

# **Greywell Parish Council**

## **Standing Orders**

## **1. 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 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)** Subject to standing order 1 (e), 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.
- e)** A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- f)** The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present
- g)** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair (if there is one).
- g)** The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- h)** Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- i)** The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her/their casting vote whether or not he/she/they gave an original vote.
- j)** 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/her/their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

**k)** 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 and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- 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

**l)** A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.

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

**n)** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.

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

## **2. 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.

**d)** The council may appoint standing committees or other committees as may be necessary, and:

- i.** shall determine their terms of reference;
- ii.** shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
- iii.** shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv.** shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
- v.** may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
- vi.** shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii.** shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii.** shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- ix.** shall determine if the public may participate at a meeting of a committee;
- x.** shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi.** shall determine if the public may participate at a meeting of a sub- committee that they are permitted to attend; and
- xii.** may dissolve a committee.

### **3. 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 the Council shall be held on such day in May as the Council decides.
- c)** If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d)** In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e)** The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- f)** The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.

**g)** The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

**h)** In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.

**i)** In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

**j)** Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:

- i.** In an election year, delivery by the Chair 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 Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date;
- ii.** Confirmation of the accuracy of the minutes of the last meeting of the Council;

### **3. Extraordinary meetings of the Council**

**a)** The Chair of the Council may convene an extraordinary meeting of the Council at any time.

**b)** If the Chair of the Council does not call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

### **4. Proper Officer**

**a)** The Proper Officer shall be either (i) the clerk or (ii) other staff members nominated by the Council to undertake the role of the Proper Officer when he Proper Officer is absent. 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 Proper Officer shall:

- i.** at least three clear days before a meeting of the council
  - serve councillors by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by mail), 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 Chair of the Council, occasioned by a casual vacancy in his/her/their office.
- iii.** facilitate inspection of the minute book by local government electors
- iv.** receive and retain copies of bylaws made by other local authorities;
- v.** hold acceptance of office forms from councillors;
- vi.** hold a copy of every councillors register of interests;
- viii.** 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;
- ix.** receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x.** respond to planning applications when it is not possible for the application to be put before a meeting of the Parish Council. The comment submitted to take into consideration advice received in writing from councillors and the responses of residents and consultees and to be reported to the next meeting of the Parish Council;
- 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 executed
- 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.

#### **4. Motions not requiring written notice**

The following motions may be moved at a meeting without written notice to the Proper Officer: to correct an inaccuracy in the draft minutes of a meeting;

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

- xvi.** to adjourn the meeting; or
- xvii.** to close the meeting.

## **5. Management of Information**

- a)** The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b)** The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c)** The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d)** Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **6. Draft Minutes**

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.

## **7. Code of Conduct and Dispensations**

- a)** All councillors shall observe the code of conduct adopted by the Council.
- b)** Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- c)** A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- d)** A dispensation may be granted in accordance with standing order 6 (c) if having regard to all relevant circumstances any of the following apply:
  - i) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
  - ii) granting the dispensation is in the interests of persons living in the Council's area; or
  - iii) it is otherwise appropriate to grant a dispensation

## **8. Code of Conduct Complaints**

Upon notification by the District or Unitary Council 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.

## **9. Expenditure**

- a)** The Council's financial regulations shall be reviewed once a year.
- b)** 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 to a committee, sub-committee or to an employee.

## **10. Execution and sealing of legal deeds**

- a)** A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b)** 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. Accounts and Accounting Statements**

- a)** "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b)** All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c)** The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i.** the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii.** the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii.** the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d)** As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i.** each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and 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.

**e)** The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **12. 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.** the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
- v.** whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

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

**c)** A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).

**d)** Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

## **13. Responsibilities under Data Protection Legislation**

**a)** The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her/their 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.

- d)** The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- e)** The Council shall maintain a written record of its processing activities.

**Adopted March 2023**

**Review Date March 2024**