

BARBY & ONLEY PARISH COUNCIL
Standing Orders.

Reviewed:....8th May 2017.....

Based on

**NALC Model Standing Orders
for Local Councils**

Revised first edition published in 2010

REVISED 2011

Any text in **bold type** is based on Acts of Parliament and is therefore compulsory.

Barby & Onley Parish Council

1 Meetings

Mandatory for full Council meetings ●

Mandatory for committee meetings ●

Mandatory for sub-committee 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. Smoking is not permitted.**

- b **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.**

- 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 Meetings of the Council shall be held on the second Monday of each calendar month at 7.30pm unless otherwise decided at any meeting of the Council. ~~There will be no meeting in August.~~ (amended 8/5/17)

- e The period of time designated for public participation shall not exceed 20 minutes in total, but may be extended at the Chairman's discretion.

- f Any 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. Any item requiring debate and/or decision will be added to the next agenda.

- g Any person speaking at a meeting shall address his comments to the Chairman.

- h **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.** (Openness of Local Government Bodies Regulations 2014)
- i **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.**
- j **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).**
- k **The Chairman, if present, shall preside at a meeting. If the Chairman is absent the Vice-Chairman, shall preside. If both the Chairman and the Vice-Chairman are absent, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting. The person presiding may exercise all the powers and duties of the Chairman.**
- l **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon so long as the meeting is quorate. See standing order 1s.**
- m **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.**
- n **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business.**
- o **The minutes of a meeting shall record the names of councillors present.**

p If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

● q **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

● r **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**

● 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 3.**

t Meetings shall not exceed a period of 2.5 hours unless the Council unanimously agrees to continue.

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 the day in May ordinarily appointed for a meeting.**

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

d **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.**

e **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.**

- f **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.**

- g **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.**

- h 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 order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - 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. In a year of elections, if a Council's period of eligibility to exercise the power of General Competence being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
 - v. Review of inventory of land and assets including buildings and office equipment.
 - vi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - vii. Review of the Councillors roles and responsibilities.
 - viii. Establishing or reviewing the Council's complaints procedure.
 - ix. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - x. Establishing or reviewing the Council's policy for dealing with the press/media.

3 Proper Officer

- a The Council's Proper Officer shall be the Clerk.
- b The Council's Proper Officer shall do the following.
 - i. **Sign and serve on councillors by delivery or post or email 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 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 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- iv. Make available for inspection the minutes of meetings, with draft minutes to be posted following the meeting.
- v. **Receive and retain copies of byelaws made by other local authorities.**
- vi. **Receive and retain declarations of acceptance of office from councillors.**
- vii. Retain a copy of every councillor's register of interests and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- 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 by 2 councillors and witnessed.
- xiii. 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.
- xiv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 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 A motion shall not be considered unless it has been proposed and seconded.
- c A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

- d A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- e 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.
- f One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- g If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- h 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.
- i 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.
- j A point of order shall be decided by the Chairman and his decision shall be final.
- k When a councillor's motion is under debate no other motion shall be moved except:
 - i. to exclude the public and press;
 - ii. to adjourn the meeting;
 - iii. to suspend any standing order, except those which are mandatory.
- t The Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote.
- u A resolution of the Council shall not be reversed within 6 months unless new information comes to light on the matter.

5 Code of conduct (England)

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

6 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.
- 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 be retained in perpetuity as an accurate record of the meeting to which the minutes relate.

7 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 7 (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 7(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.

8 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.

9 Expenditure

- a 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.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated in accordance with the Councils financial regulations.**

10 Execution and sealing of legal deeds

- 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 10(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.**

11 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 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.**

12 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 at least annually.
- b The Responsible Financial Officer shall supply to each councillor as least quarterly in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. 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.

13 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of December.

14 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council shall issue orders, instructions or directions.

15 General Power of Competence

Localism Act 2011

- a **Before exercising the General Power to Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 15 (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.**

16 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded.
- b Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chairman or, in his absence, the Vice-Chairman of any absence.
- c The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk.
- d Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman, this shall be communicated to another member of the Council, who shall be reported back and progressed by resolution of.

17 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

18 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 in respect of dealing with the press and/or other media.

19 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.

20 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies including the setting of values for different procedures.

- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value above a limit laid down in the Council Financial Standing Orders shall be procured on the basis of a formal tender as summarised in standing order 20(c) below.**

- c Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the Council.

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

- e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

21 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 the Council.

22 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.

23 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.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.