

Christian Malford Parish Council

Standing Orders

Standing orders for the organisation and transaction of Councils' business

Adopted by resolution of Christian Malford Parish Council at its Meeting on 1 November 2022 (v3.1)

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Notes:

*The standing orders in **bold type** should not be ignored or substantively amended unless the legislation out of which they are born changes. Standing orders in bold type reflect statutory requirements.*

Standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at:

- (i) highlighting matters that merit regulation by standing orders and*
- (ii) encouraging the use of standing orders to regulate routine administrative arrangements.*

Council are not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

1. 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.**
- 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.**

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- d. During the Public Forum Session at the beginning of the meeting, lasting no more than 15 minutes, and subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e. In accordance with standing order 1(d) above, a question asked by a member of the public during the 'open forum' at a meeting shall not require a response or debate.
- f. **The Openness of Local Government Bodies Regulations 2014 provides that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of the Council or its committees but otherwise may:**
 - i. Film, photograph or make an audio recording of a meeting;
 - ii. Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - iii. Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

If a member of the public or press undertaking these activities act in a disruptive manner may, after warning, be excluded from the meeting.

- g. In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- h. **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.**
- i. **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.**
- j. **Subject to model standing order 1 (r) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- k. **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (h) and (i) below.)**
- l. **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.**
- m. **The minutes of a meeting shall record the names of councillors present and absent.**
- n. **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- o. **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. (See also standing orders 7 and 8 below.)**
- p. **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.**
- q. **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**

2. Ordinary Council Meetings (See also standing order 1 above)

- r. **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.**

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- s. **In a year which is not an election year, the annual meeting of a Council shall be held on the first Wednesday in May** *(with effect from 1 January 2023)*.
- t. **In addition to the annual meeting of the Council; meetings will be held on the first Wednesday of every month** *(with effect from 1 January 2023)*.
- u. **The annual meeting of the Council and Council meetings will start at 7.15pm** *(with effect from 1 January 2023)*.
- v. **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- w. **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.**
- x. **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.**
- y. **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.**
- z. **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.**

3. Proper Officer

The Council's Proper Officer shall be the Parish Clerk.

The Council's Proper Officer shall do the following:

- i. **Sign and serve on councillors by email or post 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 and sub-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 or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by 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, in accordance with standing order [3(b)i] or [3(b)ii] above.**
- 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 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.**

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- 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 (*See also standing orders 13(a) and (b).*)
- xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority in electronic form.
- xv. Refer a planning application received by the Council to the Planning Working Group within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.

4. Motions not Requiring Written Notice

- a. To correct an inaccuracy in the minutes of the previous meeting.
- b. **To suspend any standing order except those which are mandatory by law.**
- c. To authorise legal deeds signed by two councillors and witnessed. (*See standing orders 13(a) and (b) below.*)

5. Code of Conduct (*See also standing orders 1(d)–(i) above*)

- a. **All councillors shall observe the code of conduct adopted by the Council.**
- b. **If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 1(d) only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- c. **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

6. Questions

- a. A councillor may seek an answer to a question concerning any business of the Council provided 3 days clear notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

7. Minutes

- a. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 4a above.
- b. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

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- c. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

8. Management of Information *See also standing order 24.*

- 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. 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 9a 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 forth-with and without discussion.
- c. If a resolution made in accordance with standing order 9b 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.

10. Rescission of Previous Resolutions

- a. A resolution of the Council shall not be reversed within 6 months except either by a special motion, the written notice where of bears the names of at least 2 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 10(a) has been disposed of, no similar motion may be moved within a further 6 months.

11. 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.

12. 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**

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- 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 to a committee, sub-committee or to an employee.**

13. Execution and Sealing of Legal Deeds (*See also standing order 4c above*)

- d. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- e. **In accordance with a resolution made under standing order 12a 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.**

14. Committees (*See also standing order 1 above*)

- f. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and shall determine their terms of reference.

15. Sub-committees (*See also standing order 1 above*)

- a. Unless there is a Council resolution to the contrary, every committee may appoint a subcommittee whose terms of reference and members shall be determined by resolution of the committee.

16. Extraordinary Meetings (*See also standing order 1 above*)

- b. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- c. **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.**

17. Advisory Committees (*See also standing order 1 above*)

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

18. Accounts and Financial Statement

- f. 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.
- g. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for 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.

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19. Estimates/Precepts

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

20. Inspection of Documents

Subject to standing orders to the contrary, or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

21. Unauthorised Activities

- i. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - inspect any land and/or premises which the Council has a right or duty to inspect; or
 - issue orders, instructions or directions.

22. Confidential Business

- j. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- k. A councillor in breach of the provisions of standing order 22a above may be removed from a committee or a sub-committee by a resolution of the Council.

23. Power of Well-being (England)

- l. **Before exercising the power to promote well-being, 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.**
- m. **The Council's period of eligibility begins on the date that the resolution understanding order 23 (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 power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 23b above.**

24. Responsibilities to provide information

See also standing order 25.

- 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. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

25. Responsibilities under data protection legislation

See also standing order 8.

- a The Council may appoint a Data Protection Officer.

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- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d 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.
- e The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

26. 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 referred to the Chairman, or in his absence the Vice-Chairman, or in his absence any available Councillor.

27. Liaison with Unitary County Councillor

- b. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor representing the Kington ward.
- c. Unless the Council otherwise orders, a copy of each letter sent to the Wiltshire Council shall be sent to the Wiltshire Council councillor representing its Kington ward.

28. Financial Matters (See Financial Regulations)

29. Variation, Revocation and Suspension of Standing Orders

- d. 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.
- e. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

30. 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.
- c. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.