

CHEARSLEY PARISH COUNCIL

STANDING ORDERS

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THIS DOCUMENT IS TO BE UPDATED REGULARLY AND REVIEWED ANNUALLY	

Notes:

1. This is based on the text of 'Standing Orders and Chairmanship' published in 2003 by the National Association of Local Councils.
2. Standing Orders in **bold type** are compulsory as they are laid down by statute. The word chairman' covers any person who is presiding at a meeting of Council, Statutory and Standing Committees, sub-Committees and Working Groups.
3. Throughout these Standing Orders references to the masculine gender shall include references to the female gender.

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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.

2. Meetings generally



-  Full Council meetings
-  Committee meetings
-  Sub-committee meetings

-  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 **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
-   d **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.**
- e 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.
- f The period of time designated for public participation at a meeting in accordance with standing order 2(e) above shall not exceed 2 x 10 minutes unless directed by the chairman of the meeting.


g Subject to standing order 3(f) above, a member of the public shall not speak for more than 5 minutes.


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 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**

  k **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.**

 l **Subject to standing orders which indicate 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-Chairman of the Council (if any).**

 m **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.**

   n **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

   o **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(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

p **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.** Such a request shall be made before moving on to the next item of business on the agenda.

- q 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 absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.



- r **A councillor or a non-councillor with voting rights 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.**



- s **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.**

See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.



- t **If a meeting is or becomes inquorate no business shall be transacted**

3. Committees and sub-committees, (Action Groups/Working Parties)

- 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 a sub-committee of the advisory committee may be non-councillors.**

4. 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 on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed, the annual meeting of the council shall take place at 7.30pm.**
- 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 (*Wales*) In addition to the annual meeting of the council, any number of other ordinary meetings may be held in each year on such dates and times as the council may direct.**
- f The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- g 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.**
- h The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- j 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.**
- k In an election year, delivery by the Chairman 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 Chairman of**

the Council of his acceptance of office form unless the council resolves for this to be done at a later date;

- i. Confirmation of the accuracy of the minutes of the last meeting of the council;
- ii. Receipt of the minutes of the last meeting of a committee;
- iii. Consideration of the recommendations made by a committee;
- iv. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- v. Appointment of members to Working Parties to be responsible for particular aspects of the Council's work;
- vi. Appointment of any new committees in accordance with standing order 4 above;
- vii. Review and adoption of appropriate standing orders and financial regulations;
- viii. Review of representation on or work with external bodies and arrangements for reporting back;
- ix. Review of inventory of land and assets including buildings and office equipment;
- x. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xi. Review of the council's and/or staff subscriptions to other bodies;
- xii. Review of the council's complaints procedure;
- xiii. *Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;*
- xiv. *Review of the council's policy for dealing with the press/media; and*
- xv. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

5. Extraordinary meetings of the council and committees and sub-committees

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested 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. 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 exerciseable by the chairman of the meeting.

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

- a If a person wishes to table an item and have it included on the Agenda, they must give the Proper Officer at least 4 clear days before the meeting.
- b Any matters of an urgent nature can be discussed during the meeting under 'Items for Information' on the Agenda.

8. Handling confidential or sensitive information

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

9. Code of conduct and declaration of interests

- a All councillors with voting rights shall observe the code of conduct adopted by the council.
- b A councillor or non-councillor with voting rights shall withdraw from the meeting room when the meeting is considering a matter in which he has a disclosable personal, prejudicial or pecuniary interest. He may return to the meeting room after the meeting has considered the matter in which he had the interest.
- c Councillors must declare a personal interest if a planning application (or any other matter) affects their circumstances – or the circumstances of family or close associate. (ie someone a reasonable member of the public might think the Councillor would be prepared to favour or disadvantage, when discussing the matter) A Councillor can still contribute and vote on the matter unless the personal interest is also a prejudicial

interest. A prejudicial interest occurs if the matter affects the Councillor's financial interests and a member of the public, who knows the relevant facts, would reasonably think the interest was so significant that is likely to prejudice the Councillor's judgment of the public interest. In this case, the Councillor withdraws and takes no part in the discussion or vote.

10. Code of conduct complaints

- a **Upon notification by the District or Unitary Council that a councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

11. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.
 - i. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
 - ii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii. **receive and retain copies of byelaws made by other local authorities;**
 - iv. retain acceptance of office forms from councillors;
 - v. retain a copy of every councillor's register of interests;
 - vi. 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;

12. Responsible Financial Officer

- a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

13. Accounts and accounting statements

- a “Proper practices” in standing orders refer to the most recent version of [Governance and Accountability for Local Councils – a Practitioners’ Guide (England)] OR [Governance and Accountability for Local Councils in Wales – A Practitioners’ Guide].
- 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 as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council’s receipts and payments for each quarter;
 - ii. the council’s aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

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 last quarter and 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, or income and expenditure) 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 external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

14. Financial controls and procurement

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 £20,000 shall be procured on the basis of a formal tender.

- b If no tender is received (or the number of tenders received is less than the minimum specified in these Standing Orders) or where because of special circumstances the Council decides that exemption from the provisions of these Standing Orders is justified, the Council may make such arrangements for procuring goods or services or executing the works as it thinks fit. A decision by the Council to exempt the placing of a contract from the provisions of these Standing Orders shall be recorded in the Council Minutes.
- c **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

15. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 8 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the Council or, if he is not available, the vice-chairman, of absence occasioned by illness or other reason and that person shall report such absence at the next council meeting.
- c The chairman or, in his absence the vice-chairman, shall conduct a review of the performance and annual appraisal of the work of the clerk to the council. The reviews and appraisal shall be reported in writing.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the 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 chairman or vice-chairman, this shall be communicated to another member of the council which shall be reported back and progressed by resolution of the 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.

- g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 15(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 15(f) and (g) above shall be provided only to the clerk and/or the Chairman of the Council.

16. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

17. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) above.

- 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) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.]**
The above is applicable to a council without a common seal.

18. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the [(England) [District and County Council] OR [Unitary Council]] [(Wales) [County Borough] OR [County Council]] representing the area of the

council.

19. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect;
or
 - ii. issue orders, instructions or directions.

20. Standing orders generally

- a Standing orders will be reviewed annually at the Annual General Meetings where any amendments will be subject to approval.
- b 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.