

STANDING ORDERS

Relating to the Proceedings and Business

**FOR THE
PARISH COUNCIL
OF**

HORDEN

MAY 2018

NOTE:

BOLD BLACK PRINT = MANDATORY STANDING ORDER
BLACK PRINT = DISCRETIONARY STANDING ORDER

INDEX OF MODEL STANDING ORDERS

Standing Order

- 1 Meetings**
 - Notice
 - Public Attendance / Participation
 - Recording Meetings
 - Chairing Meetings
 - Voting
 - Quorum For Meetings
- 2 Ordinary Council Meetings**
 - Annual Council Meeting
 - Election of Chairman / Vice-Chairman
 - Annual Meeting – Order of Business
- 3 Proper Officer**
 - Who
 - Duties
- 4 Motions Requiring Written Notice**
- 5 Motions Not Requiring Written Notice**
- 6 Rules of Debate**
 - Motions and Amendments
 - Seconders Speech
 - Order of Speaking
 - Length and Content of Speeches
 - Member Speaking Again
 - Amendments to Motions
 - Right of Reply
 - Motions which may be moved during Debate
 - Closure Motions
 - Points of Order
 - Personal Explanations
 - Chairman’s Ruling
 - Members Speaking
- 7 Code of Conduct**
- 8 Matters Arising From Previous Meetings**
- 9 Minutes (Draft)**
 - Council Minutes
 - Accuracy
 - Committee Minutes
- 10 Disorderly Conduct at Meetings**
- 11 Rescission of Previous Resolutions**
- 12 Petitions**

- 13 Financial Administration**
 - Financial Regulations
 - Review

14	Execution and Sealing of Legal Documents
15	Committees
	<ul style="list-style-type: none"> • Appointment / Terms of Reference • Alterations / Dissolution • Number of Members • Decisions confirmed by Council / Committee • Quorum • Appointment of Chairman / Vice-Chairman • Voting / Recorded Voting • Committee Dates • Sub-Committee Dates • Attendance by Members • Chairman/ Vice-Chairman Ex-Officio
16	Sub-Committees / Working Groups
	<ul style="list-style-type: none"> • Appointment
17	Advisory Committees
18	Extraordinary Meetings
19	Accounts and Financial Reporting
20	Annual Budget / Precept
21	Co-Option of Councillors
22	Canvassing of and Recommendations by Councillors
23	Appointments
	<ul style="list-style-type: none"> • Procedure on Staff Appointments • Offers of Employment • Voting on Appointments
24	Inspection of Documents
25	Unauthorised Activities – Councillor Restrictions
26	Confidential Business / Sensitive Information
27	General Power of Competence
28	Handling Staff Matters
29	Request for Information
30	Relations with the Press / Media
31	Liaison with Unitary Councillors
32	Code of Conduct Complaints
33	Standing Orders Generally (Variation, Revocation & Suspension)

1. **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)(i) **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.**
- (b)(ii) **The minimum 3 clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- (c) **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.**
- (d)(i) Subject to standing order 1(c) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda of the Council its Committees and specified Sub-Committees. Questions will not be received by the Council which are in furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government minister. A question will not be received by the Council, its Committees and specified Sub-Committees where the issue it concerns has been the subject of a decision of the Council in the last six months.
- (d)(ii) With the exception of the Annual or Extra-ordinary Council Meetings members of the public can submit a written question for the Council agenda as long as it is submitted 7 clear days before the Council meeting date. Questions should relate either to the powers and duties of the Council, or affect the Parish in some way. These will be entered on to a register which will be open to the public for inspection.
- (e) The period of time which is designated for public participation in accordance with standing order 1(d)(i) and 1(d)(ii) above) shall not exceed 20 minutes.
- (f) Subject to standing order 1(e) 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.
- (g)(i) In accordance with standing order 1(d)(i) above, a verbal question concerning an item on the agenda asked by a member of the public during a public participation session at a meeting will normally be taken into account during the subsequent discussion of that agenda item. However, the Chairman may also direct that a response to a question posed by a member of the public be referred to a Councillor for an immediate oral response or to an employee for a written or oral response.

