

# Clayworth Parish Council

## Standing Orders

### 1. Interpretation

- 1.1. These Standing Orders are based on the Model Standing Orders for Local Councils published by the National Association of Local Councils (NALC) 2018, which have been adopted by this Council so far as they are not varied or inconsistent with the Regulations set out below.
- 1.2. In the Regulations words importing one gender include all other genders and the singular includes the plural and vice versa.

### 2. Powers and Duties of the Chairman

- 2.1. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- 2.2. A parish council must have a Chairman who is elected annually at the Annual Meeting of Council in May (LGA 1972 sect 15(1)).
- 2.3. The council cannot function without a chairman. If no members of the council will take the role, then the meeting will have to be abandoned.
- 2.4. A further meeting can be called to try to resolve the situation, but if this fails, then the District Council has reserve powers to intervene.
- 2.5. When electing a chairman a 'retiring' chair can preside, can nominate themselves, vote for themselves, and use their casting vote in their own favour.
- 2.6. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

### 3. Proper Officer

- 3.1. The Proper Officer of the Council is the Clerk. The Responsible Financial Officer (RFO) of the Council is the Clerk. Other duties (in addition to those of the role of the Proper Officer) of the Clerk and RFO are to be laid down in their Conditions of Contract and in the Councils Financial Regulations.
- 3.2. The proper officer may speak at the meeting to help clarify a point, clarify legal positions, clarify correct administration procedures and present information for the Council Members for their debate.
- 3.3. The Proper Officer shall facilitate inspection of the minute book by local government electors
- 3.4. The Proper Officer Shall 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
- 3.5. The Proper Officer Shall be responsible for storing securely the acceptance of office forms from councillors and a copy of every councillor's register of interests.
- 3.6. The Proper Officer Shall manage access to information about the Council via the publication scheme
- 3.7. The Proper Officer Shall liaise, as appropriate, with the Information Commissioners Office.
- 3.8. The Proper Officer Shall receive and send correspondence and notices on behalf of the Council
- 3.9. The Proper Officer Shall 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 (e.g. the Limitation Act 1980);
- 3.10. The Proper Officer Shall arrange for legal deeds to be executed.

#### **4. Quorum**

- 4.1. **Three** members shall constitute a quorum.
- 4.2. If a quorum is not present when the Council meets or if during the meeting the number of Councillors, for whatever reason, falls below the quorum the business not transacted at the meeting shall be transacted at the next meeting or on such other day as the Chairman shall decide.

#### **5. Apologies for Absence**

- 5.1. Members shall provide their apology for absence by email to the Clerk no later than **24 hours** prior to the start of a meeting.
- 5.2. A valid reason for absence must be given, for example, illness, work or family commitments.
- 5.3. If no valid reason is provided to the clerk, prior to the meeting, absence cannot be approved by the Council.
- 5.4. If a parish councillor fails to attend any meeting of the parish council (or its committees) or a meeting where he or she formally represents the council, for a period of 6 months, without submitting apologies for absence which are properly approved by the council, then he or she automatically ceases to be a parish councillor on the 6-month anniversary of their last attendance, and a casual vacancy must be declared.
- 5.5. It is vitally important to note that simply recording apologies does not of itself automatically signify that they have been approved by the council. The approval must be stated in the minutes (if approved).
- 5.6. Long absences must receive proper approval before the 6 months are up.
- 5.7. Once the 6 months has passed there is nothing further which can be done - the councillor has ceased to be a councillor. This is not a matter for the parish council to decide upon, only to record the facts of the matter.
- 5.8. Therefore, if a councillor is likely to be absent for a long period of time - perhaps through ill health - then the reason for the absence should be formally approved (if the council so wishes).

#### **6. Voting**

- 6.1. Members shall vote by show of hands unless the meeting decides otherwise.
- 6.2. If any member so requires the Clerk shall record the names of the members who voted on any question and how they voted. Such a request shall be made before moving on to the next item of business on the agenda.
- 6.3. The Chairman may give an original vote on any matter put to the vote and, in the case of equality of votes, may give a casting vote even though he gave no original vote.

#### **7. Annual Meeting of the Parish Council**

- 7.1. The local Govt Act 1972 stipulates that "The annual meeting of a parish council shall be held at such hour as the council may fix, or if no hour is fixed, 6pm in the evening." Clayworth Parish Council fixes its Annual Meeting of the Parish Council at **6pm**.
- 7.2. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- 7.3. In a year which is not an election year, the annual meeting of the Council shall be held in May.
- 7.4. 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) of the Council.
- 7.5. 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.

- 7.6. 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. Members shall vote by show of hands unless the meeting decides otherwise.
- 7.7. 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 annual 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 shall give a casting vote in the case of an equality of votes.
- 7.8. 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 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.
- 7.9. Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, in an election year, the following
- 7.9.1. Delivery by the Chairman of the Council and councillors of their acceptance of office forms
  - 7.9.2. Review of arrangements (including legal agreements) with not-for-profit bodies (appointment of Trustees to any parochial charities, village hall etc).

