

HUNTINGTON PARISH COUNCIL

**STANDING ORDERS
2018**

**REVISED IN ACCORDANCE WITH MODEL STANDING
ORDERS PRODUCED BY NALC 2010
And AMENDMENTS 2014 and 2018
TO INCLUDE FINANCIAL REGULATIONS**

APPROVED JUNE 2013
REVISED MAY 2015
REVISED SEPTEMBER 2017
REVISED NOVEMBER 2018

**TO BE REVIEWED AT ANNUAL MEETING OF
HUNTINGTON PARISH COUNCIL**

In these Standing Orders any reference to 'the Council' shall mean Huntington Parish Council.

1. Meetings [Rules relate to Council and Committee meetings]

a) Meetings of the Council shall be held on the third Wednesday of every month (with the exception of August) in Huntington Community Centre commencing at 7.00pm and to finish no later than 9.30pm. Meetings may take place at other venues as the Council directs. Committee meetings shall be held as required.

b) Smoking is not permitted at any meeting of the Council.

c) All meetings shall be open to the press and 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.

d) A record of a public participation session at a meeting shall be recorded in the minutes of that meeting.

e) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his/her absence be done by, to or before the Vice-Chairman.

f) 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 are absent from the meeting, a Councillor shall be chosen by the Councillors present at the meeting shall preside at the meeting. The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

g) Subject to standing order o) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

h) The Chairman may have 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

i) 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.

j) The minutes shall record the names of Councillors present and absent

k) The Code of Conduct adopted by the Council shall apply in respect of the entire meeting.

l) 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 SOs 7 AND 8)

m) No business may be transacted at a full Council meeting unless one third of the elected Councillors are present or, in the case of a Committee meeting of the Council, a quorum shall not be less than three elected Councillors.

n) If a meeting is or becomes inquorate no business shall be transacted.

o) Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

p) Any Councillor deemed unfit to properly consider the proceedings of the Meeting shall be excluded.

q) All members of the Council are entitled to attend all Committee meetings but only those duly elected to each committee have voting rights and constitute numbers to invoke a quorum.

2. Annual Statutory (Council) Meeting

a) In an election year the Annual Parish Council meeting 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 Council Meeting shall be held on such a date in May as the Council direct.

c) If no other time is fixed, the annual meeting of the Council shall take place at **7pm**.

d) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual Council meeting

e) The Chairman of the Council, unless he/she has resigned or become disqualified, shall continue in office and preside at the annual council meeting until his/her successor is elected at the next annual council meeting.

f) The Vice-Chairman of the Council, 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 council meeting.

g) 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.

h) In an election 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 but must give a casting vote in the case of an equality of votes.

i) Following the election of the Chairman of the Council and the Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:

j) To receive the Chairman's declaration of acceptance of office, if not then received, to decide when it shall be received.

- 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 order of business shall be as follows:

- i) In an election year, delivery by councillors of their declarations of acceptance of office.
- 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 of the terms of references for committees.
 - v) Receipt of nominations to existing committees.
 - vi) Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - vii) Review and adoption of appropriate standing orders and financial regulations.
 - viii) Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - ix) Review of representation on or work with external bodies and arrangements for reporting back.
 - x) Review of inventory of land and assets including buildings and office equipment.
 - xi) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - xii) Review of the Council's and/or employees' memberships of other bodies.
 - xiii) Establishing or reviewing the Council's complaints procedure.
 - xiv) To answer questions from Councillors.
 - xv) To receive and consider reports and Minutes from Committees of the Council.
 - xvi) To receive and consider resolutions and recommendations in the order which they have been notified.
 - xvii) If necessary, to authorise the signing of orders for payments.

3. Proper Officer and Responsible Financial Officer (RFO)

a) The Council's proper Officer shall be the clerk. The Proper Officer shall fulfil the duties assigned to the Proper Officer in standing orders.

b) The Council's Proper Officer shall do the following:

- i) Sign and serve by delivery 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 at least 3 clear days before the meeting
- OR
- ii) Electronically serve on councillors a summons confirming the time, date venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting provided any such email contains the electronic signature and the title of the Proper Office
 - iii) 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.
 - iv) Subject to SO 4 a-c (below), include in the agenda all motions in the order received unless a councillor has given written notice at least 2 days before the meeting confirming his withdrawal of it.

- v) 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 SO 3(i) or 3(ii) above.
- v) Make available for inspection the minutes of meetings.
- vi) Receive and retain copies of byelaws made by other local authorities.
- vii) Receive and retain declarations of acceptance of office from Councillors.
- viii) Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix) Keep proper records required before and after meetings.
- x) Process all requests made under Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii) Arrange for legal documents to be signed by 2 Councillors and witnessed [see SO 14 (a)]
- xiv) Record every planning application notified to the Council and the Council's response to the local planning authority.
- xv) Refer a planning application received by the Council to the Chairman (or in his absence Vice-Chairman) of the Council's Planning Committee within 2 working days of receipt.
- xvi) Action or undertake activity or responsibilities instructed by resolution or contained within standing orders.
- xvii) **Regularly update and maintain the Parish Website.**

Responsible Financial Officer:

- Arrange for prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

4. Motions Requiring Written Notice.

a) In accordance with SO 3 (b) (iii) above, 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 the Council's Proper Officer at least 6 clear days before the next meeting..

b) The proper Officer may, before including a motion in the agenda received in accordance with SO 4 9a) above, correct obvious grammatical or typographical errors in the wording of the motion.

c) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5. Motions not Requiring Written Notice

a) Motions in respect of the following matters may be moved without written notice:

- i) To appoint a person to preside at a meeting.
- ii) To approve the absences of councillors.
- iii) To approve the accuracy of the minutes of the previous meeting.
- iv) To correct an inaccuracy in the minutes of the previous meeting.
- v) To dispose of business, if any, remaining from the last meeting.
- vi) To alter the order of business on the agenda for reasons of urgency or expedience.

- vii) To proceed to the next business on the agenda.
- viii) To close or adjourn debate.
- ix) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- xi) To receive nominations to a committee or sub-committee.
- xii) To dissolve a committee or sub-committee.
- xiii) To note the minutes of a meeting of a committee or sub-committee.
- xiv) To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi) To authorise legal deeds to be signed by two councillors and witnessed. (See standing orders 14(a) and (b) below.)
- xvii) To authorise the payment of monies.
- xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix) To extend the time limit for speeches.
- xx) To exclude the press and public for all or part of a meeting.
- xxi) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii) To give the consent of the Council if such consent is required by standing orders.
- xxiii) To suspend any standing order except those which are mandatory by law.
- 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.

6. Rules of Debate

a) Motions included in an 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) Subject to standing orders 4(a)–(c) above, a motion shall not be considered unless it has been proposed and seconded.

c) Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.

d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

e) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

f) Any amendment to a motion shall be either:

- to leave out words;
- to add words;
- to leave out words and add other words.

- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i) Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j) Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- n) Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- o) 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 meeting he is concerned by.
- p) A point of order shall be decided by the Chairman and his decision shall be final.
- q) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- r) Subject to standing order 6(o) above, when a councillor's 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 for him to leave the meeting;
 - vi) To refer a motion to a committee or sub-committee for consideration;
 - vii) To exclude the public and press;
 - viii) To adjourn the meeting;
 - ix) To suspend any standing order, except those which are mandatory.
- s) A member shall remain seated when speaking unless requested to stand by the Chairman.
- t) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- u) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- v) Whenever the Chairman speaks during a debate all others shall be silent.

w) In respect of SO 6(s) (iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7. Code of Conduct

- a) All councillors shall observe the code of conduct adopted by the Council.
- b) If paragraph 12(2) of the Code of Code contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No. 1159) has been adopted by the Councils, councillors may exercise the rights contained in SO 7 (c) below 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.
- d) Members Interests
- If a member has a personal interest as defined by the Code of Conduct as adopted by the Council then he shall declare that interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
 - The Clerk will be required to compile and hold a register of members interests in accordance with agreement reached with Monitoring Officer of the Responsible Authority and/or required by statute.

8. Questions

- a) A councillor may ask the Chairman of the Council or the Clerk any question concerning the business of the Council provided that 5 clear days notice of the question has been given to the Proper Officer
- b) Every question shall be put and answered without discussion.

9. Minutes

- a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) 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 5(a)(iv) above.
- c) 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.

d) Minutes of Committee meetings (except minutes of Finance and Policy committee meetings) shall be confirmed by and shall be signed by the Chairman of the next meeting of said committee and stand as an accurate record of the meeting to which the minutes relate.

e) Minutes of Finance and Policy committee meetings shall be confirmed and signed by the Chairman of the next meeting of the Parish.

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 of the ----- held on [date] in respect of ---- were a correct record but his view was not upheld by the majority of the ----- 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, any previous draft minutes or recordings of the meeting shall be destroyed.

10. 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 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he/she may adjourn the meeting.

11. Rescission of Previous Resolutions

a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 8 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 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12. 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.