- (g)(ii) Written questions submitted under 1(d)(ii) can be debated by members, however, but no resolution should be made at a meeting based solely on the comments and representations made under a public participation session. If the matter referred to falls under the powers and duties of a particular Committee and if members deem it appropriate, the item can be referred to the next meeting of the relevant Committee.
- (h) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- (i) A person shall raise his hand when requesting to speak.
- (j) Any person speaking at a meeting shall address his comments to the Chairman.
- (k) 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.
- (l)(i) Persons **may not orally report or comment** about a meeting as it takes place if he (she) is present at the meeting of the Council 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.
- (l)(ii) In accordance with (l) (i) (a) above, the Council acknowledges that it is required by legislation to allow any member of the public to take photographs, film and audio record the proceedings and report on all public meetings subject to:
 - (a) The Council acknowledges that no prior permission is required but asks that any person wishing to film or audio record a public meeting let Council staff know in advance that all necessary arrangements can be made for the public meeting.
 - (b) The Council will provide “reasonable facilities” to facilitate reporting.
 - (c) The Council will provide a space to view and hear the meetings. This will not be part of the seating arrangements for the Council itself or an area required by Council staff or invited guests.
 - (d) It is not permitted to provide a running verbal commentary.
 - (e) Public will be excluded from a meeting, under the Council’s Standing Orders, if acting in a disruptive manner. This could be any action or activity which disrupts the conduct of meetings or impedes other members of the public being able to see, hear or film etc. the proceedings.
 - (f) Examples are listed but are not inclusive:

- Moving to areas outside the areas designated for the public without the consent of the Chairman,
 - Excessive noise in recording or setting up or re-siting equipment during the debate/discussion.
 - Intrusive lighting and use of flash photography; and
 - Asking for people to repeat statements for the purpose of recording.
- (g) Recording equipment must be removed from the chamber if at any stage the meeting becomes a meeting to which the press and public are excluded in accordance with the Public Admissions Act 1966.
- (h) Recording equipment must be removed from the chamber if at any point the meeting is closed, either at the conclusion of the meeting or temporarily adjourned.
- (i) No trailing cables or plugging in to sockets of electrical equipment will be permitted.
- (j) Children and vulnerable adults are not to be filmed, recorded or photographed or otherwise reported about where the relevant responsible adult has not given legal guardian, (and in the case of a child, their parent, legal guardian or teacher).
- (k) Part of the public area will be used, if required, for children and vulnerable adults or those public attending who do not wish to be filmed, however, this is within the limitation of the Council Chamber and its layout.
- (l) Persons taking part in the public participation section, excluding children and vulnerable adults as indicated above, may be filmed, recorded or photographed or otherwise reported whether they are in a designated area or not.
- (m) Persons filming meetings etc. are likely to record personal data of individuals. These persons must take care to ensure that personal data is used in accordance with the Data Protection Act 1998.
- (m) In accordance with standing order 1(c) above, 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.**
- (n) 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).**
- (o) 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.**
- (p) 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.**

- (q) **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(i) and (j) below).**
- (r) **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.**
- (s) **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.
- (t) **A councillor or 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 the matter.**
- (u) **No business may be transacted at a council meeting unless at least one third of the whole number of members of the Council are present. The quorum for Committees, Sub-Committees and Working Groups shall be three members.**
- (v) **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.**

2. 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) **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 directs.**

- e) **The election of the Chairman of the Council, shall be the first business completed at the annual meeting of the Council.**
- f) **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.**
- (g) The election of the Vice-Chairman of the Council, shall be the second business completed at the 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) Following the election of the Chairman and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:
 - (i) **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.**
 - (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 references for committees.
 - (v) Receipt of nominations to existing committees.
 - (vi) Appointment of any new committees, confirmation of the terms of reference, the number of members 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 representations on or work with external bodies and arrangements for reporting back, including Member representation on outside bodies.
- (x) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- (xi) Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3. PROPER OFFICER

