



**MATTINGLEY
PARISH COUNCIL
STANDING
ORDERS 2018
(ENGLAND)**

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INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

HOW TO USE MODEL STANDING ORDERS

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

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council’s Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

DRAFTING NOTES

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs. It is NALC’s view that all model standing orders will generally be suitable for councils.

For convenience, the word “councillor” is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this ‘ () ’ requires information to be inserted by a council. A model standing order that includes brackets like this ‘ [] ’ and the term ‘OR’ provides alternative options for a council to choose from when determining standing orders.

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 discretion of the chairman of the meeting.
- b A point of order shall be decided by the chairman and his decision is final.
- s Before an original or substantive motion is put to the vote, the chairman shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

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 shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman to moderate or improve their conduct, any councillor including the chairman, may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman may take further reasonable steps to restore order or to progress the meeting. This may include 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 for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- 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 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 Members of the public may make representations, answer questions and give evidence at a meeting in respect of the business on the agenda.
- e In accordance with standing order 3(d), a question shall not require a response at the meeting nor start a debate on the question – other than as permitted by the chairman. The chairman may direct that a subsequent written or oral response be given.
- f A person who speaks at a meeting shall direct his comments to the chairman.

- g **Subject to standing order 3(i) below, 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.**
- h **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place, **without permission.****
- i **The press shall be provided with reasonable facilities for their report of all or part of a meeting at which they are entitled to be present.**
- j **The chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the vice-chairman (if there is one) if present, shall preside. If both the chairman and the vice-chairman are absent, a councillor, as chosen by the councillors present, shall preside.**
- k **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- l **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes **may exercise his casting vote whether or not he gave an original vote.****

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

- m **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.**
- n 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 present and councillors who are absent;
 - iii. interests that have been declared by councillors;
 - iv. the grant of dispensations (if any) to councillors;
 - v. whether a councillor left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- o **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.**
- p **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.**
- q **If a meeting is or becomes inquorate no business shall be transacted.** The business on the agenda for the meeting shall be adjourned to another meeting.

4. **COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and any sub-committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and may dissolve a committee or a sub-committee.

5. **ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- d **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one).**
- e **The Chairman, 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.**
- f **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- g **In an election year, if the current Chairman has NOT BEEN re-elected as a**

member of the Council, he shall preside at the annual meeting until a successor Chairman has been elected. The current Chairman shall not have an original vote in respect of the election of the new Chairman but shall give a casting vote in the case of an equality of votes.

h In an election year, if the current Chairman HAS BEEN re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.

i Following the election of the Chairman and Vice-Chairman (if there is one) at the annual meeting, the business must include:

In an election year, delivery by the Chairman and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of his acceptance of office form unless the Council resolves for this to be done at a later date.

6. EXTRAORDINARY MEETINGS

a The Chairman may convene an extraordinary meeting of the Council at any time.

b If the Chairman does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

7. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO THE PROPER OFFICER

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

b No motion may be moved at a meeting unless it is on the agenda.

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

8. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

i to correct an inaccuracy in the draft minutes of a meeting;

ii to appoint a person to preside at a meeting;

iii to change the order of business on the agenda;

iv to require a written report;

- v. to appoint a committee or sub-committee and their members;
- vi. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements).

9. **MANAGEMENT OF INFORMATION**

See also standing order 14.

- 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.**

10. **DRAFT MINUTES**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 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 publicly accessible and free of charge not later than one month after the meeting has taken place.**

11. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(o).

- a All councillors shall observe the Code of Conduct adopted by the Council.
- b **Dispensation requests shall be in writing and submitted to the Proper Officer.**

- c **A dispensation may be granted [by the Hart monitoring officer] 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.**

12. **CODE OF CONDUCT COMPLAINTS**

- a **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.**

13. **PROPER OFFICER**

- a The Proper Officer shall:
- i. **at least three clear days before a meeting of the council**
 - **serve on councillors by email, a summons confirming the time, place and the agenda, and**
 - **provide, in a conspicuous place, public notice of the time, place and agenda.**
 - ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minutes by local government electors.**

14. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 15.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **[If gross annual income or expenditure (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.**

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] The Council, shall publish information in accordance with the

requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

15. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 9.

- a **The Council shall 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.**

16. EXECUTION AND SEALING OF LEGAL DEEDS

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 16(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

17. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.

18. STANDING ORDERS GENERALLY

All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.