

Harby Parish Council Standing Orders

Reviewed 31st May 2018

Next review: May 2019



Standing Orders in **bold** type contain legal and statutory requirements.

1. Meetings

- a. **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum 3 clear days' 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. **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.** If a quorum is not present or if during a meeting the number of councillor's present (not counting those debarred by reason of a disclosable pecuniary interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at a following meeting.
- 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 in the agenda during the 10-minute public time.
- g. In accordance with standing order 1(f) , 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.
- h. The local Member of Parliament, County Councillors, District Councillors, police representatives and incumbent vicar are permitted to speak during Council meetings.
- i. **Subject to standing order 3(m), 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. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- j. **The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

- k. **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 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.**
- l. **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.**
- m. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

Disclosable pecuniary interest

- n. **Councillors must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting they are present where an item of business which affects or relates to the subject matter of that interest is under consideration (unless the interest is a sensitive interest, as defined by the Localism Act, in which event you need not disclose the nature of the interest).**
- o. **Councillors must make a verbal declaration of the existence and nature of any non-disclosable pecuniary interest at any meeting they are present (see Harby Parish Council's Code of Conduct for a definition of a non-disclosable pecuniary interest).**
- p. **Councillors must comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a Disclosable Pecuniary Interest (unless you have obtained a dispensation). Councillors must leave the room whilst the item is considered.**
- q. **A dispensation may be granted to permit a member to discuss and vote on an item where they have a disclosable pecuniary interest if after having had regard to all relevant circumstances, the Council considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or considers that granting the dispensation is in the interests of persons living in the authority's area, or considers that it is otherwise appropriate to grant a dispensation. A member must submit a written request to the Council for a dispensation.**
- r. **A dispensation must specify the period for which it has effect and not exceed four years.**
- s. **No member of the Council shall disclose to any person, not a member of the Council, any business declared to be confidential by the Council.**

2. Voting

- a. **Members shall vote verbally or by show of hands.**
- b. **All questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- c. **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.**
- d. **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote, whether or not he gave an original vote.**

- e. **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.**

3. Statutory Annual Meeting

- a. **In an election year, the statutory 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 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.**
- 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 election of the Chairman and Vice-Chairman (if there is one) of the Council shall be the first business completed at the annual meeting 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 on, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the 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.**
- i. **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the 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.**
- j. **At each Annual Meeting of the Council the business shall include:**
 - i. **Elect a Chairman and Vice-Chairman of the Council.**
 - ii. **Receive the Chairman's declaration of acceptance of office.**
 - iii. **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;**
 - iv. **Review the Council's policies and procedures including: Standing Orders, Financial Regulations, Risk Management Policy (including annual tree management inspection report), Training and Development Policy, Complaints Procedure, Grievance Policy and Disciplinary Policy.**
 - v. **Review of inventory of land and assets including buildings and office equipment.**
 - vi. **Review the Council's procedures under the General Data Protection Regulations.**
 - vii. **Review and confirmation of arrangements for insurance cover in respect of all insured risks.**
 - viii. **Appoint three designated signatories for payments.**
 - ix. **Review banking arrangements including interest levels on accounts**

- x. Review of the Council's and/or employees' memberships of other bodies.
- xi. Review of the Council's expenditure under S137 of the Local Government Act 1972 or the General Power of Competence
- xii. Determining the time and place of ordinary meeting of the Council up to and including the next annual meeting of the Council

4. Extraordinary Meetings

- a. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chairman of the Council does not call an extraordinary meeting of the Council within 7 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 statutory public notice giving the time, venue and agenda for such a meeting shall be signed by the two councillors.**

5. Disorderly Conduct

- 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) moderate or improve their conduct.
- b. If person(s) disregard the request of the Chairman to moderate or improve their conduct, any councillor or the Chairman may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 5(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

6. Minutes

- a. **The minutes of a meeting shall record the names of councillors present and absent.**
- b. **All minutes kept by the Council shall be open for the inspection of any member of the Council.**
- c. 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.
- d. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- e. 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.
- f. **If the Council's gross annual income or expenditure (whichever is the 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 1 month after the meeting has taken place.**
- 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.