- (a) The Council's Proper Officer shall be either:
 - (i) the Clerk to the Council or such other employee as may be nominated by the Council from time to time or
 - (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- (b) **The Council's Proper Officer shall do the following:**
 - (i) **Sign and serve on councillors by delivery or post at their residences a 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 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(a) – (e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 clear days before the meeting confirming his withdrawal of it.
 - (iv) **Convene a meeting of full 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(b)(i) and 3(b)(ii) above.**
 - (v) Make available for inspection the minutes of meetings.
 - (vi) **Receive and retain copies of byelaws made by other appropriate 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) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- (x) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- (xi) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- (xii) Arrange for legal deeds to be signed and witnessed (*See also model standing orders 14(a) and (b)*).
- (xiii) 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.
- (xiv) Shall ensure a record of every planning application notified to the Council and the Council's response to the local planning authority be entered in a book for such purposes.
- (xv) To refer a planning application received by the Council to the Chairman or, in their absence, Vice-Chairman of the Finance and General Purposes Committee within two working days of receipt to facilitate an Extraordinary Meeting if the nature of a planning application requires consideration before the next Ordinary Meeting of the Council.
- (xvi) Manage access to information about the council via. the publication scheme.
- (xvii) Manage, action or undertake activity or responsibilities as instructed by resolution or contained in standing orders.
- (xiii) To act with delegated authority as indicated in the Council's Scheme of Delegation.

4. **MOTIONS REQUIRING WRITTEN NOTICE**

- (a) In accordance with standing order 3(b)(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, so that if the meeting is on a Thursday the Notice of Motion must be received on the Thursday before.
- (b) The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.

- (c) If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, nor the proposed resolution to be considered, the motion shall be rejected until the mover of the motion re-submits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting, so that if the meeting is on a Thursday the Notice of Motion must be received on the Thursday before.
- (d) 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.
- (e) The Proper Officer, may, after consultation and agreement, with the mover of the motion, include the proposed motion on the agenda in re-worded format, if, in the Proper Officers opinion it is more expedient to the transaction of Council business to do so.
- (f) Having consulted with Chairman or Councillors pursuant to standing order 4(d) or 4(e) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- (g) Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be retained by the Proper Officer and shall be open to inspection by all Councillors.
- (h) 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 and shall be open to inspection by all Councillors.
- (i) 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

- (a) 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 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 signed by Members of the Council and witnessed. (See standing order 14 below.)
- xvii. To answer questions from Councillors.
- 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 adjourn the meeting.
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To suspend any standing order except those which are mandatory by law**

- (b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6. RULES OF DEBATE

(a) Motions and Amendments

- (i) All motions or amendments shall be moved and seconded. The Chairman has the authority to require motions or amendments to be given to him/her in writing and signed by the mover.
- (ii) Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

(b) Seconders Speech

If a member seconding a motion wishes to speak on it later in the debate she/he must indicate this at the time she/he seconds it.

(c) Order of Speaking

The order of speaking shall be determined by the Chairman.
 When a member speaks she/he will address the Chairman.
 Whilst a member is speaking, no-one else shall speak unless raising a point of order or giving a personal explanation.

(d) Length and Content of Speeches

With the exception of the mover of a motion, no-one shall speak for more than five minutes on any motion unless the Council allows him/her to do so.
Members shall confine the content of their speeches to the subject under discussion.

(e) Member Speaking Again

With the exception of the Chairman, once a member has spoken on a motion she/he can only speak again in the following circumstances:-

- (i) If an amendment has been moved.
- (ii) If the motion has been amended since she/he last spoke, she/he can move a further amendment.
- (iii) If his/her first speech was on an amendment moved by someone else she/he can speak on the substantive motion regardless of whether or not the amendment was carried.
- (iv) To exercise the right of reply under Standing Order No. 15 (g).
- (v) On a point of order.
- (vi) To give a personal explanation.

