

Harringworth Parish Council

Standing Orders

2021 dated 20/05/2021

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INTRODUCTION

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. These standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

These standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer.

DRAFTING NOTES

Unless the contexts otherwise demands, words importing any gender shall be interpreted to mean any or all genders.

Standing orders that are in bold type contain legal and statutory requirements. Standing orders not in bold are designed to allow Harringworth Parish Council, hereafter referred to as The Council, to operate effectively but they do not contain statutory requirements so they may be amended to suit the Council's needs.

Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council he shall be the Clerk. The Vice-Chairman will undertake the work of the Clerk when the Clerk is absent.

1. **DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

2. **MEETINGS GENERALLY**

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **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.**
- 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 Thursday in the months of January, March, July, September and November at 7:30pm, unless the Council decides otherwise at a previous meeting, or as and when decided by the Chairman. The meeting in May will be held at 8.00pm.
- e The Council shall approve written estimates for the coming financial year at its meeting in the month of January.
- f With the consent of the Chairman 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.
- g The period of time designated for public participation at a meeting in accordance with standing order 2(f) shall not exceed ten minutes in total unless directed by the chairman of the meeting.
- h Subject to standing order 2(f), a member of the public shall not speak for more than 3 minutes.

- i In accordance with standing order 2(f), a question shall not require a response at the meeting nor start a debate on the question. However, the chairman of the meeting may direct that an oral response be given at the meeting.
 - j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
 - k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
 - l **Subject to standing order 2(m), 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.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - n **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 absence be done by, to or before the Vice-Chairman of the Council.**
 - o **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
 - p **Subject to a meeting being quorate, all matters at a meeting shall be decided by a majority of the councillors.**
 - q **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 casting vote whether or not he gave an original vote.**
- See standing orders 4(e) and (f) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- r **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 vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
 - s The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;

- ii. the names of councillors: who are present; who have given apologies for their non-attendance; who are absent;
- iii. interests that have been declared by any councillor;
- iv. the grant of dispensations (if any) to councillors;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

t 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 right to participate and vote on that matter.

See standing order 10 for guidance on disclosable conflicts of interest

u 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 four.

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

w The Council may only take decisions on items clearly specified in the agenda; if agreed by the Chairman , any urgent items which are not on the agenda may be discussed, but no decision may be made at that meeting

3. COMMITTEES AND SUB-COMMITTEES

a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

4. **ANNUAL 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 the Council shall be held on such day in May as the Council decides.**
- c **The annual meeting of the Council shall take place at 7:30pm.**
- d **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.**
- e **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- f **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 annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- g Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business 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 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 annual meeting of the Council;
 - iii. Review and adoption of appropriate standing orders and financial regulations;
 - iv. Review of arrangements of external auditors;
 - v. Review of inventory of land and other assets including buildings and office equipment;
 - vi. Confirmation of arrangements for insurance cover in respect of all

insurable risks;

- vii. Review of the Council's complaints procedure;
- viii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation;
- ix. Review of the Council's policy for dealing with the press/media;
- x. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

5. **ORDINARY COUNCIL MEETING**

a **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**

b The business shall include but not limited to:

- i Disclosures of personal and prejudicial interests;
- ii Confirmation of the accuracy of the minutes of the last annual meeting of the Council;
- iii Matters Arising from last meeting;
- iv Finance
- v Policing Matters
- vi Review of outstanding Planning matters

6. **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 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 shall be signed by the two councillors.**

7. **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.

8. **MANAGEMENT OF INFORMATION**

See also standing order 17.

- 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.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

- e **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 9(e) and standing order 16(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**

- a All councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation by the Chairman, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.
- i A personal interest is prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest and it relates to a financial or regulatory matter.

11. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the Unitary Authority that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 9, report this to the Council.
- b Where the notification in standing order 11(a) 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 a Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 11(d).

- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - 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 Authority that a councillor or non-councillor with voting rights 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. The PROPER OFFICER

- a Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council he shall be the Clerk. The Vice-Chairman will undertake the work of the Clerk when the Clerk is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Clerk thinks fit, a signed summons confirming the time, place and the agenda, 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 office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. hold acceptance of office forms from councillors;
 - v. hold a copy of every councillor's register of interests;
 - vi. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - vii. liaise, as appropriate, with the Unitary Authority's Data Protection Officer

(if there is one);

- viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- ix. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- x. arrange for legal deeds to be executed;
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xii. record every planning application notified to the Council and the Council's response to the local planning authority;
- xiii. refer a planning application received by the Council to the Councillors within two working days of receipt to facilitate consideration of such planning application out of Committee;

13. **RESPONSIBLE FINANCIAL OFFICER**

- a The Responsible Financial Officer shall be the Clerk. The Council shall appoint a member of the Council as the Member Responsible for Finance 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 at or before each meeting, with the Agenda, a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) since the last meeting;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held on the first day of the month that the meeting is held and

which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d The Responsible Officer shall supply written estimates for the coming financial year prior to The Council meeting in the month of January.
- e 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 (or income and expenditure) for the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- f 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 presented to the Council for consideration and formal approval before 30 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 detailed 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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise; and
 - v. procurement policies (subject to standing order 18c) including the setting of values for different procedures where a contract has an estimated value of less than £1000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c. Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,500 shall be procured on the basis of a formal tender as summarised in standing order 15(d).
- 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:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Clerk;
 - iv. 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;
 - v. tenders are to be reported to and considered by the appropriate meeting of the Council ;
- e. The Council, is not bound to accept the lowest value tender.

16. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 17.

- 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. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

17. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 8.

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

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

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

- a Unless or until the Council appoints a Press Officer 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 by the Proper Officer. The Press Officer must ensure that any opinions expressed to the media on behalf of the Council are an accurate reflection of the views of the Council, as reflected in the minutes and decisions of the Council and its committees.
- b In the event of an urgent response by the media then the Press Officer must consult with the Chairman or in his absence the Vice-Chairman before issuing a statement. Requests for television or radio interviews should be referred directly to the Chairman.
- c Notwithstanding standing order 18(a) Council members may discuss Council business with the media but they must make clear that they are speaking on their own behalf and not for the Council.

19. **COMMUNICATING WITH DIVISION AND OR UNITARY AUTHORITY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Oundle Division councillors of the Unitary Authority.

20. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised 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.

21. **PLANNING APPLICATIONS**

- a The Unitary Authority advise the Clerk of all new planning applications via a link to their planning portal. The Clerk in turn shall email all Councillors with a hyperlink to the subject planning application and advise whether the time criteria allows for the application to be discussed at the next Council meeting or if the matter is urgent and needs to be dealt with out of committee.

- b Regardless of whether the application is to be considered in or out of committee Members shall be given a deadline for their response. Responses shall state one of the following;
 - i. No objection
 - ii. Objection, with reasons for rejection
 - iii. Actively support;
 - iv. No comment due to conflict of interest

Having selected one of the above a comment may be added if required;

- c Applications considered In Committee. Any objections should be made to the Clerk before the Council meeting thereby allowing the appropriate documentation to be provided at the meeting.
- d Applications considered out of Committee. If there is agreement by all members the Clerk will respond to the Planning Department. Out of committee at least 5 members must be in agreement. If that is not achieved then an extension to the Unitary Authority deadline should be made to allow consideration of the matter at the next Council meeting. Should an extension not be granted then an extra ordinary meeting of the Council must be convened where normal voting orders apply
- e Any objections to a planning application must be based on material considerations.

See Harringworth Parish Council Guide for Planning Applications for guidance on typical material considerations.

22. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A request by a Councillor to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special agenda item, the written notice by at least 2 councillors to be given to the Proper Officer.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final