7. Advisory Committees

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

8. Code of Conduct and Dispensations

- a. All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the council.
- b. Unless he has been granted a dispensation, a councillor or non-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.
- 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 and that decision is final.
- e. A dispensation request shall confirm:
 - i. The description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. The date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. An explanation as to why the dispensation is sought.
- f. Subject to standing orders 8d and 8e , 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.
- g. **A dispensation may be granted in accordance with standing order 8e above 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 or**
 - ii. **Granting the dispensation is in the interests of persons living in the Council's area or**
 - iii. **It is otherwise appropriate to grant a dispensation.**

9. Code of Conduct Complaints

- a. Upon notification by the District that it is dealing with a complaint that a councillor has breached the council's Code of Conduct, the Proper Officer shall, subject to standing order 8 above, report this to the council, unless it is confidential or sensitive information which for special reasons would not be in the public interest.
- b. Where the notification in standing order 9a relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff 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 standing order 9d.
- c. The Council may:

- i. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is a legal requirement;
 - 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 District Council that a councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

10. Complaints

- a. The Council shall deal with complaints of maladministration allegedly committed by the Council, or by any officer, or member, following the Complaints Procedure.

11. Accounts and Accounting Statements

- a. "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Smaller Authorities in England– a Practitioners' Guide.
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor electronically before each meeting a statement summarising the Council's receipts and payments and balances held for the financial year to date and a comparison with the budget for the financial year, highlighting 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. A statement summarising the Council's receipts and payments for the last quarter and the year to date and
 - ii. 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 annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

12. 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 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.
- b. Whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise. 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 12(g) 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. **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in standing order 12c below:**
- e. Any formal tender process shall comprise 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 appropriate manner;
 - 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 Council.
- f. The Council is not bound to accept the lowest tender, estimate or quote.
- g. **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.**
- h. **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.**

13. Proper Officer

- a. The Council's Proper Officer shall be the clerk. The Council's Proper Officer shall do the following:
 - i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting. This may be done by email (provided the councillor has consented to service by email) and**
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

- iii. Send an invitation to attend a meeting of the Council and an agenda to councillors of the District and County Council representing its electoral ward.
- iv. Facilitate inspection of the minutes by local government electors.
- v. Hold a copy of every councillor's Register of Interests, include these on the Council website and make them available for inspection.
- vi. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- vii. Forward to the Council every planning application received within 72 hours of receipt by email and to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- ix. Manage the organisation, storage of and access to, and destruction, of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980).
- x. Process requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with, and subject to, the Council's procedures relating to the same.
- xi. Receive and retain Declarations of Acceptance of Office from councillors.
- xii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- xiv. **Receive and retain copies of byelaws made by other local authorities.**
- xv. Manage access to information about the Council via the publication scheme
- xvi. A copy of these Standing Orders and the Council's Code of Conduct shall be given to each councillor by the Clerk upon delivery to him of the councillor's Declaration of Acceptance of Office and written undertaking to comply with the Code of Conduct adopted by the Council.

14. Execution and Sealing of Legal Deeds

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. **In accordance with a resolution made under Standing Order 14a, 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. Handling Confidential or Sensitive Information

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

16. 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 15.
- b. The Clerk shall notify the chairman of Council (or if he is not available, the vice-chairman of Council) of any absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c. The chairman of the Council (or in his absence, the vice-chairman of the Council) shall upon a resolution conduct a review of the performance and annual appraisal of the work of employees. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by Council.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the chairman of the Council (or in his absence, the vice-chairman of Council) in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Council.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the chairman or vice-chairman of Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of Council.
- f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 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 and encrypted.

17. 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 requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

18. Responsibilities under Data Protection Legislation

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

19. Variation, Revocation and Suspension of Standing Orders

- a. Any or every part of the Standing Orders, except those which are mandatory by law (and are printed in bold type) may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to, to vary, or to revoke, one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.
- c. The Chairman's decision as to the application of standing orders at meetings shall be final.