(f) Amendments to Motions

- (i) When an amendment is moved, it shall be dealt with before any further ones are moved.

When an amendment is carried it shall become the substantive motion following which further amendments can be moved and dealt with.

If no further amendments are moved the Council will then vote on the substantive motion (i.e. either the original motion or the amended one, as the case may be).

- (ii) All amendments must relate to the subject matter of the motion.

The mover of an amendment must state at the beginning of his/her speech that she/he proposes to put forward an amendment.

Amendments must raise issues which are different from those of amendments which have been lost.

They must either add and/or delete words from the motion or refer the motion to a Committee for consideration/reconsideration.

Amendments which amount to direct negatives to motions are not permitted.

- (iii) A member moving a motion (but not one on which she/he has given notice) can, with the approval of the Council (given without discussion) and his/her

seconded, alter the motion if the alteration is one which could be made as an amendment.

- (iv) The mover of a motion for the approval of Committee Minutes may if she/he wishes, include suggested amendments to the Minutes.

(g) Right of Reply

The mover of every substantive motion has a right of reply. This is exercised at the close of the debate on the motion, immediately before it is voted upon. The mover of an amendment does not have a right of reply.

Where an amendment is moved the mover of the original motion also has a right of reply at the end of the debate on the amendment.

This right of reply is confined to answering arguments or objections which have arisen during the debate.

(h) Motions which may be moved during Debate

Whilst a motion is being debated the only other motions which can be moved are:-

- (i) to amend it;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate;
- (iv) to proceed to the next business;
- (v) that the question be now voted upon;
- (vi) under Standing Order No. 5 (a) (xxi) that a member be not allowed to speak any further;
- (vii) under Standing Order No. 5 (a) (xxi) that a member should leave the meeting;
- (viii) motions to exclude the public under Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960.

(i) Closure Motions

- (i) If, during a debate, it is moved and seconded that the Council should proceed to the next business, the Chairman will consider this. If she/he agrees she/he will give the mover of the motion the right to reply and will then take a vote on the proposal to proceed to the next business.
- (ii) If, during a debate, it is moved and seconded that the question be now voted upon, the Chairman will consider this. If she/he agrees a vote will be taken on

the proposal. If it is passed the mover of the original motion will be given a right of reply and his/her motion will then be voted upon.

- (iii) If, during a debate, it is moved and seconded that the debate should be adjourned, the Chairman will consider this. If she/he agrees, a vote will be taken on the proposal, but the mover of the original motion will not be given the right to reply.

(j) Points of Order

Members can, at any time, raise points of order.

Points of order relate only to alleged breaches of Standing Orders or statutory provisions and members raising them must specify the Standing Order or statutory provision and why they consider they have been broken.

(k) Personal Explanations

Members can, with the Chairman's permission, give personal explanations on matters referred to by other members.

A personal explanation should be confined to a relevant part of a member's previous speech which may have been misunderstood.

(l) Chairman's Ruling

The Chairman's ruling on points of order or personal explanations is final.

(m) Members Speaking

Members will whilst speaking, address other members and officials by their respective titles.

No-one should speak whilst the Chairman is speaking.

7. **CODE OF CONDUCT**

(a) All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.

- (b) Unless he has 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 he has a disclosable prejudicial or pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

- (c) If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

- (d) Unless he has 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 he has

another interest if so required by the Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he had the interest.

- (e) **Requests for a dispensation must be received on the pro-forma application by the Clerk to the Council (Proper Officer)** before office closure on the day preceding the relevant meeting.
- (f) A decision as to whether to grant a dispensation shall be made by a meeting of the Council or Committee or Sub-committee for which the dispensation is required and that decision is final.
- (g) Delegated powers are given to Committees in order to deal with dispensation requests that are relevant to that Committee. (See Scheme of Delegation).
- (h) A dispensation may be granted in accordance with standing order 7(e) above if having regard to all relevant circumstances the following applies:
 - (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 or
 - (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.
- (i) Subject to standing orders 7(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.

