



Silverdale Parish Council

Standing Orders

(adopted 21 May 2015 amended 11th August 2016)

1 Silverdale Parish Council:

Silverdale Parish Council shall consist of three wards represented by a Committee of 10 councillors. Councillor representation of the respective wards shall be: -

- a Silverdale Ward – 5 councillors
- b Silverdale and Knutton Ward – 3 councillors
- c Silverdale and Parksite Ward – 2 councillors

Wards and representation of wards shall be reviewed by the Council, as is appropriate, in response to changes as may be enforced by the Local Government Boundary Commission or from significant change to resident numbers within a ward or changes within the Parish boundary.

2 Meetings Generally:

- a. **Council 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' public notice for a meeting does not include the day on which the 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 of the council shall be held on the second Thursday of every month at 6.30pm at such a place as the council may direct.
- d. Smoking is not permitted at any meetings of the council or committees associated to the council.
- e. **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.**
- f. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of any item of business included on the agenda.
- g. The period of time designated for public participation in accordance with **standing order 2 f. above** shall not exceed 10 minutes unless directed by the chairman of the meeting.

- h. Subject to **standing order 2 g. above**, a member of the public shall not speak for more than **2** minutes.
- i. In accordance with **standing order 2 f. 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 an oral response be given by a councillor or that an oral or written response be given by the clerk.
- j. A person shall raise their hand when requesting to speak.
- k. A person speaking at a meeting shall address their comments to the chairman of the meeting.
- l. Only one person is permitted to speak at a time. If more than one person wishes to speak, the chairman of the meeting shall direct the order of speaking.
- m. **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 the 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.**
- n. **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.**
- o. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the chairman may in his absence be done by, to or before the vice-chairman (if any).**
- p. **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.**
- q. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- r. **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/her casting vote whether or not he/she gave an original vote. See also standing orders 3 h. and i. below.**
- s. **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t. The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting and at such place as the council may direct
 - 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

- vi. the resolutions made
 - vii. absence from meetings shall be approved by a resolution of the council if the absence has been requested in writing and a reason given. Such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- u. **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/her right to participate and vote on that matter.**
 - v. **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.**
 - w. **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.
 - x. A meeting shall not exceed a period of 2 hours. A councillor may move a suspension of this standing order and request a continuation for 15 minutes if they are of the opinion that the matter under discussion can be resolved.

3 Ordinary Council meetings: - *See also standing order 2 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 7pm.**
- 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/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.**
- g. **The vice-chairman of the council (if any) unless he/she 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/she 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/she shall preside at the meeting until a new chairman of the council has been elected. He/she 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 of the council and vice-chairman (if any) of the council at the annual meeting of the council, the business of the annual meeting 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 forms 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 and to receive and note minutes of and/or to determine recommendations made by committees
 - iii. review of delegation arrangements to committees, sub-committees, employees and other local authorities
 - iv. review the terms of reference for a committee
 - v. receipt of nominations to existing committees
 - vi. appointment of any new committees in accordance with **standing orders 17 and 18 below**
 - vii. review and adoption of appropriate standing orders and financial regulations
 - viii. review of arrangements, including any charters and agency agreements, with other local authorities and review contributions made to expenditure incurred by other local authorities
 - ix. review of representation on or with external bodies and arrangements for reporting back
 - x. 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
 - xi. review of inventory of land and assets including buildings and office equipment
 - xii. confirmation of arrangements for insurance cover in respect of all insured risks
 - xiii. review of the council's and/or employees membership of other bodies
 - xiv. review of council's complaints procedure
 - xv. review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
 - xvi. review of the council's policy for dealing with the press/media
 - xvii. determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council
- k. An annual Parish meeting shall be held between the period 1st March and 1st June of each year.

Details of the annual Parish meeting shall be made public at least 28 days before the agreed date of the meeting.

4 Extraordinary meetings of the council: - See also standing order 2 above

- a. **The chairman of the council may convene an extraordinary meeting of the council at any time**
- b. **If the chairman of the council refuses or 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 must be signed by the two councillors.**
- c. The chairman of a committee (or sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

- d. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee (or sub-committee) any 2 members of the committee (and the sub-committee) may convene an extraordinary meeting of a committee (and a sub-committee).

