

Slaley Parish Council – Standing Orders

Adopted: May 2023

Meetings - General

1. Meeting of Slaley Parish Council are held in each year on such dates and times and at such place as the Council may direct. These dates shall be advertised on the Parish Council official website (www.slaley.org.uk) and posted on the Parish Council Notice Board.
2. 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.
3. Smoking or vaping is not permitted at any meeting of the Council.
4. 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.
5. 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.
6. 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).
7. 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.
8. A person who speaks at a meeting shall direct their comments to the chair of the meeting.
9. Subject to standing order 8, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission. 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.
10. 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.

11. 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.
12. The chair 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 their casting vote whether or not they gave an original vote.
13. 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 their vote for or against that question.
14. 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.
15. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
16. 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.

Minutes

17. The minutes of a meeting shall include an accurate record of the following:
 - a. the time and place of the meeting,
 - b. the names of councillors who are present and the names of councillors who are absent,
 - c. interests that have been declared by councillors and non-councillors with voting rights,
 - d. the grant of dispensations (if any) to councillors and non-councillors with voting rights,
 - e. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered
 - f. if there was a public participation session and
 - g. the resolutions made.
18. Draft minutes are published on the Parish Council website not later than one month after the meeting has taken place.

Committees and Sub-Committees

19. Unless the Council determines otherwise, a committee or sub-committee can be appointed whose terms of reference and members shall be determined by the Council.

20. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
21. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
22. The Council may appoint standing committees or other committees as may be necessary,

Ordinary Council Meetings

23. 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.
24. 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.
25. If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.
26. 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.
27. 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.
28. The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
29. The Vice-Chair of the Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
30. 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.
31. 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.

Order of Business

32. Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
 - a. 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,

- b. Confirmation of the accuracy of the minutes of the last meeting of the Council,
- c. Receipt of the minutes of the last meeting of a committee,
- d. Consideration of the recommendations made by a committee,
- e. Review of delegation arrangements to committees, sub-committees, staff and other local authorities,
- f. Review of the terms of reference for committees,
- g. Appointment of members to existing committees,
- h. Appointment of any new committees in accordance with these standing orders,
- i. Review and adoption of appropriate standing orders and financial regulations,
- j. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses,
- k. Review of representation on or work with external bodies and arrangements for reporting back,
- l. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future,
- m. Review of inventory of land and other assets including buildings and office equipment,
- n. Confirmation of arrangements for insurance cover in respect of all insurable risks,
- o. Review of the Council's and/or staff subscriptions to other bodies,
- p. Review of the Council's complaints procedure,
- q. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation,
- r. Review of the Council's policy for dealing with the press/media,
- s. Review of the Council's employment policies and procedures,
- t. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- u. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

Extra Ordinary Meetings

33. The Chair of the Council may convene an extraordinary meeting of the Council at any time.

34. 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.

Previous Resolutions

35. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least two councillors to be given to the Proper Officer, or by a resolution moved in pursuance of the recommendation of a committee or a sub-committee.
36. When a resolution moved pursuant to standing order 36 has been disposed of, no similar motion may be moved for a further six months.

Code of Conduct Dispensations

37. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
38. Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
39. Dispensation requests shall be in writing and submitted to the Proper Officer.
40. A dispensation may be granted in accordance with these standing orders if having regard to all relevant circumstances any of the following apply:
- a. 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,
 - b. granting the dispensation is in the interests of persons living in the Council's area, or
 - c. it is otherwise appropriate to grant a dispensation.

Code of Conduct Complaints

41. Upon notification by the Parish 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 him. Such action excludes disqualification or suspension from office.

Proper Officer – Parish Clerk

42. 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.
43. The Proper Officer shall:
- a. at least three clear days before a meeting of the council, a committee or a sub-committee,

- i. 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
 - ii. 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).
- b. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office,
- c. facilitate inspection of the minute book by local government electors,
- d. receive and retain copies of byelaws made by other local authorities,
- e. hold acceptance of office forms from councillors,
- f. hold a copy of every councillor's register of interests,
- g. 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),
- h. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations,
- i. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.

Accounts and Accounting Statements

- 44. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 45. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 46. The Responsible Financial Officer shall supply to each councillor monthly for the Council Meeting a statement to summarise:
 - a. the Council's receipts and payments (or income and expenditure) for each month,
 - b. the Council's aggregate receipts and payments (or income and expenditure) for the year to date,
 - c. the balances held at the end of the month being reported and

which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

47. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- a. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - b. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
48. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

Financial Controls and Procurement.

49. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- a. the keeping of accounting records and systems of internal controls,
 - b. the assessment and management of financial risks faced by the Council,
 - c. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually,
 - d. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments and
 - e. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
50. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
51. 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 18(f) 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).
52. 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.

Management of Information.

53. 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.
54. 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).
55. 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.
56. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

Responsibility to provide Information.

57. 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.
58. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

Responsibilities under Data Protection Legislation.

59. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her/their personal data.
60. The Council shall have a written policy in place for responding to and managing a personal data breach.
61. 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.
62. 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.
63. The Council shall maintain a written record of its processing activities.

Execution and Sealing of Legal Deeds

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

65. Subject to standing order 65, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

Communication with District and County Councillors

66. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor of the District and County Council OR Unitary Council representing the area of the Council.
67. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor representing the area of the Council.

Rules of Debate at Meetings

68. Resolutions 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.
69. A resolution (including an amendment) shall not be progressed unless it has been proposed and seconded.
70. If a resolution (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
71. An amendment is a proposal to remove or add words to a resolution. It shall not negate the resolution.
72. If an amendment to the original resolution is carried, the original resolution (as amended) becomes the substantive resolution.
73. 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.
74. 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.
75. Where a series of amendments to an original resolution are carried, the proposer shall have a right of reply either at the end of debate on the first amendment or at the very end of debate before it is put to the vote.
76. During the debate on 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.
77. A point of order shall be decided by the chair of the meeting and their decision shall be final.
78. When a resolution is under debate, no other resolution shall be moved except:
- a. to amend the resolution,
 - b. to proceed to the next business,
 - c. to adjourn the debate,

- d. to put the resolution to a vote,
- e. to ask a person to be no longer heard or to leave the meeting,
- f. to refer a motion to a committee for consideration,
- g. to exclude the public and press,
- h. to adjourn the meeting or
- i. Before an original or substantive resolution is put to the vote, the chair of the meeting shall be satisfied that the resolution has been sufficiently debated and that the mover of the resolution under debate has exercised or waived their right of reply.

79. Speeches by a councillor shall relate only to the resolution under discussion and shall not exceed 5 minutes without the consent of the chair of the meeting.

Disorderly Conduct at Meetings

80. 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.
81. If a person disregards the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

Standing Orders to be given to Members

82. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery to them of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.

Other

83. Items listed under Appendix A of our Standing Orders dated May 2022 have been subsumed into Council Policies, these Standing Orders or are part of the Councils everyday business.