WARMINGTON AND ARLESCOTE PARISH COUNCIL
STANDING ORDERS

Adopted by the council at a meeting held on 3rd October 2018
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HOW TO USE MODEL STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council’s Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

DRAFTING NOTES

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs. It is NALC’s view that all model standing orders will generally be suitable for councils.
1. **MEETINGS GENERALLY**

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. 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.

d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

e. Subject to standing order 1(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.

f. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

g. 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.

h. 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).

i. 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.

j. 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.

k. 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.

See standing orders 3(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.

l. 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.

m. 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

   iii. interests that have been declared by councillors and non-councillors with voting rights;

   iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;

   v. whether a councillor or non-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.

n. 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.

o. 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.

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.

A meeting shall not exceed a period of 2 hours.

2. COMMITTEES AND SUB-COMMITTEES

a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

3. 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.

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

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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 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. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;

4. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

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 by the two councillors.

5. PREVIOUS RESOLUTIONS
a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

b When a motion moved pursuant to standing order 5(a) has been disposed of, no similar motion may be moved for a further six months.

6. MANAGEMENT OF INFORMATION

See also standing order 13.

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.

7. DRAFT MINUTES

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.

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 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:

“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 Subject to the publication of draft minutes in accordance with standing order 7(e) and standing order 13(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

8. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 1(n).

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 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 another interest if so required by the Council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

d 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.

e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

f 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.

g Subject to standing orders 8(d) and (f), a dispensation request 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.

h A dispensation may be granted in accordance with standing order 8(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.

9. CODE OF CONDUCT COMPLAINTS

a 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.

10. PROPER OFFICER

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

i. at least three clear days before a meeting of the council, a committee or a sub-committee,

   • 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).

See standing order 1(b) for the meaning of clear days for a meeting of a full council and standing order 1(c) for the meaning of clear days for a meeting of a committee;

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;

iv. receive and retain copies of byelaws made by other local authorities;

11. ACCOUNTS AND ACCOUNTING STATEMENTS

a. “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – 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.

12. FINANCIAL CONTROLS AND PROCUREMENT

a. 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(b) 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.

b. 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.

c. 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. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 14.

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.

14. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 6.

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 its privacy notice(s) 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.

15. 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 15(a), any two councillors may sign, on behalf
of the Council, any deed required by law and the Proper Officer shall witness their signatures.

16. **PLANNING APPLICATIONS**

In the event that the Parish Council cannot organise a meeting before the deadline for response to a planning application, the Parish Council delegate authority to the proper office to respond to planning application on the council’s behalf. In doing so the Proper Officer may seek to obtain representations from any member of the council by any method in order to inform the response.