

Longwick cum Ilmer Parish Council Standing Orders 2020



Longwick-cum-Ilmer Parish Council

Adopted on 20th October 2020

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1.Meetings generally:

a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.

b 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.

c 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.

d If a resolution made under standing order 2(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.

e 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.

f The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

g 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.

h Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

i Subject to standing order 1(j), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

j A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

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

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

m The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

n Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.

o The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote.

p Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

q The minutes of a meeting shall include an accurate record of the following:

1. the time and place of the meeting;
2. the names of Councillors present and absent;
3. interests that have been declared by Councillors;
4. whether a Councillor left the meeting when matters that they held interests in were being considered;
5. if there was a public participation session; and
6. the resolutions made.

r A Councillor 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/her right to participate and vote on that matter.

s No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.

t If a meeting is or becomes inquorate no business shall be transacted. The business on the agenda for the meeting shall be adjourned to another 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 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 decides.

c In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.

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

e The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.

f The Vice-Chairman of the Council, if there is one, unless he/she 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.

g In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he/she 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.

h In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she 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.

i 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 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/her 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;
- iii. Review and adoption of appropriate standing orders and financial regulations;
- iv. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- v. Review of representation on or work with external bodies and arrangements for reporting back;
- vi. Review of inventory of land and assets;
- vii. Confirmation of arrangements for insurance cover in respect of all insured risks;

- viii. Review of the Council's and/or staff subscriptions to other bodies;
- ix. Review of the Council's complaints procedure;
- x. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation;
- xi. Review of the Council's policy for dealing with the press/media;
- xii. Review of the Council's employment policies and procedures;
- xiii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xiv. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.

3. Extraordinary meetings of the Council:

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

b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.

4. Previous resolutions:

a A resolution shall not be reversed within six months except either by a special motion, which requires notice to be given to the Proper Officer at least 3 clear days before the meeting.

b When a motion moved pursuant to standing order 4(a) above has been disposed of, no similar motion may be moved within a further six months.

5. Voting on appointments:

a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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

a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.

d Subject to standing order 6(c) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

7. Motions at a meeting that do not require written notice:

The following motions may be moved at a meeting without written notice to the Proper Officer;

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to appoint a person to preside at a meeting;
- v. to change the order of business on the agenda;
- vi. to proceed to the next business on the agenda;
- vii. to require a written report;
- viii. to appoint a committee or sub-committee and their members;
- ix. to extend the time limits for speaking;
- x. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xi. to not hear further from a Councillor or a member of the public;
- xii. to exclude a Councillor or member of the public for disorderly conduct;
- xiii. to temporarily suspend the meeting;
- xiv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
to adjourn the meeting; or
- xv. to close a meeting.

8. Management of information:

a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

9. Draft minutes:

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 7(a)(i) above.

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/she 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/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

e If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 17(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

10. Code of conduct and dispensations:

(See also standing order 1(r) above).

a All Councillors shall observe the code of conduct adopted by the Council.

b Unless he/she has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.

c Unless he/she has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.

d Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

f A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

g Subject to standing orders 10(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

h A dispensation may be granted in accordance with standing order 10(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.

11. Code of conduct complaints:

a 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 8 above, report this to the Council.

b Where the notification in standing order 11(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member or Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined [(England) and the Council has agreed what action, if any, to take in accordance with standing order 11(d) below].

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;

d 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 him. Such action excludes disqualification or suspension from office.

12. Proper Officer:

a The Proper Officer shall be either

- (i) the clerk or
- (ii) (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

- i. at least three clear days before a meeting of the Council, a committee and a subcommittee, serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
- ii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office;
- iii. facilitate inspection of the minute book by local government electors;
- iv. receive and retain copies of byelaws made by other local authorities;
- v. hold acceptance of office forms from Councillors and a copy of every Councillor's register of interests;
- vi. assist with responding to requests made under the freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- vii. act as Data Controller of the Council and receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- viii. 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 and other legitimate requirements
- ix. arrange for legal deeds to be executed;
- x. 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; application notified to the Council and the Council's response to the local plan

13. Responsible Financial Officer:

- a. The Clerk is the Responsible Financial Officer for Longwick cum Ilmer Council. The Council shall appoint appropriate staff member(s), temporary if necessary, to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

14. Accounts and accounting statements:

a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.

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

c The Responsible Financial Officer shall supply to each Councillor before an ordinary Council meeting:

- i. the Council's receipts and payments to date;
- ii. the balances held to date which includes a comparison with the budget for the financial year.

d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's receipts and payments for the year to date for information; and
- ii. 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.

e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be adopted at May meeting and presented to the Council for consideration and formal approval before end of June.

15. Financial controls and procurement:

a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments

b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 15(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

d Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- 1.A specification for the goods, materials, services or the execution of works shall be drawn up;
- 2.An invitation to tender shall be drawn up to confirm the Council's specification
- 3.The time, date and address for the submission of tenders
- 4.The date of the Council's written response to the tender and
- 5.The prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
- 6.The invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- 7.Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 8.Tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
- 9.Tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

f When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition, the reason shall be embodied in a recommendation to the Council (eg urgent Health & Safety requirements).

g A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU. This requirement is subject to review post Brexit.

h A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

16. Handling staff matters:

a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 8 above.

b Subject to any Council policy regarding absence from work, the Council's employee(s) shall notify the chairman or, if he/she is not available, the vice-chairman of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.

c The chairman or in his/her absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of clerk. The reviews and appraisal shall be reported and is subject to approval by the Council.

d Subject to the Council's policy regarding the handling of grievance matters, the Council's employee(s) shall contact the chairman or in his/her absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by the Council.

e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee(s) relates to the chairman or vice-chairman, this shall be communicated to another member of the Council to report back and be progressed by the Council.

f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 16(f) and (g) above if so justified.

i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 16(f) and (g) above shall be provided only to the clerk and/or the Chairman of the Council.

17. Responsibilities to provide information:

(See also Standing order 18)

a 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.

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

18. Responsibilities under Data Protection legislation:

(See also Standing order 8)

a The Council may appoint a Data Protection Officer.

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

c The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

d The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

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

19. Relations with the press/media:

Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

20. Execution and sealing of legal deeds:

(See also standing orders 12(b)xi)

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

b Subject to standing order 20(a) above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures. The above is applicable to a Council without a common seal.

21. Communicating with Unitary Councillors:

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillors of the Unitary Council representing the area of the Council.

22. Restrictions on Councillor activities:

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

23. Standing orders generally:

- a** All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b** A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed in accordance with standing order 6 above.
- c** The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he/she has delivered his/her acceptance of office form.
- d** The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final. These Standing Orders to be reviewed annually at the September meeting.

Approved: September 2020

Chair:

Date: