

Terrington St John Parish Council Standing Orders

Adopted May 21, amended Jan 2022 and to be reviewed May 2022

These Standing Orders are based on the 2018 NALC model standing orders. They have been modified to specifically suit the needs of Terrington St John Parish Council, although they retain all legal and statutory requirements that are in bold in the model document.

UPDATE April 2020 The highlighted section in **yellow** are ammendments from the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

From this moment on the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall be referred to as LAPCP Regulations 2020

1. RULES OF DEBATE AT MEETINGS

- a Motions 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.
- b To ensure clarity, only one motion may be moved at any one time.
- c A motion (including an amendment) must have a proposer and seconder.
- d An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- f Discussion shall always be addressed to the Chairman, who controls debate.

2. DISORDERLY CONDUCT AT MEETINGS

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. Failing this the person will be excluded from the meeting. This may include the temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings ●
Committee meetings ●
Sub-committee 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~~ **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- ~~c~~ **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- ~~d~~ **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.**

Remote Meetings

- e Meetings shall take place at a time and date as the Council shall determine**
LAPCP Regulations 2020 Part 2 Reg 4(a)
or
In the interest of Council maintaining an open and transparent policy and in the spirit of cohesiveness the usual following guidelines may still be followed: Standing orders 3e and f.
- f Council may alter the frequency, move or cancel such meetings.**
LAPCP Regulations 2020 Part 2 Reg 4(a)
- g A meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.**
LAPCP Regulations 2020 Part 2 Reg 5 (1)
- h Members(including members of the public) in remote attendance attends the meeting at any time if all of the conditions in subsection are satisfied:**
 - (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,**
 - (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and**
 - (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.**

LAPCP Regulations 2020 Part 2 Reg 5 (2) (3) & (4)

- i Members of the public may make representations, answer questions and give evidence at a meeting only at the direction of the Chairman. An item called 'Public Participation' will be included on the agenda for a maximum of 10 minutes.
- j In accordance with standing order 3(e), 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.
- k A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- l 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.
- ~~m Subject to standing order 3(j), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.~~
- ~~n A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.~~
- ~~o 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.~~
- ~~p Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).~~
- ~~q The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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.~~
- ~~r Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.~~
- ~~s The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting~~

- ~~vote whether or not he gave an original vote.~~
- t **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- u or,
Members to verbally announce their vote each in turn,
or,
Pressing a button to record their vote.
LAPCP Regulations 2020 Part 2 Reg 6(a)
- v **Member and public access to documents and remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.**
LAPCP Regulations 2020 Part 2 Reg 6(b) (c)
- w **A meeting being “open to the public” include access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;**
LAPCP Regulations 2020 Part 2 Reg 13(a)
- Being “present” at a meeting include access through remote means mentioned in paragraph (a) above.”**
LAPCP Regulations 2020 Part 2 Reg 13(b)
- x The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors with voting rights;
 - v. whether a councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- y **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council’s code of**

- conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- z 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.
- aa 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.
- bb A meeting shall not exceed a period of 2.5 hours.

4. COMMITTEES AND WORKING GROUPS

- a The council may appoint a committee whose terms of reference and members shall be determined by the council. A committee will meet in public and have an agenda and minutes. Financial matters are excluded from committees.
- b The council may appoint members to a working group who do not need to meet in public. They will report their activities and recommendations to the council.

5. ORDINARY COUNCIL MEETINGS

- ~~a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.~~
- ~~b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.~~
- ~~c If no other time is fixed, the annual meeting of the Council shall take place at 6pm. The annual meeting will be fixed by the council to 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 decides.~~
- ~~e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) 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 there is one, 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, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.

i In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.

This no longer applies until May 2021

LAPCP Regulations 2020 Para 6 (c)

j If no other time is fixed, the annual meeting of the Council shall take place at 6pm.

This no longer applies until May 2021

LAPCP Regulations 2020 Para 6 (c)

k In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.

l The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.

This no longer applies until May 2021

LAPCP Regulations 2020 Para 6 (c)

m 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. **Remove these sections**

n The Vice-Chairman of the Council, if there is one, 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. **Remove these sections**

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

p In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of

votes.

- q Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Appointment of any new committees in accordance with standing order 4;
 - iv. Review and adoption of appropriate standing orders and financial regulations;

6. EXTRAORDINARY MEETINGS OF THE COUNCIL

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

7. PREVIOUS RESOLUTIONS

A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer.

8. VOTING ON APPOINTMENTS

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.

9. **MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled 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 on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer and the Chairman will decide on whether or not to include any motion on the agenda. An explanation on its exclusion shall be given by the Proper Officer.

10. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be 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 a motion;
 - iv. to refer a motion to a particular 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 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 other 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 or legal requirements);

xvi. to adjourn the meeting; or

xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

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

12. DRAFT MINUTES

Full Council meetings ●
Committee meetings ●
Sub-committee meetings ●

- 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 10(a)(i).
- 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 at the **next available meeting of the Council in person** 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, **at the next available meeting of the Council in person**

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

- e **If the Council’s gross annual income or expenditure (whichever is**
- **higher) does not exceed £25,000, it shall publish draft minutes on**
- **a website which is publicly accessible and free of charge not later**
- **than one month after the meeting has taken place.**

- f Any draft minutes or recordings of the meeting for which approved shall be destroyed once the minutes have been approved.

13. **CODE OF CONDUCT AND DISPENSATIONS**

- a All councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest. **The Clerk will contact the person to indicate they may return to the meeting.**
- c **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.
- d A decision as to whether to grant a dispensation shall be made by a meeting of the Council for which the dispensation is required, and that decision is final.
- e **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council’s area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. **CODE OF CONDUCT COMPLAINTS**

Upon notification by the District or Unitary Council that a councillor ~~or non-councillor with voting rights~~ has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

15. **PROPER OFFICER**

- a The Proper Officer shall be the clerk. The roles, responsibilities and duties of the Proper Office are contained in a job description.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council,**
 - **serve on councillors by ~~delivery or post at their residences or by email~~ authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minute book by local government electors via email;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**

16. **RESPONSIBLE FINANCIAL OFFICER**

The Council shall appoint the Proper Officer to be the RFO.

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

The RFO will conduct all financial matters according to 'proper practices' the detail of which is contained in the job description. These duties are detailed in the Accounts & Audit regulations 2015 and in 'Governance & Accountability for Local Councils 2018'.

18. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;

- ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Neither the Council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- f. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records.

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

- 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.**

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a **The Council shall appoint a Data Protection Officer.**
- 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(s) 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.**

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

- a Requests from the press or other media for an oral or written comment or statement from the Council, shall be dealt with by the Clerk or Chairman.

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

An invitation to attend a meeting of the Council shall be sent to ward councillors.

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no councillor shall inspect any land and/or premises which the Council has a right or duty to inspect or issue orders, instructions or directions.

26. **STANDING ORDERS GENERALLY**

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

All the standing orders that are in bold must always stand and can not be changed. But all the other standing orders can be changed or suspended in relation to an item on the agenda.

- b. The Proper Officer shall review the Standing Orders and make recommendations to the Council on any changes.
- c. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- d. Upon resignation as a Councillor, the Councillor will delete their Parish Council email address. An existing Chair will notify the new Chair of the password details to the chairtsjpc@gmail.com email address. The new Chair will create a new password as soon as practical.