

BETLEY PARISH COUNCIL

Styled as
BETLEY, BALTERLEY AND WRINEHILL PARISH COUNCIL

STANDING ORDERS (STATUTORY AND NON-STATUTORY)

SECTION 1 LEGAL AND STATUTORY STANDING ORDERS

Introduction	Page 3
Meetings generally	4
Committees and sub-committees	5
Ordinary council meetings	5
Extraordinary meetings of the council, committees and sub-committees	6
Management of information	6
Draft minutes	6
Code of conduct and dispensations	7
Code of conduct complaints	7
Proper officer	7
Financial controls and procurement	7
Responsibilities to provide information	8
Responsibilities under data protection legislation	8
Execution and sealing of legal deeds	8

SECTION 2 NON-STATUTORY STANDING ORDERS

Quorum	9
Voting	9
Chairman	9
Rules of Debate on Minutes	9
Resolutions and Amendments	9
Members of the Public	10
Matters affecting Employees of the Council	10
Committees/Sub-Committees	10
Special Meeting	10
Casting Vote	10
Delegation	10
Urgent Business	10
Exceptional Circumstances	11
Accounts and Financial Statements	11
Financial Reporting – End of Year Accounts	11
Complaints Procedure	12
Clerk’s Pay and Conditions	12
Suspension of Standing Orders	12

BETLEY, BALTERLEY AND WRINEHILL PARISH COUNCIL STANDING ORDERS

**These Standing Orders were approved by Betley, Balterley and Wrinehill Parish Council at
its meeting held on the 27th February 2025**

INTRODUCTION

These Standing Orders are based on model Standing Orders published by the National Association of Local Council (NALC), however, with the exception of Statutory requirements, these Standing Orders have been modified for the purposes of Betley, Balterley and Winehill Parish Council. They supersede any previous versions.

Standing Orders are the written rules of a Local Council and 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. The statutory requirements to which a Council is subject apply whether or not they are incorporated in a Council's Standing Orders. These Standing Orders do not include 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.

(Betley, Balterley and Winehill Parish Council has also approved its revised Financial Regulations at its meeting held on 28th November 2024).

Drafting notes

Standing Orders that are in bold type contain legal and statutory requirements. It has been recommended that councils adopt them without changing them or their meaning. Standing Orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they have been drafted to suit the council's needs.

For convenience, the word "councillor" is used in Standing Orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

SECTION 1

Legal and Statutory Standing Orders

1. 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 **Subject to standing order 3(m), 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.**
- f **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- g **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.**
- h **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- i **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- j **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting**

- rights present and voting.
- k 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.
- l 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 their right to participate and vote on that matter.
- m If a meeting is or becomes inquorate no business shall be transacted

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

3. 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 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 If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- 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 decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- f The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chair of the Council has been re-elected as a member

of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

- j Following the election of the Chair of the Council and Deputy Chair of the Council at the annual meeting, the business shall include:

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 their acceptance of office form unless the Council resolves for this to be done at a later date.

4. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- 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 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.

5. 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 (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.

6. DRAFT MINUTES

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

- a 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.

7. CODE OF CONDUCT AND DISPENSATIONS

- a **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.
- b **A dispensation may be granted in accordance with standing order 9(b) 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.**

8. CODE OF CONDUCT COMPLAINTS

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

9. 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, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in the office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**

10. FINANCIAL CONTROLS AND PROCUREMENT

- a **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 13(b) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- b **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to**

the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

11. RESPONSIBILITIES TO PROVIDE INFORMATION

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.

- a. *[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.
- b. *[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.

12. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

- a. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their 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 notice(s) 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.

13. 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. 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.

SECTION 2

Non-Statutory Standing Orders

1. Quorum

Parish Council

The quorum for the Parish Council is 4. If a quorum is not present or a meeting becomes inquorate the meeting may continue, but business can only be transacted by means of recommendations, that will require consideration at the next meeting.

Committee

The quorum for any Committee, shall be as detailed in its Terms of Reference, but shall never be less than 3.

2. Voting

Voting shall be by show of hands or, if at least two members so request, by ballot.

3. Chairman

- a. *The ruling of the Chairman on a point of order or rule of debate shall not be discussed.*
- b. *Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.*
- c. *Whenever the Chairman speaks during a debate all other members shall be silent.*
- d. *No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.*
- e. *If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and any member may then move that the member be no longer heard or removed from the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Borough Council's Monitoring Officer.*
- f. *If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.*

4. Rules of Debate on Minutes

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and recorded in the Minutes.