5 The Proper Officer:

- a. The council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the council from time to time or (ii) such other employee appointed by the council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer shall:
- i. at least 3 clear days before a meeting of the council, a committee or sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda. *See **standing order 2b above** for the meaning of clear days for a meeting of a full council.*
 - 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).**
*See **standing order 2b above** for the meaning of clear days for a meeting of a full council.*
 - iii. subject to **standing orders 6 a. to f. below**, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his/her withdrawal of it.
 - iv. **convene a meeting of full council for the election of a new chairman of the council occasioned by a casual vacancy in his/her office**
 - v. facilitate inspection of the minute book by local government electors
 - vi. **receive and retain copies of byelaws made by other local authorities**
 - vii. retain acceptance of office forms from councillors
 - viii. retain a copy of every councillor's register if interests
 - 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 policies and 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 legal deeds to be executed – **See also standing order 20 below**
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations
 - xiv. record every planning application notified to the council and the council's response to the local planning authority in a planning register
 - xv. refer a planning application received by the council to the chairman or in his absence the vice-chairman of the council 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
 - xvi. manage access to information about the council via the publication scheme
 - xvii. action or undertake activity or responsibilities instructed by resolution or contained in standing orders
 - xviii. manage the work of others who have been engaged by the council to complete work as agreed by the council

6 Motions requiring that written notice be given to the Proper Officer:

- a. A 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 motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to include: -
 - The topic of the motion.
 - Reasoning for disclosure to council.
 - An objective of the motion

to the council's Proper Officer at least 7 clear days before the next meeting. Clear days do not include the day of the notice or the day of the meeting.

- c. the Proper Officer may, before including a motion in the agenda received in accordance with **standing order 6 b. above**, correct obvious grammatical or typographical errors in the wording of the motion.
- d. if the Proper Officer considers the wording of a motion received in accordance with **standing order 6 b. above** is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 days before the meeting.
- e. if the wording or subject of a proposed motion is considered to be unlawful or improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included, or rejected in the agenda.
- f. having consulted the chairman or councillors pursuant to **standing order 6 e. above**, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g. motions received shall be numbered in the order that they are received and recorded
- h. motions rejected shall be recorded with an explanation by the Proper Officer giving reasons for their rejection.

7 Motions not requiring written notice:

- a. Motions in respect of the following matters may be moved without written notice to the Proper Officer:
 - i. to approve the accuracy of the minutes of the previous meeting
 - ii. to correct an inaccuracy in the draft minutes of the previous meeting
 - iii. to dispose of business, if any, remaining from the last meeting's agenda. (This is not matters arising).
 - iv. to alter the order of business on the agenda for reasons of urgency or expedience
 - v. to proceed to the next business on the agenda
 - vi. to require a written report
 - vii. to close or adjourn debate

- viii. to temporarily suspend a meeting
 - ix. to suspend a particular standing order **(unless it reflects mandatory statutory requirements)**
 - x. to extend the time limits for speaking
 - xi. to refer by formal delegation a matter to a committee or to a sub-committee or an employee
 - xii. to appoint a committee or sub-committee or any councillors (including substitutes) thereto
 - xiii. to receive nominations to a committee or sub-committee
 - xiv. to dissolve a committee or sub-committee
 - xv. to note the minutes of a meeting of a committee or sub-committee
 - xvi. to consider a report and/or recommendations made by a committee or a sub-committee or an employee
 - xvii. to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant
 - xviii. to authorise legal deeds signed by two councillors and witnessed - **See standing order 20 below**
 - xix. to authorise the payment of monies up to £500
 - xx. to amend a motion relevant to the original or substantive motion under consideration this shall not have the effect of nullifying it.
 - xxi. to exclude the press and public for all or part of a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
 - xxii. to silence or exclude from the meeting a councillor or a member of the public for disorderly conduct
 - xxiii. to give the consent of the council if such consent is required by standing orders
 - xxiv. to adjourn the meeting
 - xxv. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
 - xxvi. to answer questions from councillors
- b. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

8 Rules of debate:

- a. Motions on the agenda shall be considered in the order that they appear on the agenda unless the order is changed at the chairman's direction for reasons of expedience.
- b. A motion (including an amendment) shall not be considered unless it has been proposed and seconded.
- c. A motion on an agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to an original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has

already been seconded, the amendment shall be with the consent of the seconder and the meeting.

