

EAST BERGHOLT PARISH COUNCIL

STANDING ORDERS

Updates Approved/Adopted Parish Council Meeting – 10th October 2019/

Review Body: Strategy, Policy & Finance Committee to Full Statutory Parish Council;

Review Period: Annually;

Next Review: October 2020.

Index

Standing order		Page	Standing order		Page
1	Meetings	2/3/4	20	Estimates/precepts	16
2	Statutory Council meetings	4/5	21	Canvassing of and recommendations by councillors	16
3a	The Clerk	5	22	Inspection of documents	16
3b	Proper Officer	5/6			
3c	The Chairman	7			
4	Motions requiring written notice	7/8	23	Unauthorised activities	16
5	Motions not requiring written notice	8/9	24	Confidential business	17
6	Rules of debate	9/10	25	General Power of Competence	17
7	Code of conduct	11	26	Matters affecting council employees	17/18
8	Questions	11	27	Freedom of Information Act 2000	18
9	Minutes	11/12			
10	Disorderly conduct	12	28	Relations with the press/media	18
11	Rescission of previous resolutions	12	29	Liaison with County, District and Unitary Councillors	18
12	Voting on appointments	12	30	Financial matters	19
13	Expenditure	12			
14	Execution & sealing of legal deeds	13	31	Allegations of breaches of the code of conduct	19/20
15	Committees	13/14	32	Variation, revocation and suspension of standing orders	20
16	Working Parties	14	33	Standing orders to be given to councillors	20
17	Advisory Committees.	15			
18	Extraordinary meetings.	15	34	Responsibilities under the General Data Protection Regulation (GDPR) 2018	21
19	Accounts and Financial Statement	15/16			

1. Meetings

- a Meetings of the Council shall be held at the Lambe School at 7.30pm unless otherwise decided at a previous meeting.**
- b 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.**
- c When calculating the 3 clear days, 7days for the Annual Parish meeting, 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.**
- d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by the following resolution:

"The Public Bodies (Admission to Meetings Act 1960 and the Local Government Act 1972 ss 100 and 102), the Council/Committee is asked to consider and agree to exclude the Public and the Press, that in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be excluded and they are instructed to withdraw.**
- e Subject to standing order 1(d) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business.**
- f The period of time which is designated for public participation in accordance with standing order 1(e) above shall not exceed 30 minutes unless otherwise agreed.**
- g Subject to standing order 1f) 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 and for a total of 30 minutes.**
- h In accordance with standing order 1(d) 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.**
- i In accordance with standing order 1(h) 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.**

- j** A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- k** 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.
- l** Any person speaking at a meeting shall address his comments to the Chairman. 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
- m** **A Member of the Public present at a meeting may not provide an oral or oral commentary about a meeting as it takes place without permission.**
- n** **Subject to 3 (m) above. 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 or make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting, so that the report or commentary is available as the meeting takes place or later to persons not present.**
- n** **In accordance with standing order 1(d) 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.**
- o** **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).**
- p** **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 and not beyond the meeting.**
- q** **Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- r** **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.)**
- s** **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. Abstentions shall not be recorded. 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.**

t The minutes of a meeting shall record the names of councillors present and absent.

u The Suffolk Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

*in this sense absent means not available in person

**Clerk approaches any Standing Committee Chair available

v 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 the quorum of a meeting be no less than 5.

w 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.

x Each meeting shall not exceed a period of 2 hours unless otherwise agreed by formal proposal.

2. Statutory Council meetings

See also standing order 1 above

a In an election year, the annual Parish Council meeting 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 Parish Council meeting shall be held on the second Thursday in May.

c If no other time is fixed, the Annual Parish Council meeting shall take place at 7.30pm.

d On the second Thursday of each month there will either be a Full Council meeting or a Statutory Council meeting. In addition to the Annual Parish Council meeting in May, at least five other Statutory Council meetings shall take place in the months of January, March, July, September, November. Full Council Meetings will take place in the months of February, June, August, October, December, with the Annual Parish meeting in April.

e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Parish Council meeting.

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 Parish Council meeting.

g 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 Parish Council meeting.

- h** 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.
- i** 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.
- j** Following the election of the Chairman and Vice Chairman of the Council at the Annual Parish Council, the order of business shall be as follows.