8. QUESTIONS PUT TO OFFICERS IN MEETINGS

- (a) If a Member wishes to ask questions, or otherwise seek clarity on any item of information published in an agenda, they must, in the first instance, raise their request with the Proper Officer prior to the meeting to obtain the required clarification; this will save time during meetings.
- (b) **Questions relating to matters arising**
 - (i) The Clerk will provide a short summary on the progression of resolutions made from the previous meeting which will be included as a standard item on the agenda.
 - (ii) With the approval of the Chairman, members ask questions relating to matters arising, accepting that time constraints may apply.
 - (iii) No discussion nor resolution will be allowed following questions asked under this Standing Order (8. b.).

(c) **Questions relating to matters on an agenda**

(i) With the approval of the Chairman, members ask questions relating to agenda items, accepting that time constraints may apply.

(d) **Answers to Questions**

Answers to questions asked under Standing Order 8 can take any of the following terms:-

- Direct oral answers
- If the information sought is contained in a particular publication, a reference to the publication can be given.
- A written answer which should be sent to all members.
- The person of whom a question is asked has the option of not giving an answer and a reason be given.

9. MINUTES (DRAFT)

(a) If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

(b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5(a)(iv).

(c) The accuracy of draft minutes, including any amendment(s) made to them, 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.

(d) 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 (.....) in respect of (.....) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

(e) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes and recordings of the meeting for which approved minutes exist shall be destroyed.

(f) **Consideration of Committee Minutes – by Council**

When the Minutes of a Committee have been moved and seconded, members may ask questions about them.

The mover of the Minutes will reply or will request another member to reply.

After the replies to questions, discussion will be invited.

The mover of the Minutes will then reply or will request another member to reply.

Members who have asked questions shall not be precluded from discussions.

10. **DISORDERLY CONDUCT AT MEETINGS**

- (a) 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.
- (b) If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- (c) If a resolution made under standing order 10(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

11. **RESCISSION OF PREVIOUS RESOLUTIONS**

- (a) 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 five councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- (b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12. **PETITIONS**

Petitions may be received at (ordinary) meetings of the Council provided that the petition is received by the Clerk no later than mid-day five working days before the day of the meeting and is signed by at least 10 electors within the Parish.

Petitions may only be about a matter for which the Council has a responsibility or which affects the Parish.

Petitions will not be received by the Council which are in furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government minister.

A petition will not be received by the Council where the issue it concerns has been the subject of a petition in the last six months or a decision of the Council in the last six months.

One signatory to the petition may speak on the petition for no more than 5 minutes.

No discussion shall take place on the petition. A member may move that the petition be referred to the next meeting or to a committee or to another body. Once seconded, the motion will be voted on without discussion.

No more than 2 petitions will be received at a meeting.

13. **FINANCIAL ADMINISTRATION**

- (a) **The Council's financial regulations shall be reviewed once a year.**
- (b) All Committees, etc., of the Council and all Council officers must abide by the Financial Regulations adopted by the Council in accordance with Section 151 of the Local Government Act, 1972 and the Account and Audit Regulations 2003.
- (c) All Committees of the Council and all Council Officers must abide by the Financial Regulations and/or Standing Orders relating to Contracts and Procurement in undertaking any procurement activity.

14. **EXECUTION AND SIGNING OF LEGAL DEEDS**

- (a) A legal document shall not be executed as a Deed on behalf of the Council unless the same has been authorised by a resolution.
- (b) In accordance with a resolution made under standing order 14(a) above, the Chairman of the Council and Vice-Chairman or other Members, as directed by the Council shall sign Deeds on behalf of the council in the presence of, attested and signed by the Proper Officer.