- i. If there is more than one amendment to an original or substantive motion, or an amendment is not carried, the amendments shall be moved in the order directed by the chairman.
- j. Subject to **standing order 8 k. below**, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- k. One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of a motion or amendment shall have a right of reply at the end of debate on it, not exceeding 5 minutes.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke
 - iii. to make a point of order
 - iv. to give a personal explanation
 - v. in exercise of a right to reply
- p. During the debate of a motion, 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 irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the chairman and his decision shall be final.
- r. 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 silent or leave the meeting
 - vi. to refer a motion to a committee or sub-committee for consideration
 - vii. to exclude the public and the press
 - viii. to adjourn the meeting
 - ix. to suspend particular standing order(s) **excepting those which reflect mandatory statutory requirements**
- s. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

- t. Excluding motions moved under **standing order 8 r. above**, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed **2** minutes without the consent of the Chairman of the meeting.

9 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 persons(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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made in accordance with **standing order 9 b. above** is ignored, the chairman of the meeting may take such further reasonable steps to restore order to continue the meeting. This may include temporarily suspending or closing the meeting.

10 Code of Conduct and dispensations: - See also standing order 2 u. above

- a. **All councillors shall observe the code of conduct adopted by the council.**
- b. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of office forms.
- c. Pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in **standing order 10 d. below** only if members of the public are permitted to:
- i. make representations
 - ii. answer questions
 - iii. give evidence relating to the business being transacted
- d. **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may:**
- i. **make representations**
 - ii. **ask questions**
 - iii. **give evidence relating to the business being transacted but must, thereafter, leave the room**
- e. Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- f. Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter he/she had the interest.
- g. **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.
- h. 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.

- i. 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
 - iv. an explanation as to why the dispensation is sought.
- j. Subject to **standing orders 10 g. and i. 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) **OR** (at the beginning of the meeting of the council, or committee or sub-committee for which the dispensation is required).
- k. **A dispensation may be granted in accordance with the standing order 10 h. 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**
 - iii. **it is otherwise appropriate to grant a dispensation**

11 Code of Conduct Complaints:

- a. All allegations laid before the Parish Council will at first be evaluated by full council and where it is considered appropriate, referral will be made to the Monitoring Officer at Newcastle Borough Council.
- b. Upon notification by the Borough (or County Council) that is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to **standing order 13 below**, report this to the council.
- c. Where the notification on **standing order 11 b. above** relates to a complaint made by the Proper Officer, the Proper Officer shall notify the chairman of the council of this fact, and the chairman shall nominate another member 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 the **standing order 11 d. below**

The council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law
 - 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 Borough (or County Council) that a councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him/her. Such action excludes**

disqualification or suspension from office.

12 Draft Minutes:

- a. A draft copy of the minutes of a preceding meeting shall be circulated to councillors within **7** days of the held meeting.
- b. If 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.
- c. 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 7 a. i. above.**
- d. The accuracy of the 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.
- e. Minutes of meetings held shall not be published for display until approved by council and signed by the chairman. Minutes which are clearly marked 'draft' may be circulated no later than 10 working days after the meeting (on the notice boards, website or to members of the public).
- f. 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 (x) were a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- g. 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.

13 Handling confidential of 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.

14 Previous Resolutions:

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by a least 3 councillors to be given to the Proper Officer in accordance with **standing order 6 above**, or by a motion moved in pursuance of the recommendation of a committee or sub-committee.
- b. When a motion moved pursuant to **standing order 14 a. above** has been disposed of, no similar motion

may be moved with a further six months.

15 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 be 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.

16 Questions:

- a. A councillor may seek an answer to a question concerning any business of the council providing 7 clear days' 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.
- c. Every question shall be put and answered without discussion.