 - a. In an election year, delivery by councillors of their declarations of acceptance of office.

 - i. 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.
 - ii. Review of the terms of references for committees.
 - iii. Appointment of committee members.
 - iv. Review and adoption of appropriate standing orders and financial regulations.
 - v. Establishing or reviewing the Council's complaints procedure.
 - vi. Establishing or reviewing the Council's policy for dealing with the press/media
 - vii. Review of the Council's employment policies and procedures
 - viii. Review of the Council's expenditure incurred under S137, S138B and Section 142 of the Local Government Act 1972 or the General Power of Competence

3a The Clerk

- a** The Clerk is employed by the Council (under section 112 (1) of the Local Government Act 1972) to provide administrative support for the Council's activities.
- b** Any other staff, although employed by the Council, shall answer to the Chairman of the relevant committee who is their manager and is responsible for their performance.
- c** The Clerk's primary responsibility is to advise the Council on whether its decisions are lawful and to recommend ways in which decisions can be implemented. To help with this, the Clerk can be asked to research topics of concern to the Council and provide unbiased information to help the Council to make appropriate choices.

- d The Clerk has a wide range of other responsibilities which are set out in his/her job description.
- e The Clerk must recognise that the Council is responsible for all decisions and that he/she takes instructions from the Council as a body.
- f The Clerk is not answerable to any individual Councillor, not even the Chairman. The Council must be confident that the Clerk is, at all times, independent, objective and professional.

3b Proper Officer

- a The Council's Proper Officer shall be the clerk or 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. **Serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Office thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), at least 3 clear days before the meeting and for a meeting of a committee in accordance with rules approved by Council 8 September 2005.**
 - 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 the Chairman or councillors is signed by them). Provide in a conspicuous place, public notice of the time, place and agenda.**
 - 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 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] above.**
 - v. **Facilitate inspection of the minute book by local government electors.**
 - 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 the Freedom of Information Act 2000 and the GDPR (General Data Protection Regulation) 2018, 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.** Manage the organisation, storage of and access to information held by the Council in paper and electronic form whilst complying with the GDPR 2018.
- xiii.** Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
- 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 for such purpose;
- xvi.** Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

3c The Chairman

- a** The Chairman is elected by the members of the Council at the Annual Parish Council meeting and serves for twelve months (Section 15 (1) of the Local Government act 1972). A Chairman may only serve for 2 consecutive years in any one Council term. The out-going Chairman, if prepared, can be re-elected in the absence of any other nominee being willing to stand.
- b** The Chairman's main role is to run Council meetings.
- c** He/she can suggest the content and design of the agenda, but as legal signatory, the Clerk has the final say.
- d** The Chairman is responsible for ensuring that effective and lawful decisions are taken at meetings of the Council and, assisted by the Clerk, guides activities by managing the meetings of the Council.
- e** The Chairman is responsible for involving all Councillors in discussion and ensuring that Councillors keep to the point.
- f** The Chairman summarises the debate and facilitates the making of clear Resolutions and is responsible for keeping discussions moving so that the meeting is not too long.
- g** The Chairman has a casting vote. His/her first vote is a personal vote as a member of the Council. If there is a tied vote, the Chairman can have a second, casting vote. They have no other voting privileges. Their first personal vote must be recorded as for, against, or abstention.
- h** The Chairman will often be the public face of the Council and will represent the Council at official events. He/she may be asked to speak on behalf of the Council and, in such

circumstances, should only express the agreed views of the Council and not his/her personal views.

- i The Chairman cannot legally make a decision on behalf of the Council.

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.
- 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, 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.
- 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 a meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f 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 accuracy of the minutes of the previous meeting.
 - iii. To correct an inaccuracy in the minutes of the previous meeting.
 - iv. To dispose of business, if any, remaining from the last meeting.
 - v. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vi. To proceed to the next business on the agenda.