## **8. Ordinary Meetings of the Parish Council**

- 8.1. The Local Govt Act 1972 states “A parish council shall in every year, hold, in addition to the Annual Meeting of the Parish Council, such other meetings (not less than three) as they may determine. Those other meetings shall be held at such hour and on such days as the Council may determine.” Clayworth Parish Council determines the following:
- 8.1.1. **5 (Five)** Ordinary Meetings Shall be planned to be held in addition to the Annual Meeting of the Parish Council.
  - 8.1.2. Ordinary and Annual meetings shall be planned to be held (whenever possible) on the 3<sup>rd</sup> Thursday (after the 2<sup>nd</sup> Monday) of each month, with **no** meetings in Feb, Apr, Jun, Aug, Oct, Dec.
  - 8.1.3. Ordinary and Annual meetings shall be planned to commence at 6:30pm
- 8.2. The Council may hold other ordinary meetings in the year if the amount of business to be transacted is sufficient enough to warrant an additional meeting, or if the business is of an urgent nature which cannot be carried over to the next planned meeting. The Clerk will call such meetings and specify the time depending on the availability of the premises and the 3 days clear notice legal requirement.

## **9. Locations of Meetings**

- 9.1. All meetings shall be held in Gamston School (whenever practically possible).

## **10. Order of Business**

- 10.1. The order of business shall be stated on the agenda, which shall be delivered to each member by email, together with a copy of the previous minutes, at least three clear days before the date of the meeting confirming the date, time and place of the meeting. 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.

10.2. Any relevant supporting information is to be emailed to councillors, with the Agenda, in order that they can consider, in advance of the meeting, any business included on the agenda.

10.3. The order of business may be altered on the agenda at the discretion of the chairman during the meeting.

#### **11. Resolutions moved on notice**

11.1. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been included on the agenda by the Clerk.

11.2. Members may put an item on the agenda by giving the Clerk written notice of the resolution at least seven clear days before the next meeting of the Council.

11.3. Every resolution, amendment or recommendation shall be relevant to some subject over which the Council has the power or which affects its area.

#### **12. Resolutions moved without notice**

12.1. Resolutions may be moved without notice on procedural matters or to vary the order of business on the grounds of urgency. Such resolutions shall be put to the vote without discussion.

#### **13. Rules of debate & The Minutes**

13.1. 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.

13.2. All remarks shall be addressed to the Chairman.

13.3. No discussion shall take place upon the minutes except upon their accuracy.

13.4. Corrections to the minutes shall be made by resolution, a vote by show of hands, and must be initialled by the Chairman.

13.5. If the Clerk &/or the chairman of the meeting does not consider the approved minutes (after alterations have been made) 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 &/or clerk of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( xxx ) were a correct record, but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."*

13.6. The Council 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.

13.7. The minutes of a meeting shall include an accurate record of at least the following:

- i. the time and place of the meeting;
- ii. names of councillors who are present and the names of councillors who are absent,
- iii. Whether or not the Council approves the absence.
- iv. Interests that have been declared by councillors.
- v. If there was a public participation session a record of a public participation session at a meeting shall be included as a 'note' to the minutes of that meeting.
- vi. the resolutions made
- vii. Each minute shall have a reference number
- viii. Each page of the minutes shall be numbered.

- 13.8. A member shall, at the Chairman's discretion, be entitled to speak more than once on any motion or amendment.
- 13.9. A member shall direct his comments to the question under discussion or to a personal explanation or to a point of order.
- 13.10. No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed two minutes except by the consent of the Council.
- 13.11. The mover of a resolution shall have a right of reply not exceeding one minute.
- 13.12. The ruling of the Chairman on a point of order or on the admissibility shall not be discussed and the decision of the Chairman shall be final.
- 13.13. Whenever the Chairman rises to their feet during a debate all other members shall be seated and silent.
- 13.14. If the wording or nature of any proposed motion or agenda item is considered unlawful or improper, the Clerk shall consult with the Chairman to consider whether the item shall be included or rejected. Having consulted the Chairman, the decision of the Clerk as to whether or not to include the item shall be final, without discussion.

#### **14. Closure**

- 14.1. A motion of closure of debate may be moved at any time but must be proposed and seconded without comment.
- 14.2. 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.
- 14.3. The Chairman may refuse such motion if they feel that the question before the Council has not been sufficiently debated.
- 14.4. 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.
- 14.5. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

#### **15. Rescission of previous resolutions**

- 15.1. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by special resolution, the written notice whereof bears the names of at least three members of the Council.
- 15.2. Where such a resolution has been disposed of, no similar resolution may be moved within a further six months.

#### **16. Any Other Business (AOB)**

- 16.1. AOB is no longer best practice and should not be included on the agenda. Items on the agenda have to be specific and clear about what is to be debated and it is illegal to make decisions under an item called Any Other Business.

#### **17. Interests**

- 17.1. A member with a Disclosable Pecuniary Interest shall not participate whilst the Council is discussing the matter in which he has such an interest, except that he may answer questions of fact which other members may wish to put to him.

