



# Shildon Town Council

## Standing Orders

### Notes:

- 1) Those Standing Orders printed in **bold type** are compulsory and laid down in Acts of Parliament and Regulations and may not be suspended
- 2) Words of a masculine gender (e.g. he/his) also relate to a feminine gender (e.g. she/her) throughout this document
- 3) All references in these Standing Orders to Chairman and Vice-Chairman of the Council shall be taken to refer to Town Mayor and Deputy Town Mayor as necessary

REVIEWED AND ADOPTED BY THE TOWN COUNCIL - 15<sup>TH</sup> OCTOBER 2018

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## **1. Meetings – General**

- 1.1 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.**
  
- 1.2 When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
  
- 1.3 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.
  
- 1.4 Subject to standing order 1.3 above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
  
- 1.5 The period of time which is designated for public participation in accordance with standing order 1.4 above shall not exceed 15 minutes unless directed by the chairman of the meeting.
  
- 1.6 Subject to standing order 1.5 above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
  
- 1.7 In accordance with standing order 1.5 above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
  
- 1.8 In accordance with standing order 1.7 above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
  
- 1.9 A record of a public participation session at a meeting shall be included in the minutes of that meeting.
  
- 1.10 A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
  
- 1.11 Any person speaking at a meeting shall address his comments to the Chairman.

1.12 Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

1.13 (i) **A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of the Council or its Committees but otherwise may:**

- a. **Film, photograph or make an audio recording of a meeting**
- b. **Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later**
- c. **Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting**

(ii) Arrangements must comply with the Council's Policy for Reporting at Meetings of the Town Council and Committees.

1.14 **The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

1.15 **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**

1.16 **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.**

1.17 **Subject to standing order 1.23 below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

1.18 **The Chairman 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 also standing orders 2.8 and 2.9 below.)**

1.19 **Unless standing orders provide otherwise, voting on any 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.**

1.20 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
- iv. the grant of dispensations, if any, to councillors

v. whether a councillor left the meeting when matters that they held interests in were being considered

vi. if there was a public participation session

vii. the resolutions made

1.21 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.

1.22 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 3.

1.23 If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

1.24 Only in exceptional circumstance shall meetings exceed a period of 3 hours.

## **2 Ordinary Council meetings**

See also standing order 1 above

2.1 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.

2.2 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 may direct.

2.3 If no other time is fixed, the annual meeting of the Council shall take place at 6.30pm.

2.4 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.

2.5 The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.

2.6 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.

**2.7 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 annual meeting of the Council.**

**2.8 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.**

**2.9 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 shall give a casting vote in the case of an equality of votes.**

2.10 Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:

- i. In an election year, delivery by the Chairman of the Council of their declarations of 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**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
- iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- iv. Review of the terms of reference for committees.
- v. Appointment of members to existing committees.
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. In a year of elections, if a Council's period of eligibility to exercise the general power of competence expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- xi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
- xii. To dispose of any other business.

### 3. Proper Officer

3.1 The Council's Proper Officer shall be either (i) the clerk or (ii) other staff member (s) nominated by the Council to undertake the role of the Proper Officer during the Proper Officer's absence.

3.2 The Council's Proper Officer shall:

- i. **Sign and serve on councillors by delivery or post at their residences a signed summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
- ii. **Give public notice of the time, date, venue and agenda at least 3 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).**
- iii. Subject to standing orders 4.1-4.5 below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
- iv. **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3.2i above.**
- v. **Make available for inspection the minutes of meetings.**
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. **Receive and retain declarations of acceptance of office from councillors.**
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings.
- x. Process all requests made under Freedom of Information and Data Protection legislation, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. 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).
- xiii. Arrange for legal deeds to be executed (*See also standing orders 14.1 and 14.2.*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority
- xvi. Refer a planning application received by the Council to the Planning Sub-Committee, or to all Members subject to the nature of the application, within 2 working days of receipt if the nature of a planning application requires consideration before the next ordinary meeting of the Service and

xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4 Motions requiring written notice**

4.1 In accordance with standing order 3.2(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.

4.2 The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.

4.3 If the Proper Officer considers the wording of a motion received in accordance with standing order 4.1 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.