- vii. To close or adjourn debate.
 - viii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - ix. To appoint a committee or sub-committee or any councillors (including substitutes)thereto.
 - x. To receive nominations to a committee or sub-committee.
 - xi. To dissolve a committee or sub-committee.
 - xii. To note the minutes of a meeting of a committee or sub-committee.
 - xiii. To consider a report and/or recommendations made by a committee or a sub- committee or an employee.
 - xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xv. To authorise legal deeds signed by two councillors and witnessed.
(See standing orders 14(a) and (b) below.)
 - xvi. To extend the time limit for speeches.
 - xvii. To exclude the press and public for all or part of a meeting.
 - xviii. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xix. To give the consent of the Council if such consent is required by standing orders.
 - xx. **To suspend any standing order except those which are mandatory by law.**
 - xxi. To adjourn the meeting.
 - xxii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxiii. To answer questions from councillors.
 - xxiv. To agree urgent, unforeseen action/business.
- 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 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.
- b** Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c** 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 unless adopted by another councillor.
- d** 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.

- e** 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.
- f** 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.
- g** A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h** 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.
- i** Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j** Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k** If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l** 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.
- m** The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 2 minutes.
- n** 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.
- o** Subject to standing orders 6(m) and (n) 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.
- p** 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.

- q** A point of order shall be decided by the Chairman and his decision shall be final but must not contravene Standing Orders.
- r** 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.
- s** Subject to standing order 6(o) 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.
- t** In respect of standing order 6(s)(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 (Suffolk Local Code of Conduct adopted 10th July 2014)

- a** All Councillors shall observe the Code of Conduct adopted by the Parish Council on 10 July 2014.
- b** Councillors requiring dispensation for Disclosable Pecuniary Interest (DPI) or Local Non-Pecuniary Interest (LNPI) must apply in writing to the Clerk on the designated form.

8. Questions

- a** A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b** Every question shall be put and answered without discussion.
- c** Any question regarding formal clarification, the Clerk shall make a written request to the

appropriate advisory body.

9. Minutes

- a** 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.
- b** 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(a) (iii) above.
- c** 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.
- 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 East Bergholt Parish Council 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.”
- e** Subject to the publication of draft minutes as detailed above 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. Disorderly Conduct

- a** No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b** If, in the opinion of the Chairman, there has been a breach of standing order 10(a) 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.
- c** If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn 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 7 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. Voting on appointments

- a 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.

13. Expenditure

- a (i) in conjunction with Financial Regulation no. 11:

In the event that an emergency or urgent decision is required that does not have a Parish Council Authorisation and is needed before an extraordinary meeting can be called, then the Chairman and Vice-Chairman in consultation with the Clerk (RFO) are empowered to make such decision as necessary provided the Chair and Vice-Chair agree. If costs are involved in said decision, then a contingent sum of up to £5000 be taken from available reserves. Any decision or action taken to be reported to Full Council at its next meeting or extraordinary meeting if deemed more urgent.
- (ii) Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- b **The Council's Financial Regulations shall be reviewed once a year.**

14. Execution and sealing of legal deeds

See also standing order 5(a)(xv) above

- a A legal deed shall not be executed 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, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15. Committees and Sub-committees

See also standing order 1 above

a The Council shall, at its annual Parish Council meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary.

i. their terms of reference, as approved by Council and reviewed annually are defined as follows:

Strategy, Policy and Finance Committee.

- ensure Council's compliance with the NALC Financial Regulations as adopted by Council.
- formulate and recommend Council's policies for the benefit of the Parish.

Burial Grounds Committee.

- organise and maintain the Burial Grounds for the benefit of the Parish.
- ensure compliance with the Local Authorities Cemeteries Order 1977.

Playing Fields Committee.

- ensure the playing fields and associated equipment are provided for the use of the whole Parish.
- maintain and update equipment and facilities as necessary.

Roads, Footpaths and Flatford Committee.

- deal with the management of litter and matters relating to public footpaths, bridle paths, miscellaneous street furniture and Parish Council owned public seats within the Parish.
- liaise with the appropriate authority concerning matters pertaining to the roads and pavements with the Parish.

ii. committees shall determine the dates of their meetings in accordance with agreed procedures agreed by council 12.08.2009 and reviewed annually.

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 in accordance with standing orders, dissolve a committee at any time.

b The Chairman and Vice-Chairman ex-officio, shall be members of every committee.

c Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

d Minutes of committee meetings shall be taken and copies passed to the Clerk for record.

e 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.

