

# OVINGTON PARISH COUNCIL

## STANDING ORDERS

### (Incorporating the Councillors' Code of Conduct and the Council's Financial Regulations)

#### **1. Councillors**

1.1 The Council has adopted a Code of Conduct which is shown at Appendix A of Standing Orders. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council, or of a Councillor who has been specifically designated by the Council for this purpose.

1.2 All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.

1.3 The Code of Conduct adopted by the Council and incorporated within Standing Orders, defines when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity. The Code also defines when a Councillor must withdraw from a meeting and not vote.

#### **2. Meetings – general**

2.1 Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.

2.2 Councillors will be advised of meetings by the issue of a summons and agenda delivered by email, by post or by hand. In any case the agenda must be issued at least three days before the meeting.

2.3 Public notices will be posted on the Council's notice boards and website informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear days before the meeting.

2.4 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.

2.5 Members of the public may make representations to the meeting during the public participation section prior to commencement of formal business. The period of time designated for this section shall not exceed 15 minutes unless directed by the Chair. A member of the public may not speak for more than 5 minutes without the agreement of the Chair.

2.6 Where a member of the public makes representation or comment in respect of any issue, such comment shall not require a response nor a debate but the Chair may direct that a written

or oral response be provided. Where the comment relates to an item listed on the agenda, the comments may be noted and considered at the appropriate item on the agenda. Members of the public may speak during the formal business at Council meetings at the discretion of the Chair of the meeting.

2.7 The County Councillor for the district in which the parish is situated may address the Council during a specific agenda item for that purpose to update members on items of interest and may not speak for more than 5 minutes without the agreement of the Chair.

2.8 The Chair of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chair is not present then the Vice Chair will preside. If they are not present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting, irrespective of whether the election of a Chair for that meeting appears as an item on the agenda. Whoever chairs the meeting will assume the duties of the Chair for the meeting.

2.9 The Council adopts an informal approach to meetings in which the Chair controls discussion so that members may contribute equally to debate. Only one person may speak at a time and comments should be directed to the Chair. When circumstances dictate, the Chair may invoke the formal rules of debate as detailed within section 6 of Standing Orders.

2.10 The Clerk/Proper Officer has a statutory role during meetings and may address meetings to clarify any area of ambiguity, to correct inaccuracies, to present reports, at the invitation of the Chair or to answer questions put by members.

2.11 The Council may only take decisions on items clearly specified on the agenda; if agreed by the Chair, any urgent items which are not on the agenda may be discussed, but no decision may be made, at that meeting. Proposals that involve a financial contribution from the Council will involve a clear explanation of costs and, unless there are exceptional reasons, will have been previously circulated in writing to members in accordance with sub paragraph 2.12.

2.12 Written motions or reports for consideration by the Council shall be submitted to the Clerk at least ten clear days before the date of any meeting.

2.13 The public may record and transmit electronically the proceedings of a meeting of the Council. No recording may be made of the public who are in attendance at the meeting, or of matters that occur in the meeting place immediately prior to or following the meeting, without the Council's prior consent.

2.14 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.

2.15 Voting at the meeting shall be by a show of hands and questions shall be determined by a simple majority of Councillors present and voting. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.

2.16 In cases of equal votes the Chairman (or other person presiding) may exercise a second or casting vote, irrespective of whether they have given an original vote.

2.17 The quorum for the Council will be three members. If there are insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date. If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.

2.18 A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence and will record the time and place of the meeting, the names of Councillors present and absent, interests that have been declared by Councillors, whether a Councillor left the meeting when matters were being considered in which they held an interest, if there was a public participation session and any resolutions made.

### **3. Annual meeting**

3.1 The Council must hold an annual meeting which, in an election year, must be within 14 days of the new Councillors taking office. In any other year the annual meeting will take place on an appropriate date in May.

3.2 The outgoing Chair (if available) will preside until the new Chair is elected. The first business of the annual meeting will be the election of Chair and Vice Chair.

3.3 Following the election of the Chair and Vice-Chair, the annual meeting shall, in an election year, include the delivery by the Chair and Councillors of their respective acceptance of office forms, unless the Council resolves for this to be done at a later date. In any other year, the annual meeting shall include the delivery by the Chair of their acceptance of office form, unless the Council resolves for this to be done at a later date.

3.4 In an election year, if the election results in fewer persons being elected than there are places on the Council, the Council may (provided it is quorate) co-opt additional members without reference to the provisions within its 'Co-option Policy'. Election of co-opted Councillors will be by show of hands.