17 Committees and sub-committees: - *See also standing order 2 above*

- 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. can determine their terms of reference
 - ii. may permit committees to determine the dates of their meetings
 - iii. may appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 7 days before the meeting that they are unable to attend
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member **(in accordance with standing order 17 d. iv. above)** shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting
 - vi. may in accordance with standing orders, dissolve a committee at any time

18 Execution and sealing of legal deeds: - *See also standing order 5 xii above*

- a. A legal deed shall not be executed on behalf of the council unless the same has been authorised by

a resolution

- b. Subject to standing order 18 a. above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

19 Accounts and accounting statements:

- a.** “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils - a Practitioner’s Guide (England).
- 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 for each quarter
 - ii.** the council’s aggregate receipts and payments 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 for the last quarter and the year to date for information; and
 - ii.** to full 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 and applying the form of accounts determined by the council (receipts and payments) for a year to 31 March. A completed draft and annual return shall be presented to each councillor 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 for consideration and formal approval before 30 June.

20 Estimates/precepts:

- a.** The council shall approve written estimates for the coming financial year at its meeting before the end of January.
- b.** Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

21 Financial controls and procurement:

- a.** The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include the 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 councils accounts and/or orders of payments
 - v. procurement policies **subject to standing order 21 c. below** including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- 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 £60,000 shall be procured on the basis of a formal tender as summarised in standing order 21 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 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. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer
 - v. 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
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or committee or sub-committee with delegated responsibility
- e. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender
- 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 No5, 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 the EU procurement rules.**

22 **Canvassing of and recommendations by councillors:**

- a. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment by the council or recommend a person for appointment or for promotion, but nevertheless, any such person

may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.

- b. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

23 Handling Staff matters:

- a. A matter personal to a member of staff that is being considered by a meeting of the council, or committee or sub-committee is subject to **standing order 13 above**
- b. Subject to the council's policy regarding absences from work, the council's most senior member shall notify the chairman or vice - chairman, if he/she is not available, of absence occasioned by illness or other reason and that person shall report such absence to the council at its next meeting
- c. The chairman (or in his/her absence the vice-chairman) upon resolution shall conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the council.
- d. Subject to the council's policy regarding the handling of grievance matters, the council's most senior member shall contact the chairman (or in his/her absence the vice-chairman) in respect of an informal grievance matter, and this matter shall be reported back and progressed by resolution of the council.
- e. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the chairman or vice-chairman of the council, this shall be communicated to another member of the council which shall be reported back and progressed by resolution.
- f. Any persons responsible for all or part of the management of council employees shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. 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.
- h. Only persons with line management responsibilities shall have access to employee records referred to in standing orders **23 g. and h. above** if so justified.
- i. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders **23 g. and h. above** shall be provided only to (the post holder) and/or chairman of the council.

24 Requests for Information:

- a. Requests for information held by the council shall be handled 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.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the council. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order **5 ix above**.

25 Inspection of documents:

- a. 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 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.

26 Restriction on councillor activities:

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

27 Confidential matters:

- a. Confidential business shall be indicated as such on the agenda and by resolution of the council, the press and public may be excluded from that item, in accordance with the Local Government Act 1972.
- b. Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential matter.
- c. A councillor in breach of the provisions of **standing order 27 b. above** may be removed from a committee or a sub-committee by a resolution of the council.

28 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 its councillors, in their official capacity, or staff, shall be handled in accordance with the council's policy in respect of dealing with the press and/ or other media.

29 Standing Orders generally:

- a. All or part of a standing order, **except one that incorporates mandatory statutory requirements**, may be suspended by resolution to the consideration of an item on the agenda.
- b. A motion to add or to vary or revoke one or more of the council's standing orders, **except one that incorporates mandatory statutory requirements**, shall be proposed by a special motion, the written notice by at least **2** councillors to be given to the Proper Officer in accordance with **standing order 6 above**.
- c. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he had delivered his acceptance of office form.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

*****N.B. Standing Orders that are in bold type contain statutory requirements*****