GPC)

- 25.1. **Before exercising the General Power of Competence (GPC), 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.**
- 25.2. **The Council's period of eligibility begins on the date that the resolution under Standing Order 25.1 above was made and expires on the day before the Annual Meeting of the Council that takes place in a year of ordinary elections.**
- 25.3. **After the expiry of its preceding period of eligibility, or if the Council ceases to be eligible to exercise the GPC, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the GPC which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 25.2 above.**

26. Matters affecting council employees

- 26.1. 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 1.3 above. It shall also consider whether other councillors shall be excluded to ensure proper process in any Appeal.
- 26.2. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency.
- 26.3. The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk 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.
- 26.4. 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 Employment Law Grievance Disciplinary Panel.
- 26.5. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by Clerk 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 Employment Law Grievance Disciplinary Panel.
- 26.6. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- 26.7. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- 26.8. 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.
- 26.9. Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders 26.7 and 26.8 above if so justified.
- 26.10. Access and means of access by keys and/or computer passwords to records of employment

referred to in Standing Orders 26.7 and 26.8 above shall be provided only to the Clerk and/or the Chairman of the Council.

27. Freedom of Information Act 2000

- 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.**
- 27.3. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance Advisory Panel. The said Panel shall have the power to do anything to facilitate compliance with the Freedom of Information legislation including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3.2.10 above.

MANAGEMENT OF INFORMATION

See also standing order 27 & [27(1)]

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.

[27 (1)] a The Council may appoint a Data Protection Officer.

b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

c The Council shall have a written policy in place for responding to and managing a personal data breach.

d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

f The Council shall maintain a written record of its processing activities.

28. Relations with the press/media

- 28.1. 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.
- 28.2. 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.

29. Liaison with District and County or Unitary Councillors

- 29.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council representing its electoral ward.

- 29.2. Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council councillor representing its electoral ward.

30. Financial matters

- 30.1. 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:

- 30.1.1. the accounting records and systems of internal control;
- 30.1.2. the assessment and management of financial risks faced by the Council;
- 30.1.3. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- 30.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
- 30.1.5. procurement policies (subject to Standing Order 30.2 below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000

- 30.2. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of 25,000 shall be procured on the basis of a formal tender as summarised in Standing Order 30.3 below. 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 30.5 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

- 30.3. Any formal tender process shall comprise the following steps:

- 30.3.1. a public notice of intention to place a contract to be placed in a local newspaper. (and contracts finder website?);
- 30.3.2. a specification of the goods, materials, services and the execution of works shall be drawn up;
- 30.3.3. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
- 30.3.4. 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;
- 30.3.5. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

- 30.4. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

- 30.5. Where the value of a contract is likely to exceed £181,302 (or other threshold specified from time to time) the Council must consider whether the relevant Public Contracts Regulations and relevant Utilities Contracts Regulations apply to the contract and, if either of the relevant Regulations apply, the Council must comply with EU procurement rules. (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.)**

31. Allegations of breaches of the Code of Conduct

- 31.1. On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer shall notify the chairman of the Council.
- 31.2. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council 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.
- 31.3. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council) shall take all steps considered necessary, to maintain confidentiality.
- 31.4. References in Standing Order 31 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.

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.

32. Equalities.

- 32.1. All decisions of the Council should be made in awareness of Section 17 of the Local Government Act 2000 regarding disabilities, equal opportunities and racial equalities etc.

33. Risk Assessment

- 33.1 The Council shall review its Risk Assessment once a year.

34. Variation, revocation and suspension of Standing Orders

- 34.1. 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.
- 34.2. 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.

35. Standing Orders

- 35.1. 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.
- 35.2. The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- 35.3. A councillor's failure to observe standing orders more than three times in one meeting may result in him being excluded from the meeting in accordance with standing orders.
- 35.4. It shall be the duty of the Council to review the Standing orders annually.

These Standing Orders are based on the Model Standing Orders released by the Somerset Association of Local Councils in 2018.

ADOPTED BY THE PARISH COUNCIL ON 13TH NOVEMBER 2019