

TOLLESHUNT MAJOR PARISH COUNCIL STANDING ORDERS

(Based on the National Association of Local Councils Standing Orders Model
2018)

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Orders in bold type contain statutory requirements.

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1. **Rules of debate at meetings.**

- a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the Chair's discretion.
- b) A motion, including an amendment, shall only be progressed if it has been moved and seconded

2. **Disorderly conduct at meetings.**

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b) If this is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include asking the person to leave the meeting or temporarily suspending or closing the meeting.

3. **Meetings generally.**

- 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) **The minimum three clear days' public notice for a meeting does not include the day on which the 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.**
- 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 resolution which shall give reasons for the public's exclusion.**
- d) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e) The period of time designated for public participation at a meeting in accordance with standing order 3d above shall not exceed 15 minutes unless directed by the chairman of the meeting. No one person shall speak for more than four minutes unless directed by the Chairman.
- f) In accordance with standing order 3d above a question shall not require a response at the meeting or start a debate on the question. The chairman of the meeting may direct that a written or oral response is given at a later date.
- g) A person shall raise his hand when requesting to speak, unless directed otherwise by the chair of the meeting.
- h) A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- i) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- j) **Subject to standing order 3(k) 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.**
- k) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- l) **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- m) **Subject to standing orders which permit otherwise, anything authorised or required to be done by, to or before the chairman of the council may in ~~his~~ absence be done by, to or before the vice chair of the council.**

- n) **The chairman of the council, if present shall preside at a meeting. If the chairman is absent from a meeting, the vice chair, if present, shall preside. If both the chair and vice chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- o) **Subject to a meeting being quorate, all questions at a meeting shall be decided by the majority of the councillors with voting rights present and voting.**
See below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.
- p) **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of equality of votes may exercise his casting vote whether or not he gave an original vote.**
- q) **Unless standing orders provide otherwise, voting on a question shall be by a show of hands or as directed by the chair of the meeting. 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.
- r) The minutes of the meeting shall include an accurate record of the following:
 - The time and place of the meeting
 - The names of the councillors present and absent
 - Apologies received.
 - Interests that have been declared by councillors
 - Whether a councillor left the meeting when matters that they held interests in were being considered
 - If there was a public participation session
 - The resolutions made.
- s) **A councillor who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- t) **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.**
- u) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- v) If a vote on an item of the agenda cannot be agreed as a result of a declared interest by one or more councillors making the vote inquorate, then the meeting will move on to the next item of the agenda and the original item will be discussed at a future meeting, if required.

4. **Annual Council meetings**

- a) **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of the council shall be held on such a 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 pm.**
- 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 first business conducted at the annual meeting of the council shall be the election of the chairman and vice chairman of the council.**
- f) **The chairman of the council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**

- g) **The vice chairman of the council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the chairman of the council at the next annual meeting of the council.**
- h) **In an election year, if the current chairman of the council has not been re-elected as a member of the council, he shall preside at the 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 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 chair and vice chair at the annual meeting of the council, the business of the annual meeting shall include:
 - i. **In an election year, delivery by the chair of the council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the chair of the council of his acceptance of office form unless the council resolves for this to be done at a later date.**
 - ii. Receipt of the minutes of the last meeting and confirmation of the accuracy of those minutes.
 - iii. Set a date for review and adoption of standing orders and financial regulations
 - iv. Review of the council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.
 - v. Review of inventory of land and other assets including buildings and office equipment.
 - vi. Review of the council's policy for dealing with the press/media
 - vii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of the full council.

5. Extraordinary meetings of the council

- a) **The chair of the council may convene an extraordinary meeting of the council at any time**
- b) **If the chair of the council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

6. Previous resolutions

- a) A resolution shall not be reversed within six months except by a special motion which requires written notice by at least four councillors to be given to the proper officer in accordance with Standing Order 9 below.

7. Voting on appointments

- a) Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list

and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercised by the chairman of the meeting.

8. Motions for a meeting that require written notice to be given to the Proper Officer.

- a) A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.

9. Motions at a meeting that do not require written notice

- i. To correct an inaccuracy in the draft minutes of a meeting
- ii. To move to a vote
- iii. To defer consideration of a motion
- iv. To appoint a person to preside at a meeting
- v. To change the order of business on the agenda
- vi. To proceed to the next business on the agenda
- vii. To require a written report
- viii. To extend the time limits for speaking
- ix. To exclude the press and the public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
- x. To not hear further from a councillor or a member of the public
- xi. To exclude a councillor or a member of the public for disorderly conduct
- xii. To temporarily suspend the meeting
- xiii. To suspend a particular Standing Order (unless it reflects mandatory statutory requirements)
- xiv. To adjourn the meeting
- xv. To close a meeting

10. 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 (eg 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 or sensitive information which for special reasons would not be in the public interest.
- d) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

11. Draft minutes

- a) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 9 i. above.