15. **COMMITTEES**

- (a) The Council at its Annual Meeting shall appoint such committees as it may determine and may at any time appoint such other committees as are necessary to carry out the work of the Council, but, subject to any statutory provision in that behalf:-
 - (i) shall determine their terms of reference.
 - (ii) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting of the Council.
 - (iii) may at any time dissolve or alter the membership of a Committee.
- (b) The Council shall at each Annual Meeting appoint members to serve on the said committees for the ensuing year. In the event of a vacancy occurring in the membership of such a committee by resignation or other cause during the course of the year, an appointment shall be made by the Council to fill the vacancy at the next following meeting of the Council.

- (c) **At the Annual Meeting of the Council or at the time of the appointment of Committees the Council shall determine the number of members and may include non-councillors on the Committee, unless it is a Committee which regulates and controls the finances of the Council.**
- (d) With the exception of those matters dealt with under delegated powers, all decisions made by the Committees are subject to confirmation by the Council.
- (e) Every Committee appointed by the Council may, subject to confirmation by the Council, appoint sub-committees, working groups and advisory bodies for purposes to be specified by the Committee.
- (f) Decisions taken by sub-committees, working groups and advisory bodies must be endorsed by their committees and by the Council unless they have been given delegated powers.
- (g) Standing Order 15 (save for Standing Order 15 (e)) and Standing Order 10 shall apply to meetings of Committees, Sub-Committees, Working Groups and Advisory Bodies.
- (h) Unless required otherwise by law, or by a decision of the Council, the quorum for Committees, Sub-Committees, Working Groups and Advisory Bodies is three members.
- (i) Unless required otherwise by law, or by a decision of the Council, the Chairman and Vice-Chairman of each committee shall be the person so appointed by the Council for the year. In the absence of the Chairman and Vice Chairman from a meeting, a Chairman for the meeting shall be appointed by the members present for the conduct of the meeting.
- (j) Voting at a meeting of a committee, sub-committee, working group or advisory body shall be determined by show of hands of the members present and entitled to vote. The Chairman shall have a casting vote.
- (k) Members can, if they wish, have recorded in the minutes the way in which they voted on a particular question (See also Standing Order No. 1(r)).
- (l) The minutes of Committees shall be printed and sent to each member of the Council with the summons for the Council Meeting at which they are to be presented.
- (m) All ordinary meetings of committees, the dates of which shall have been fixed by the Council at its Annual Meeting, shall be summoned by the Clerk. All other meetings of committees and of sub-committees, working groups and advisory groups shall be summoned by the Clerk after consultation with the Chairman thereof. When neither the Chairman nor the Vice-Chairman concerned can be consulted, the Clerk may convene any meeting for the transaction of urgent business.
- (n) The Clerk, on the instruction of the Chairman of a committee or sub-committee may summon a special meeting of such committee or sub-committee at any time, subject to the statutory notice periods for meetings being observed.

- (o) Any member of the council may attend any meeting of a committee or sub-committee (except for the Personnel and Appeals Sub-Committees) of which he/she is not a member, but shall not speak thereat except by the permission of the committee or sub-committee.
- (p) A member of the Council who is not a member of a committee or sub-committee at which he/she attends shall not be permitted to vote on any subject before the committee or sub-committee.
- (q) The Chairman and Vice-Chairman shall be ex-officio members of all committees with the exception of the Personnel Sub-Committee and Appeals Sub-Committee. The Chairman will be a member of the Personnel Sub-Committee and the Vice-Chairman will be a member of the Appeals Sub-Committee but neither shall be a member of both.

16. **SUB-COMMITTEES / WORKING GROUPS**

- (a) **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.**
- (b) Unless there is a Council resolution to the contrary, every committee may appoint a Working Group whose terms of reference shall be determined by resolution of the committee. (Working Groups are not subject to Standing Order 1 above).

17. **ADVISORY COMMITTEES**

- (a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- (b) **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

18. **EXTRAORDINARY MEETINGS**

- (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 7 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.**
- (c) The Chairman of a Committee or a Sub-Committee may convene an extraordinary meeting of the Committee or the Sub-Committee at any time.
- (d) 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 by to do so by 2 members of the Committee or the Sub-Committee, any 2 members of the Committee and the Sub-Committee may convene an extraordinary meeting of a Committee and a Sub-Committee.