3.5 The annual meeting will also review the terms of reference and composition of advisory groups and agree the schedule of ordinary meetings for the next twelve months.

### **4. Ordinary meeting**

4.1 Ordinary meetings of the Council are held every other month, usually on the second Monday of each month at 7.00pm.

### **5. Extraordinary meeting**

5.1 The Chair may call an extraordinary meeting of the Council at any time.

5.2 If at least two Councillors request that the Chair calls an extraordinary meeting of the Council and the Chair does not do so within seven days of that request, any two Councillors may convene an extraordinary meeting of the Council. In such circumstances the public notice giving the time, date, venue and agenda for such a meeting must be signed by the two Councillors.

5.3 In every case, the public notice of an extraordinary meeting must give three clear days notice.

### **6. Annual Parish Meeting**

6.1 The Council may be required to hold an annual parish meeting which is not a meeting of Councillors but is one to which all residents are invited. It is not to be confused with the annual meeting referred to at paragraph 3. Any decisions made at this meeting are not binding on the Council.

## **7. Rules of debate at meetings**

7.1 Motions on the agenda shall be considered in the order that they appear, unless the order is changed at the discretion of the Chair of the meeting.

7.2 A motion (including an amendment) shall not be progressed unless it has been proposed and seconded.

7.3 A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.

7.4 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

7.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

7.6 If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendments may be moved.

7.7 An amendment shall not be considered unless early verbal notice of it is given at the meeting, and, if requested by the Chair of the meeting, is expressed in writing to the Chair.

7.8 A Councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

7.9 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.

7.10 Subject to Standing Order 7.11 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.

7.11 One or more amendments may be discussed together if the Chair of the meeting considers this expedient, but each amendment shall be voted upon separately.

7.12 A Councillor may not move more than one amendment to an original or substantive motion.

7.13 The mover of an amendment has no right of reply at the end of a debate on it.

7.14 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment, or at the very end of debate on the final substantive motion immediately before it is put to the vote.

7.15 Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except to:

- i) speak on an amendment moved by another Councillor;

- ii) move or speak on another amendment if the motion has been amended since he/she last spoke;
- iii) make a point of order;
- iv) give a personal explanation; or
- v) exercise a right of reply.

7.16 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/she considers has been breached or specify the other irregularity in the proceedings of the meeting which s/he is concerned by.

7.17 A point of order shall be decided by the Chair of the meeting, and his/her decision shall be final.

7.18 When a motion is under debate, no other motion shall be moved, except to:

- i) amend the motion;
- ii) proceed to the next business;
- iii) adjourn the debate;
- iv) put the motion to a vote;
- v) ask a person to be no longer heard or to leave the meeting;
- vi) refer a motion to an Advisory Group for consideration;
- vii) exclude the public and press;
- viii) adjourn the meeting; or
- ix) suspend particular Standing Orders excepting those which reflect mandatory statutory requirements.

7.19 Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply.

7.20 Excluding motions moved under Standing Order 17.18 above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the Chair of the meeting.

## **8. Disorderly conduct at meetings**

8.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.

8.2 If any person(s), having been requested by the Chair of the meeting to moderate or improve their conduct, fails to comply with the request, the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

8.3 If a resolution made under Standing Order 8.2 above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting and may include temporarily suspending or closing the meeting.

## **9. Previous resolutions**

9.1 A resolution of the Council shall not be reversed within four months except either by a special motion, which requires written notice by at least six Councillors to be given to the Proper Officer at least ten working days before the meeting or by a motion moved in pursuance of a report or recommendation of an advisory group.

## **10. Advisory Groups**

10.1 The Council may establish one or more advisory groups, whose composition and terms of reference are detailed within the relevant policy document.

10.2 The Convenor of each advisory group is responsible for delivering to the Clerk any notes of meetings and reports for consideration by the Council at least seven clear working days before a Council meeting. The notes of each advisory group meeting are for the information of members and specific items for discussion at Council meetings will be listed on the agenda.

## **11. Handling confidential or sensitive information**

11.1 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.

11.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **12. Draft minutes**

12.1 The minutes which are circulated after a meeting will be draft minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.

12.2 If the draft minutes of a preceding meeting have been served on Councillors with other papers circulated in connection with the meeting at which the draft minutes are due to be approved for accuracy, they shall be taken as read. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.