17.2. At the request of the Chairman, a member shall withdraw from a meeting when the Council votes on the matter of which they have a Disclosable Pecuniary interest.

## **18. Code of Conduct**

18.1. All councillors shall observe the code of conduct adopted by the Council.

18.2. Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall report this to the Council.

18.3. The Council shall provide the Proper Officer with information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement and seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

## **19. Confidential Business**

19.1. No member shall disclose to any person, not being a member of the Council, any business declared to be confidential by the Council.

## **20. County Councillors, District Councillors & Local Constabulary**

20.1. County and District Councillors and a representative of the local constabulary, who are not also Parish Councillors, shall be invited to attend meetings and be sent copies of the agenda, minutes and other relevant documents. They may be allowed to speak at the discretion of the Chairman.

## **21. Members of the Public**

21.1. 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. A reason shall be given on the Agenda for the public's exclusion and the following types of business shall be confidential:

- 21.1.1. **Staffing matters** (including, but not limited, to contracts of employment, salaries, terms of service, engagement, conduct and dismissal of employees, appointment of employees, financial or personal business affairs of the individual)
- 21.1.2. **Tenders & Contracts** (including, but not limited to, terms of tenders & contracts, proposals and counter proposals, consultations and negotiations of contracts, including tenancies and hire agreements and or or negotiations relating to Contractor labour or financial/business affairs of a person.)
- 21.1.3. **Legal Proceedings** (including, but not limited to, preparations, proposals and discussions, correspondence/communications with the Councils legal representative, solicitor(s) or courts)
- 21.1.4. **Disputes** (the early stages of any dispute)
- 21.1.5. **Councillor Co-option** (to discuss the merits of each applicant and their personal attributes. To allow the Council to either decline the applicant or offer to co-opt the candidate to the Council.) Once each candidate has been seen, the Chairman will re-admit the members of the press and public.
- 21.1.6. **Crime** (Information relating to any action taken, or to be taken in connection with crime prevention, crime investigation or crime prosecution.) This is so that potential perpetrators of crime are not made aware.

21.2. The Public Forum. It is now regarded best practice for councils to have an agenda item where members of the public are permitted to put questions to the council lasting for a maximum of 10 (ten) minutes, allows members of the public to speak.

21.3. A member of the public shall raise his hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort).

21.4. A member of the public who speaks at a meeting shall direct his comments to the chairman of the meeting.

21.5. No individual member of the public shall speak for more than 5 minutes.

21.6. Only one member of the public is permitted to speak at a time. If more than one person wishes to speak, the chairman of the meeting shall direct the order of speaking

21.7. A question shall not require a response at the meeting nor start a debate on the question. However, at the discretion of the Chairman, the Council may give a response or start a debate or decide to add a question asked to the next Agenda.

21.8. At the conclusion of the Public Forum members of the public shall remain silent except that the Council may, by resolution, agree to close the meeting to allow a member(s) of the public to comment.

## **22. Length of meetings**

22.1. All meetings of the Council shall finish not later than two hours after their commencement. To go beyond 2 hours will be at the discretion of the Chairman, who will call for a vote and require 50%+ of votes available in favour to continuing and the vote must decide the maximum extra-time period to continue.

22.2. Any business not transacted within 2 hours shall be carried over to the next meeting.

## **23. Suspension of standing orders**

23.1. Standing Orders may be suspended for a specified period of time by resolution of the Council.

## **24. Smoking & Alcohol**

24.1. No smoking or alcohol consumption shall be permitted at meetings.

24.2. No meetings shall take place in premises which at the time of the meeting are used for the supply of alcohol.

## **25. Mobile Phones**

25.1. Mobile phones shall be either set to silent or switched off during meetings.

## **26. Disorderly Conduct at meetings**

26.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If disorderly conduct occurs, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

26.2. If person(s) disregard the request of the chairman to moderate or improve their conduct, any councillor or the chairman 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.

26.3. If a resolution made above 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 and asking the offending person(s) to leave the building.

## **27. Management of Information**

27.1. The Council shall have in place and keep under review, 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.

27.2. 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).

27.3. 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.

27.4. Councillors, Staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **28. Responsibility to Provide Information**

28.1. 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.

28.2. The Council, shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

## **29. Responsibilities under Data Protection Legislation**

29.1. The Council may appoint an independent Data Protection Officer, (who is not the Clerk, Proper Officer, RFO, Staff Member or Council Member at the Parish Council)

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

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

29.4. 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.

29.5. 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.

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

## **30. Standing Orders to be given to members**

30.1. A copy of these Standing Orders shall be given to each member by the Clerk upon receipt of the member's Declaration of Acceptance of Office.

## **31. Payments, Accounts and Financial Information**

31.1. Payments shall be made whenever possible by Internet Banking, Standing Order or Direct Debit and the bank Account shall have at least 3 signatories, the Clerk and 2 Cllrs, with any 2 to sign, the Clerk uploading and one of the other signatories authorising.

31.2. The Clerk shall email a list of payments and receipts for approval to all members together with the latest bank statement and reconciliation sheet.