19. **ACCOUNTS AND FINANCIAL REPORTING**

- (a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- (b) The Responsible Financial Officer shall supply to each councillor a budgetary control report summarising the Council's income and expenditure for each month and the balances held at the end of the month. This statement should include a comparison with the budget for the financial year.

The Council's statement of accounts will be prepared in accordance with proper accounting practices presenting fairly the council's annual position and income and expenditure for the year to the 31 March and shall be presented to, and approved, by the Council by the end of June.

The Statement of Accounts of the Council is subject to external audit. The Audit must be completed and the accounts published by the 30 September.

20. **ANNUAL BUDGET / PRECEPT**

The Council will prepare written revenue and capital budgets for the coming financial year and approve these and set the annual precept at a meeting of the Council by the 31st January.

21. **CO-OPTION OF COUNCILLORS**

When a vacant seat is not filled via election, the process for filling the vacancy shall be as follows:-

- a) The Clerk shall draw up a notice to advertise a vacancy for co-option
- b) The notice shall be placed as a minimum in the SWC, Post Office and Library plus such other places as determined by the Council within the ward where the vacancy exists.
- c) The notice shall be placed for not less than 14 calendar days inviting any interested party to apply to the Council, in writing, advising why they wish to become a Councillor.
- d) All applicants shall be invited to the following meeting of the Council to make a presentation to the Council.
- e) In the event of there being more applicants than vacant posts, voting shall take place by signed ballot. In the event of there being no clear majority vote, the candidate with the least votes shall be eliminated and the votes recast until such time as a clear majority vote is determined.

22. **CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS**

- (a) Candidates for Council appointments will be disqualified if they directly or indirectly canvass members of the Council.

This paragraph will be referred to in application forms.

- (b) Members of the Council shall not use their influence to obtain Council appointments for anyone.
- (c) Candidates who know they are related to any member or Senior Officer must disclose this on their applications.

Anyone failing to disclose a relationship will be disqualified and, if they have already been appointed when the matter comes to light, they may be liable to dismissal.

If any member or Officer knows a particular candidate they should disclose this.

The Clerk should report any disclosures to the Council.

People will be regarded as related if they or their spouse have one of the following relationships with members / senior officers or with their spouses or partners, namely:

- Spouse/Partner
- Parent Parent-in-law
- Son Daughter
- Step-Son Step-Daughter
- Child of Partner Brother
- Sister Grandparent
- Grandchild Uncle
- Aunt Nephew
- Niece

23. **APPOINTMENTS**

(a) **Procedure on Appointments**

- (i) The Personnel Sub-Committee may make recommendations to the Council in relation to the establishment, and no new office or post shall be created, nor any person employed in addition to the establishment (save for casual employees) except as approved by the Council.
- (ii) Where it is proposed to fill a vacancy for a permanent post on the establishment, (casual employees excepted i.e. casual bar staff), to create an additional post or to amend the terms and conditions of a post, the Clerk shall as a first step submit a report to the Personnel Sub-Committee seeking authority to do so.
- (iii) That report shall:
- (a) specify the proposed duties and general job description of the post.

- (b) recommend the proposed grade and salary for the post such recommendation to be subject to job evaluation in relation to new posts or where changes are proposed to the terms and conditions of existing posts.
 - (c) set out the essential and desired requirements for the person specification.
 - (d) set out proposals for advertising the post.
 - (e) indicate whether it is proposed initially to seek to fill the post from within the existing establishment.
 - (f) advise on the financial implications.
 - (g) The Personnel Sub-Committee, shall consider the report and make recommendations regarding the report to the Council.
- (iv) Subject to the recommendations of the Personnel Sub-Committee meeting council approval;
- (a) The Clerk shall advertise the post in accordance with the most effective, cost efficient means available.
 - (b) The Personnel Sub-Committee select a short list from such qualified applicants.
 - (c) The Personnel Sub-Committee shall interview shortlisted applicants for posts and the Personnel Sub-Committee shall have the delegated power by the Council to appoint.