- b) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c) **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 publically accessible and free of charge not later than one month after the meeting has taken place.**

12. Code of Conduct and dispensations

- a) All councillors shall observe the code of conduct adopted by the council.
- b) Unless he has been granted a dispensation, a councillor 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 an interest.
- c) Unless he has been granted a dispensation, a councillor 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 an interest.
- d) **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.
- e) A decision as to whether to grant a dispensation shall be made by the meeting of the council, and that decision is final.
- f) A dispensation request shall confirm:
 - i. The description and 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
 - iv. An explanation as to why the dispensation is sought
- g) Dispensations requests shall be considered at the start of the meeting for which the dispensation is required.
- h) **A dispensation may be granted in accordance with standing order 12e 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**
 - iii. **It is otherwise appropriate to grant a dispensation.**

13. Code of conduct complaints

- a) Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 12 above, report this to the council.
- b) Where the notification in standing order 12a above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the chair of the council of this fact, and the chair shall nominate a councillor to assume the duties of the Proper Officer in relation to

the complaint until it has been determined and the council has agreed what action, if any, to take.

- c) The council may:
 - i. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law
 - ii. Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter
- d) **Upon notification by the District Council that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

14. **Proper Officer**

- a) The Proper Officer shall be the clerk
- b) The Proper Officer shall:
 - i. **At least three clear days before a meeting of the council, serve on councillors, a signed summons by e-mail or delivery confirming the time, place and the agenda provided any such e-mail contains the electronic signature and title of the Proper Officer.** See standing order 3b above for the meaning of three clear days for a meeting of a full council
 - ii. **Provide, in a conspicuous place and on the Parish Council website, public notice of the time, place and agenda of the meeting**
 - iii. **Convene a meeting of full council for the election of a new chair of the council, occasioned by a casual vacancy in his office**
 - iv. **Facilitate inspection of the minute book by local government electors**
 - v. **Receive and retain copies of bye-laws made by the District Council**
 - vi. Retain acceptance of office forms from councillors
 - vii. Retain a copy of every councillor's register of interests
 - viii. Assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the council's relevant policies and procedures
 - ix. Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary
 - x. Assist in the organisation of, storage of, access to, security of and destruction of information held by the council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (EG the Limitation Act 1980).
 - xi. Arrange for legal deeds to be executed
 - xii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations
 - xiii. Refer a planning application received by the council to the chair or in his absence the vice chair of the council within two working days of receipt to facilitate an additional meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council.

15. **Responsible financial officer**

- a. The Council shall appoint a person, normally the proper officer, to be the responsible financial officer.
- b. The council shall appoint an appropriate person to undertake the work of the responsible financial officer when the responsible financial officer is absent.

16. **Accounts and accounting statements**

- a. "Proper practices" in standing orders refers to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c. The responsible financial officer shall supply to each councillor at each meeting a statement to summarise:
 - i. The council's receipts and payments for that month
 - ii. The council's aggregate receipts and payments for the year to date
 - iii. The balances held at the time of the meeting
 And which includes a comparison with the budget for the financial year and highlights any actual or potential overspends
- d. As soon as possible after the financial year end at 31 March, the responsible financial officer shall provide:
 - i. Each councillor with a statement summarising the council's receipts and payments for the year to date for information; and
 - ii. To the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e) The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council – receipts and payments, for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to internal audit, including the annual governance statement, shall be presented to the council for consideration and formal approval before 30 June.

16. Financial controls and procurement

- a) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- b) **Financial regulations shall confirm that a 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.**
- c) **Where the value of the contract is likely to exceed £181,302 (or other threshold specified by the Crown Commercial Services from time to time) the council must consider whether the Concessions Contracts Regulations 2015 (S1 No 5, as amended) and the Utilities Contracts Regulations 2016 apply to the contract**

17. Handling staff matters

- a) A matter personal to a member of staff that is being considered by the chair or vice chair is subject to Standing Order 13 above.
- b) The council's member of staff shall notify the chair or, if he is not available, the vice chair of absence occasioned by illness or other reason and that person shall report such absence to the council at its next meeting.
- c) The staffing committee shall upon a resolution of the full Council conduct a review of the performance and annual appraisal of the work of the parish clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the full council.
- d) Subject to the council's policy regarding the handling of grievance matters, the council's employee shall contact the chair or in his absence, the vice chair of the council in respect of any formal or informal grievance matter and this matter shall be reported back and progressed by resolution of the full council.

- e) Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the clerk relates to the chair or the vice chair of the council this shall be communicated to another member of the council which shall be reported back and progressed by resolution of the council.
- f) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

18. Responsibilities to provide information

- a) **In accordance with freedom of information legislation, the council shall publish information in accordance with its publication scheme and respond to requests for information held by the council.**
- b) **If the 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**

19. 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 notices 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.**

20. Relations with the press/media.

- a) Requests from the press or other media for oral or written comment or statement from the council shall be referred to the clerk.

21. Execution and sealing of legal deeds.

- a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

22. Communicating with the District and County authorities

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

23. Restrictions on councillor activities

- a) Unless authorised by a resolution of the full council, no councillor shall issue orders, instructions or directions or make comments to the press or other agents on behalf of the council.

25. Exceptional circumstances

- a) In the event of exceptional circumstances the Parish Council will follow the directives given in government legislation and the advice from the National Association of Local Councils regarding the way in which local authorities should conduct themselves.

26. Standing Orders generally.

- a) All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda.
- b) A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with Standing Order 9 above.
- c) The Proper Officer shall provide a copy of the council's Standing Orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d) The decision of the chair of a meeting as to the application of Standing Orders at the meeting shall be final.