13. 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.
- 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

14. Execution of Legal Deeds

See also standing order 5(a) (xvi) above

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

15. Committees

See also standing order 1 above

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:

- i) Shall determine their terms of reference;
- ii) May permit committees to determine the dates of their meetings;
- iii) Shall 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) An ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iii) 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;
- v) May appoint persons other than members of the Council to any Committee.
- vi) May, at any time dissolve or alter the membership of a committee.
- vii) The Chairman and Vice Chairman ex officio shall be voting members of every committee.
- viii) Every Committee shall, at its first meeting (after the annual council meeting), before proceeding to the order of business, elect a Chairman and may elect a Vice Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- ix) Powers of delegated responsibility shall be set out in each committee's terms of reference.
- x) Voting in Committees:
 - Members of committees and sub-committees entitled to vote, shall vote by a show of hands, or if at least 2 members so request, by a signed ballot.
 - The Chairmen of committees and sub-committees shall, in the case of an equality of votes have a second or casting vote.

NOTE: See also SO 1 (q) above

16. Sub-Committees

See also standing order 1 above

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

17. Extraordinary Meetings

See also SO 1 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 does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- c) The Chairman of a committee (or a 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 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

18. Advisory Committees

See also SO 1 above

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

19. Accounts and Financial Statement

- a) 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.
- b) The Responsible Financial Officer shall supply to each councillor on a monthly basis a statement summarising the Council's receipts and payments and the balances held. This statement should include a comparison with the budget for the financial year.
- c) 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.
- d) The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement and accountability return in Section 2, shall be presented to Council for formal consideration and approval before 30 June, as required by Proper Practices.
- e) Where it is necessary to make payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer with the approval of the Chairman or Vice Chairman of the Council.
- f) All payments ratified under paragraph 19 (e) shall be separately included in the next schedule of payments before the Council.
- g) Orders for the payment of money shall be authorised by resolution of the Council and cheques signed by two Councillors.
- h) Delegated powers shall be granted to the Clerk and the Responsible Financial Officer for expenditure in respect of postage, telephone and stationery relating to the business of the Council to a maximum of £150 in any one month and the case of an emergency that of £300.

20. Estimates/Precepts

- a) The Council shall approve written estimates for large items of expenditure before any action is carried out.
- b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year.
- c) The Committee known as The Amenities Committee will have the authority to authorise expenditure for emergencies only; all other expenditure requires approval by the Council.

21. Canvassing of and Recommendations by Councillors

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such 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.
- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22. 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 a sub-committee, and request a copy for the same purpose.
- b) The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23. Unauthorised Activities

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

24. Confidential Business

- a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

25. Power of Well-Being (England)

- a) 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.
- b) The Council's period of eligibility begins on the date that the resolution under standing order 25 (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 25(b) above.

26. Matters Affecting Council Employees

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman or in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c) The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by F&P Committee.
- d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman or in his/her absence, the Vice-Chairman in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of F&P Committee.
- e) Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by any employee of the Council relates to the Chairman or Vice-Chairman this shall be communicated to another member of F&P Committee which shall be reported back and progressed by resolution the Council
- f) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i) Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to Clerk, RFO and the Chairman of the Council

27. Freedom of Information Act 2000

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- 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 in standing order 3(b)(x) above.

28. Data Protection Act 2018

- a) Further to the government's decision to exempt local councils from the definition of 'public authority' for the purposes of the General Data Protection Regulation, the Council may appoint a Data Protection Officer. The Data Protection Act 1998 has been repealed and replaced by the Data Protection Act 2018.
- b) The Council must adopt a Security Incident Policy in relation to Data Protection as specified in the Data Protection Act 2018.

29. 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 processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b) In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

30. Financial Matters

- 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 accounting records and systems of internal control;
 - ii) the assessment and management of financial risks faced by the Council;
 - iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv) the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v) procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 29(c) below.
- c) Any formal tender process shall comprise the following steps:
 - i) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - ii) tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;

- iii) tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
- iv) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

e) 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 2015 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

f) 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 29e 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 unless it proposes to use an existing list of approved suppliers.

g) The financial Regulations of the Council shall be subject to regular review, at least once every 4 years.

h) Any resolution which is moved (other than in pursuance of a recommendation of the Finance Committee or another Committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure shall, when proposed and seconded, stand adjourned, without discussion to the next ordinary meeting of the Council and any Committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

31. Allegations of Breaches of the Code of Conduct

a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a committee known as the Finance and Policy Committee.

b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Finance and Policy Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.

c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.

d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the) Finance and Policy Committee shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

- i) Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
- ii) Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.

- iii) Ensure that the public and press are excluded from meetings as appropriate.
- iv) Ensure that the minutes of meetings preserve confidentiality.
- v) Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.

e) Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Finance and Policy committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

f) The Finance and Policy Committee shall have the power to:

- i) Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
- ii) Seek and share information relevant to the complaint;
- iii) Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.

g) References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

32. Variation, Revocation and Suspension of Standing Orders

a) 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.

b) 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.

33. 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/her being excluded from the meeting in accordance with standing orders.

These Standing Orders are to be reviewed by the Finance and Policy Committee before the Annual Meeting of the Council each year.