4.4 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

4.5 Having consulted the Chairman or councillors pursuant to standing order 4.4 above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

4.6 Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.

4.7 Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.

**4.8 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.**

## 5 Motions not requiring written notice

5.1 Motions in respect of the following matters may be moved without written notice:

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To dispose of business, if any, remaining from the last meeting.
- vi. To alter the order of business on the agenda for reasons of urgency or expedience.
- vii. To proceed to the next business on the agenda.
- viii. To close or adjourn debate.
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- xi. To receive nominations to a committee or sub-committee.
- xii. To dissolve a committee or sub-committee.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds to be sealed by the Council's common seal and witnessed.  
(*See standing orders 13.1 and 13.2 below.*)
- xvii. To authorise the payment of monies.
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

## 6 Rules of debate

6.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.

6.2 A motion shall not be considered unless it has been proposed and seconded.

6.3 A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

6.4 A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

6.5 A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

6.6 Any amendment to a motion shall be either:

- i. to leave out words;
- ii. to add words;
- iii. to leave out words and add other words.

6.7 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

6.8 Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

6.9 Subject to standing order 6.8 above, one or more amendment may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

6.10 Pursuant to standing order 6.8 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

6.12 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

6.13 If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

6.14 The mover of a motion or the mover of an amendment shall have a right of reply.

6.15 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

6.16 Subject to standing orders 6.14 and 6.15 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.

6.17 During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.

6.18 A point of order shall be decided by the Chairman and his decision shall be final.

6.19 With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

6.20 Subject to standing order 6.16 above, when a councillor's motion is under debate no other motion shall be moved except:

- i. to amend the motion;
- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be silent or for him to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;
- vii. to exclude the public and press;
- viii. to adjourn the meeting;
- ix. to suspend any standing order, except those which are mandatory.

6.21 In respect of standing order 6.20(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon

the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **7. Code of conduct**

*See also model standing order 1.21 above*

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

7.2 All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

**7.3 A Councillor with a disclosable pecuniary interest in relation to any item of business being transacted at a meeting shall not participate in a discussion or vote on the item of business and shall leave the room or chamber whilst that item of business is being transacted.**

**7.4 A Councillor with any other notifiable interest in relation to any item of business being transacted at a meeting shall not vote on the item of business but will be allowed to remain in the room or chamber. If members of the public are allowed to speak at the meeting the Councillor with the interest may also speak.**

**7.5 Where an item of business to be transacted at a meeting relates to a financial interest of a friend, relative or close associate of a Councillor, the Councillor shall disclose the nature of the interest and not vote on the item of business but will be allowed to remain in the room or chamber. If members of the public are allowed to speak at the meeting the Councillor may also speak.**

**7.6 On a written request made to the Council's proper officer, the Council may grant a Councillor a dispensation to participate in a discussion and vote on an item of business to be transacted at a meeting even if the Councillor has a disclosable pecuniary interest or any other notifiable interest if the Council believes that the number of Councillors otherwise prohibited from taking part in the meeting would impede the transaction of the business, or it is in the interests of the inhabitants in the Council's area to allow the Councillor to take part or it is appropriate to grant a dispensation.**

## **8. Minutes**

8.1 If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later

than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

8.2 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5.1(iv) above.

8.3 Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

8.4 If the Chairman of the meeting does not consider the minutes 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 of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”

**8.5 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.**

## **9. Disorderly conduct**

9.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

9.2 If, in the opinion of the Chairman, there has been a breach of standing order 9.1 above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

9.3 If a resolution made in accordance with standing order 9.2 above is ignored, the Chairman may take such further steps as may reasonably be necessary to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **10. Rescission of previous resolutions**

10.1 A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 6 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

10.2 When a special motion or any other motion moved pursuant to standing order 10.1 above has been disposed of, no similar motion may be moved within a further 6 months.

## **11. Voting on appointments**

11.1 Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

## **12. Accounts and accounting statements**

12.1 'Proper practices' in standing orders refer to the most recent version of Governance and Accountability for Local Councils - A Practitioners Guide (England).

12.2 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

12.3 The Responsible Financial Officer shall supply each councillor a monthly statement detailing the Council's receipts and payments for each month, the Council's aggregate receipts and payments for the year to date and a comparison with the budget.