(b) **All offers of employment shall be subject to:**

- A minimum of two satisfactory references.
- A satisfactory medical report.
- A probationary period of 6 months.
- The production of proof of qualifications claimed.

(c) The Council will interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities.

(d) **Voting on Appointments**

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.

24. **INSPECTION OF DOCUMENTS**

- (a) Subject to statutory and common law rights of access, 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 un-redacted minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

- (b) Councillor access to documents must be requested via the Clerk. The Clerk will then determine the councillor's right to access based on statutory and common law right and the "need to know" principle.

25. **UNAUTHORISED ACTIVITIES – COUNCILLOR RESTRICTIONS**

- (a) 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 give directions.

26. **CONFIDENTIAL BUSINESS / SENSITIVE INFORMATION**

- (a) The Council (Councillors and staff) shall not disclose or otherwise undermine confidential or sensitive information, which for special reasons would not be in the public interest.
- (b) Council information containing confidential or sensitive information in line with Data Protection Act 1998 and the Freedom of Information Act 2000 must be treated in accordance with the Acts.
- (c) Publically available information which contains sensitive or confidential material must be published in redacted form.

27. **GENERAL POWER OF COMPETENCE (England)**

- (a) 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 set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 and the Council qualifies as an eligible Parish Council.
- (b) The Council's period of eligibility begins on the date that the resolution under Standing Order (a) above was made and expires on the day before the Annual Meeting of the Council that takes place in a year of ordinary elections.

- (c) If the Council loses its qualified Clerk or has insufficient elected Councillors then it must record its ineligibility at the next 'relevant' annual meeting of the Council (after the ordinary election). If the Council has already started an activity it can finish that but not start anything new.

28. **HANDLING STAFF MATTERS**

- (a) A matter personal to a member of staff that is being considered by a meeting of Council or Committee or Sub-Committee is subject to standing order 26 above.
- (b) Matters pertaining to staff will be dealt with under relevant Council policies as appropriate to the matter under consideration.
- (c) 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.
- (d) The Council shall keep all written and electronic records relating to employees secure.
- (e) Only persons with line management responsibilities shall have access to staff records referred to in standing orders 28(c) and 27(d) above if so justified.

29. **REQUESTS FOR INFORMATION**

- (a) All requests for information held by the Council shall be processed in accordance with handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1988.

30. **RELATIONS WITH THE PRESS / MEDIA**

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be cleared by the Clerk in consultation with the Chairman of the Council or the Chairman of the relevant Committee, if required.
- (b) Press reports from the Council, its Committees, or Working Groups should be from the Clerk or an authorised officer or via the reporter's own attendance at a meeting.
- (c) Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, Councillors who are asked for a comment by the press should make it clear that it is a personal view and indicate that it be clearly reported as their personal view.

31. **LIAISON WITH UNITARY COUNCILLORS**

- (a) The council will send copies of agendas and papers to Durham County Council upon request.
- (b) The Council will inform local Unitary Councillors of any local views or information relating to their responsibilities.

32. **CODE OF CONDUCT COMPLAINTS**

- (a) Upon notification by the County Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 7 above, report to the Council.
- (b) Where the notification in standing order 32(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Deputy Clerk shall 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 32(a).
- (c) The Council may:
 - (i) provide information or evidence where such disclosure is necessary to progress 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;

33. **STANDING ORDERS GENERALLY- VARIATION, REVOCATION AND SUSPENSION**

- (a) At a Council meeting or a meeting of a committee or sub-committee 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.
- (b) 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 a majority of the councillors at a meeting of the Council vote in favour of the same.
- (c) **Standing Orders to be given to Councillors**

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.
- (d) **Interpretation of Standing Orders**

The Chairman's decision as to the application of standing orders at meetings shall be final.

These Standing Orders were approved by Horden Parish council at their meeting on: 10th May 2018

Minute Reference: HPC 18/19/006