12.3 The accuracy of draft minutes, including any amendments 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. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, s/he shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Chair of this meeting does not believe that the minutes of the meeting of Ovington Parish Council, held on

(date) in respect of (agenda item) were a correct record, but her/his view was not upheld by the meeting, and the minutes are confirmed as an accurate record of the proceedings.”

12.4 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed after three months.

### **13. Code of Conduct – complaints and dispensations**

13.1 Upon notification by Northumberland County 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 11 above, report this to the Council.

13.2 Where the notification in Standing Order 13.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate a person 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 in accordance with this section of Standing Orders.

13.3 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 and ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigating the matter.

13.4 Upon notification by Northumberland County Council that a Councillor has breached the Council’s Code of Conduct, the Council shall consider what, if any, action to take against the Councillor. Such action excludes disqualification or suspension from office.

13.5 The Council’s Code of Conduct explains when a Councillor must declare an interest (whether registerable or not) and when the Councillor must withdraw from a meeting when the meeting is considering a matter in which the Councillor has an interest unless a dispensation has been granted. Failure to comply with that aspect of the Code of Conduct without reasonable excuse is a criminal offence under section 34 Localism Act 2011.

13.6 A request for a dispensation must be submitted in writing to the Proper Officer as soon as possible before the meeting or at the commencement of the meeting for which the dispensation is required.

13.7 A dispensation request shall confirm: i) the description and nature of the registerable or non-registerable interest to which the request relates ii) whether the dispensation requested is to participate in discussion only or a discussion and 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

13.8 The decision whether to grant a dispensation and the extent of it shall be made by at the beginning of a meeting of Council for which the dispensation is required in accordance with Section 33 Localism Act 2011 and that decision is final.

13.9 A dispensation may be granted under paragraph 13.8 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 ii) granting the dispensation is in the interests of persons living in the Council's area or iii) it is otherwise appropriate to grant the dispensation.

#### **14. Officers**

14.1 The Proper Officer and Responsible Financial Officer are statutory roles and will be performed by the Clerk to the Council or, in the absence of the Clerk, another person nominated by the Council. References within this document to the Proper Officer, Responsible Financial Officer and Clerk are references therefore to the same person.

14.2 As an employee of the Council, the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will have a contract of employment stating the terms and conditions under which he/she is employed which will be administered by the Chairman acting with the authority of the Council.

14.3 The Clerk is responsible for receiving Declarations of Acceptance of Office and notices that disclose interests, signing documents on behalf of the Council, issuing agendas and notices of meetings, ensuring compliance with the Council's Financial Regulations and all other statutory obligations and facilitating the conduct of the Council's business in accordance with the Clerk's contract of employment.

14.4 The Clerk is also responsible for receiving reports and written motions (where applicable) prior to consideration by the Council and for determining their sufficiency of detail in conjunction with the Chair. Where, after discussion with the Chair, the content of any report or proposed motion is regarded as not clear, the report or motion shall be rejected until the author of the report or mover of the motion resubmits the report or motion so that it is clear at least five clear days before the day of the meeting. The Clerk will record the details of any report or motion that has been rejected together with an explanation. Subject to this paragraph, the decision of the Proper Officer as to whether or not to include a motion or report is final. Where a motion or report has been rejected, the Clerk and the Chair will consider referring the matter to the General Governance Advisory Group.

14.5 A matter personal to a member of staff that is being considered by the Council or an advisory group is subject to Standing Order 11. All records relating to staff shall be kept secure and only the Chair and Clerk will have access by keys or passwords to those records. 14.6 The Chair and Vice-Chair shall conduct an annual performance and development review of all staff. The review shall be recorded in writing and reported to the Council.

#### **15. Financial Regulations**

15.1 The Council has adopted Financial Regulations which are regarded as integral to Standing Orders and are shown at Appendix B.

#### **16. Execution of legal deeds**

16.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

16.2 Subject to Standing Order 16.1 above, any two Councillors may sign, on behalf of the Council, any deed required by law, and the Proper Officer shall witness their signatures.

### **17. Standing Orders - general**

17.1 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 for a meeting.

17.2 References to any notice period discounts the date of a meeting, the day of the notice being given and any Sunday.

17.3 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 either by a special motion signed by at least two Councillors, given to the Proper Officer with at least ten clear days notice or in pursuance of a report or recommendation of an advisory group.

17.4 The Proper Officer shall provide a copy of Standing Orders to a new Councillor as soon as possible after acceptance of office.

17.5 The decision of the Chair in respect of the interpretation and application of Standing Orders at any meeting shall be final.