12.4 As soon as possible after the financial year end, the Responsible Financial Officer shall present to the full 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.

12.5 In any event the completed Annual Governance Statement and accounting statements shall be presented to the full Council for consideration and approval before 30th June.

## **13. Execution and sealing of legal deeds**

*See also standing order 5.1(xvi) above*

13.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

**13.2 In accordance with a resolution made under standing order 13.1 above, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **14 Committees**

*See also standing order 1 above*

14.1 The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 7 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 14.1(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

## **15 Sub-committees**

*See also standing order 1 above*

15.1 Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## **16 Extraordinary meetings**

*See also standing order 1 above*

16.1 **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**

16.2 **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

16.3 The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or (sub-committee) at any time.

16.4 If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 2 councillors, any 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 councillors.

## **17 Advisory committees**

*See also standing order 1 above*

17.1 The Council may appoint advisory committees comprised of a number of councillors and non-councillors.

17.2 Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## **18 Budget/precept**

18.1 The Council shall approve a budget and precept requirement for the coming financial year at a meeting before the end of January.

## **19 Canvassing of and recommendations by councillors**

19.1 Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for

appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

19.2 A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

19.3 This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **20 Inspection of documents**

20.1 Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **21 Unauthorised activities**

21.1 Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

## **22 Confidential business and sensitive information**

22.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

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

## **23 General power of competence**

23.1 Before exercising the general power of competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

23.2 The Council's period of eligibility begins on the date that the resolution under standing order 23.1 above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

23.3 After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 23.2 above.

## **24 Matters affecting council employees**

24.1 If a meeting considers any matter personal to a Council employee, it shall not be considered until it has been decided whether or not the press and public shall be excluded pursuant to standing order 1.3 above.

24.2 All grievance and disciplinary matters shall be managed in accordance with the provisions of the relevant policies and procedures of the Council.

24.3 Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

24.4 The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

24.5 Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

24.6 Only persons with line management responsibilities shall have access to employee records referred to in standing orders 24.4 and 24.5 above if so justified.

## **25 Management of Information**

25.1 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.

## **26 Responsibilities to provide information**

26.1 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.

26.2 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).

26.3 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Resources committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3.2(x) above

## **27 Responsibilities under Data Protection Legislation**

27.1 The Council may appoint a Data Protection Officer.

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

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

27.4 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.

**27.5 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.**

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

## **28 Relations with the press/media**

28.1 All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

28.2 In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **29 Liaison with Unitary Councillors**

29.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to all unitary Councillors representing the parish area.

## **30 Financial matters**

30.1 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:

- i. the accounting records and systems of internal control;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
- iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
- v. procurement policies (subject to standing order 30.2 below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.

30.2 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value of in excess of £25,000 shall be procured on the basis of a formal

tender as summarised in standing order 30.3 below. In addition any such contract should comply with the requirements of the Public Contracts Regulations 2015 relevant to each of the contract value thresholds detailed in standing order 30.5 below.

30.3 Any formal tender process shall comprise the following steps:

- i. a specification of the goods, materials, services and the execution of works shall be drawn up;
- ii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
- iii. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least 2 members of the Council;
- iv. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

30.4 Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

30.5 For the purpose of Standing Order 30.2 the current relevant thresholds are:

- I. A public works, public service or public supply contract with an estimated value of £25,000 or more
- II. A public service or public supply contract with an estimated value of £181,302 or more
- III. A public works contract with an estimated value of £4,551,413 or more  
The above thresholds may vary from time to time.

## **31 Allegations of breaches of the code of conduct**

31.1 Upon notification by the Unitary Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 22 above, report this to the Council.

31.2 Where the notification in standing order 31.1 relates to a complaint made by the Proper officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 31.4 below.

31.3 The Council may:

- i. provide information or evidence where such disclosure is necessary an investigation of the

complaint or is required by law

ii. seek information relevant to the complaint from the person or body with statutory responsibility for Investigation of the matter

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

## **32 Variation, revocation and suspension of standing orders**

32.1 Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

32.2 A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## **33 Standing orders to be given to councillors**

33.1 The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.