

ASBY PARISH COUNCIL

STANDING ORDERS

2018-19

These Standing Orders for the regulation of the conduct and procedures of Asby Parish Council were adopted by the Council at its meeting held on 28 March 2018

Note: Standing Orders that are in bold type contain statutory requirements. Other standing orders not in bold are designed to help a council operate effectively but do not contain statutory requirements so they may be amended to suit a council's needs.

In these Standing Orders, references to the male gender shall apply equally to the female gender.

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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 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 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.
- d 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.
- e 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.
- f 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.

Public Participation

- g Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- h Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- i The period of time designated for public participation at a meeting in accordance with standing order 1(d) above shall not exceed 15 minutes unless directed by the chairman of the meeting.
- j Subject to standing order 1(e) above, a member of the public shall not speak for more than 5 minutes.
- k In accordance with standing order 1(d) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

Rules of Debate

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

- m A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- n 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.
- o During the debate of an item, 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 other irregularity in the proceedings of the meeting he is concerned by.
- p A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- q When a 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 no longer heard or 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; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- r A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:
 - a) film, photograph or make an audio recording of a meeting;
 - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- s 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.

Voting

- t Subject to the meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- u 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 3 (h) and (i) below.)

- v 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.

Minutes

- w 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 present and absent;
 - iii. interests that have been declared by councillors;
 - iv. whether a councillor left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.
- 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. 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 also standing order 12 below.)

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 Advisory committees (working parties) will report back to the full Council with findings and recommendations. These written or verbal reports will be the basis of making decisions at full meetings.
- e 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 2(b) and (c) above, appoint and determine the terms of office of members of such a committee;

- v. may, subject to standing orders 2(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 3 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; and
- x. may dissolve a committee.

3 Ordinary Council meetings

See also standing order 1 above

- 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 such day in May as the Council may direct.**
- 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 directs.**
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- 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 meeting of the Council.**
- 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 meeting of the Council.**
- 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 meeting of the Council, the order of business shall be as follows.
- 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 meeting of the Council
 - iii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - iv. Review and adoption of appropriate standing orders and financial regulations.
 - v. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future
 - vi. Review of inventory of land and assets including buildings and office equipment.
 - vii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - viii. Review of the council's and/or staff subscriptions to other bodies.
 - ix. Establishing or reviewing the Council's complaints procedure.
 - x. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - xi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

4 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.**
- c The chairman of a committee may convene an extraordinary meeting of the committee any time.

5 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 5(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 under standing order 5(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

6 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 3 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 6(a) above has been disposed of, no similar motion may be moved within a further 6 months.

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 Agenda items for a meeting that require written notice to be given to the Proper Officer

- a An agenda item (motion) shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No item may be considered (moved) at a meeting unless it is on the agenda and the mover has given notice to the Proper Officer at least 10 clear days before the meeting.
- c The Proper Officer may, before including an item on the agenda, correct grammatical or typographical errors in the wording or clarify its meaning so that it can be understood.
- d The decision of the Proper Officer as to whether or not to include the item on the agenda shall be final.

9 Agenda items that do not require written notice

- a The following items (motions) may be considered (moved) at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of an agenda item;
 - iv. to refer an agenda item to a particular committee or sub-committee;

- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information 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 requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

10 Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

11 Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 9(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he 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 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 Upon 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.

12 Code of conduct and dispensations

- a **All councillors shall observe the code of conduct adopted by the Council.**
- b Unless he has been granted a dispensation, a councillor 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, a councillor 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 **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the council at the meeting for which the dispensation is required and that decision is final. In the event all councillors require a dispensation for the same purpose, the decision shall be made by the Proper Officer.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 12(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 12(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

13 Code of Conduct Complaints

- 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 district council's monitoring officer who will arrange for the alleged breach to be dealt with in accordance with procedures drawn up by the district council under section 28(6)(a) of the Localism Act 2011 for the investigation of complaints.
- b Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 10 above, report this to the council.
- c Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman 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.
- d **Upon notification by the District or Unitary Council that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

14 Proper Officer

- a The Council's Proper Officer shall be the clerk. The Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall:
 - i. **Sign and serve on councillors electronically or by hand 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** (see standing order 1b for the meaning of clear days).
 - 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 (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.
 - 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 any changes to it, upload a copy to the council's website (where it has one) 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, access to and destruction of information held by the Council in paper and electronic form.
- xii. 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.
- xiii. Convene a meeting to consider any planning application that has been received if it requires consideration before the next ordinary meeting of the Council, in accordance with standing order 1 above.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xv. Manage access to information about the council via the publication scheme;
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders

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 control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor 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;
 - v. procurement policies including the setting of values for different procedures where a contract has an estimate value of less than £50,000
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 15(d) below.**
- 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 comprise the following steps:
 - i. a specification of the goods, materials, services and 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. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - v. 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;
 - vi. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- e Neither the Council, nor any committee, is bound to accept the lowest value tender, estimate or quote.
- f **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.**

16 Accounts and Financial Statement

- 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, which shall be reviewed at least annually.
- c The Responsible Financial Officer shall supply to the Council at each ordinary meeting a statement summarising the Council’s receipts and payments and the balances held. This statement should include a comparison with the budget for the financial year.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide the council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices for a year to 31 March. A completed draft annual return shall be presented to the council before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

17 General Power of Competence

- a **Before exercising the general power of 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 17(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.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 17(b) above.**

18 Matters affecting council employees

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 10 above.
- b The chairman of the council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk/RFO. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the council.
- c Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- d The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.

19 Requests for Information

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 and the Data Protection Act 1998.

20 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 20(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.**

21 Communication with District and County Councillors

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to

the councillor of the District and County Council representing its electoral ward.

22 Restrictions on councillor activities

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

23 Burial Authority

- a The Council shall be the Burial Authority responsible for the management and maintenance of the parish burial ground.
- b The Council will ensure that all regulations and administrative requirements under the Burial Acts are carried out and that the appropriate fees, rules and regulations are reviewed from time to time.
- c Authority is delegated to the Clerk to the Council to approve applications for burials, to place memorials, inscriptions and additional inscriptions in the burial ground, provided such applications comply with the Council's rules and regulations.

24 Standing orders generally

- a Any or every part of the standing orders, except those which are mandatory by law (in bold type), may be suspended by resolution in relation to any specific item of business
- b 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.
- c The decision of the chairman of a meeting as to the application of standing orders at meetings shall be final.