5. Resolutions and Amendments

- a. *A resolution or amendment shall not be discussed unless it has been proposed and seconded. An agenda item can be discussed with a view to developing a resolution, if the Chairman considers such an approach appropriate for the efficient conduct of business.*

- b. *If an amendment is moved, it shall be dealt with and if carried the resolution, as amended, shall take the place of the original resolution upon which any further amendment may be moved.*
- c. *A further amendment shall not be moved until the Council has disposed of every amendment previously moved.*

6. Members of the Public

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

7. Matters affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council (or Committee) has decided whether or not the press and public shall be excluded.

8. Committees / Sub-Committees

The Council may at any meeting appoint or dissolve such committees and working groups as are considered necessary. Such Committees are required to be conducted under the same rules and guidelines as contained in these Standing Orders.

9. Special Meeting

A meeting of any committee or working group of the council may be summoned by the chairman of any such committee/ working group, by the Chairman of the Council, or by the Clerk at the request of members.

10. Casting Vote

Chairs of committees (or sub-committees) shall in the case of an equality of votes have a second or casting vote.

11. Delegation

Tasks

The Council may delegate any task on behalf of the Council to any Committee, Sub Committee, working group, councillor or member of staff, or any legally contracted body appointed by the Council.

Powers or Functions

The Council may delegate any of its powers or functions (other than those required by statute to be exercised by the Council as a whole) to any committee or sub-committee. The terms and conditions under which any delegation is made shall be determined by the Council, who may alter those terms and conditions, or revoke the delegation. Any such new delegation shall be recorded in the minutes. The acts and proceedings of any committee or sub-committee shall be reported to the Council as a whole as soon as is reasonably practicable.

12. Urgent Business

In the event of any matter arising which requires the attention of the Council prior to the date of the next ordinary meeting of the Council the Clerk will consult with the Chairman

and Vice-Chairman, and such other members as appropriate and/or practicable to determine the appropriate course of action, which may be any of the following:

- a) to call a special meeting of the Council to consider the matter;*
- b) to call a special meeting of any appropriate committee or sub-committee whose terms and conditions may be appropriate;*
- c) to delegate the power to respond on behalf of the Council to the Clerk (in consultation with the Chairman and Vice-Chairman, and such other members as the Clerk and Chairman/Vice-Chairman may deem appropriate);*
- d) to determine that the matter does not require a response prior to the next meeting of the Council.*

Any actions taken under this Standing Order shall be reported to the next meeting of the Council.

Note: In the absence or non-availability of the Chairman, the Vice-Chairman shall act; in the absence or non-availability of the Vice-Chairman, the Clerk shall consult as deemed appropriate by the Chairman. In the absence of both, the Clerk shall consult as widely as practicable with other members of the Council.

13. Exceptional circumstances

In the event of exceptional circumstances under which the Council is unable to meet, or it is considered inappropriate for the Council to meet (e.g. during epidemics when health advice is to avoid or minimise gatherings), the Clerk shall be authorised to deal with any necessary business of the Council under the provisions set out in relation to paragraph c of Urgent Business (as above). The Clerk will endeavour to notify all members of such business and to invite comment.

If provided for by legislation the Council may choose to meet remotely, “virtually” or by electronic means as Council or as a Committee of the Council.

14. Accounts and Financial Statements

- a. All accounts for payment and claims upon the Council shall be laid before the Council.*
- b. Where it is necessary to make a payment before it has been authorised by the Council, the terms of the Financial Regulations shall be followed.*
- c. All payments ratified under b. above shall be reported to the earliest meeting of the Council or Committee that may have been established to address such matters.*

15. Financial reporting – end of year accounts

The Responsible Financial Officer shall supply each member as soon as practicable after 31 March in each year (but in any event no later than 31 May) a Financial Statement prepared on the appropriate accounting basis for the year to 31 March. The Statement of Accounts of the Council (which is subject to internal and/or external audit) shall be presented to Council for formal approval within statutory timescales.

16. Complaints Procedure

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Borough Council's Monitoring Officer for consideration.

17. Clerk's Pay and Conditions

The Council shall review the pay and conditions of service of existing employees on the anniversary of the commencement of their employment.

18. Suspension of Standing Orders

Any or every part of the Standing Orders may be suspended by resolution, except those identified by statute