- f Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members including the Chairman and Vice-Chairman as ex officio members of all committees or sub-committees.
- g The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
- h Members of committees and sub-committees entitled to vote shall do so by show of hands, or, if at least two members so request, by signed ballot.
- i **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**
- j A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

16. Working Parties

Working Parties are occasionally set up for a short-term purpose by the Parish Council but if the Council decides under exceptional circumstances there is a need to make it a longer-term purpose it may do so. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A Working Party cannot make a decision on behalf of the Council. It is only to inform the Council on the purpose for which it is set up.

17. Advisory committees

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

18. Extraordinary meetings

See also standing order 1 above

- 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 to do so by two councillors, those 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.

- c** The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or 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 councillors, those 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 2 councillors.

19. Accounts and Financial Statement

- a** All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations, which shall be reviewed annually.
- b** The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March in each year, and quarterly thereafter, a statement summarising the Council's receipts and payments for each period and the balances held at the end of each period. A schedule of payments will be presented at each full Parish Council Meeting for authorisation of payment. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June in each year.

20. Estimates/Precept/Budget

- a** **The Council shall approve written estimates for the coming financial year** at its January Statutory meeting.
- b** Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than 30th November.

21. Canvassing of and recommendations by councillors

- a** 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.

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

22. Inspection of documents

- a** 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.

23. Unauthorised activities

- 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 directions.
 - iii.** correspond with or provide oral or written statements or written articles to the press or other media.

24. Confidential business

- a** Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b** A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
- c** All councillors and employees abide by the GDPR 2018 relating to personal data and information.

25. General Power of Competence

- a** **Before exercising the General Power of Competence, a meeting of the full Council shall resolve that it meets the criteria for eligibility relating to the electoral mandate (at least 2/3rds of Councillors must have been elected) and relevant training of the Clerk (must**

hold the certificate in Local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance).

b An eligible council could:

- lend or invest money
- could set up a company or co-operative society to trade and engage in commercial activity
- could run a community shop or post office

the power is not restricted to use within the Parish it can be used anywhere

c The Council's period of eligibility begins on the date that the resolution under Standing Order 25(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.

d A further resolution must be passed at every subsequent "relevant annual meeting" for the Council to be able to continue to exercise the power. A "relevant annual meeting" is the annual meeting that takes place in a year of ordinary elections, once every four years.

26. Matters affecting council employees

a If a meeting considers any matter personal to a Council employee, the press and public shall be excluded pursuant to standing order 1(d) above.

b The Chairs of Committees are responsible for the management of Council employees working in relation to the Committee's terms of reference and shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

c The Council shall keep relevant and up to date written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected and in accordance with the GDPR 2018.

d 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 and in accordance with the GDPR 2018.

e Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(c) and (h) above if so justified and in accordance with the GDPR 2018.

27. Freedom of Information Act 2000

a In accordance with the 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** Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Strategy, Policy and Finance 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(b)(x) above.

28. 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 processed in accordance with the Council's policy as adopted 12 February 2014 in respect of dealing with the press and/or other media.
- b** 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.
- c** Attendance by the public, their participation, photographing, recording, filming or other reporting is permitted at a meeting of the Council's sub-committees.

29. Liaison with District and County or Unitary Councillors

- a** An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council representing its electoral ward.
- b** No District Councillor shall make representation on behalf of the Parish Council without full council resolution and written request.

30. Financial matters

- a** By resolution, NALC Model Financial Regulations 2002 were adopted by the Council at its Meeting held on 14th June 2007; further revised and adopted 8th May 2008; further revised and adopted 10 May 2012. The Financial Regulations are attached hereto.

31. Allegations of breaches of the code of conduct

- a** On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a committee known as the Strategy, Policy and Finance Committee.

- b** Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Strategy, Policy and Finance Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c** Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d** The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Strategy, Policy and Finance Committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e** Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Strategy, Policy and Finance Committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f** The Strategy, Policy Committee shall have the power to:

 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g** References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

32. Variation, revocation and suspension of standing orders

- a** 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 add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of as least 3 councillors.

33. Standing orders to be given to Councillors

- a** 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 and written undertaking to comply with the Code of Conduct adopted by the Council.
- b** The Chairman's decision as to the application of standing orders at meetings shall be final.
- c** A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

34. Responsibilities under Data Protection

- a** 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.
- b.** 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.
- c.** Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- d.** The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.
- e.** The Council shall have a written policy in place for responding to and managing a personal data breach.
- f.** 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.
- g.** The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date.

