



## Barnton Parish Council

THE CLERKS OFFICE - BARNTON CEMETERY - HAYES DRIVE - CW8 4JX

# Standing Orders

Date of Approval; 15 May 2023

### *NALC Model Standing Orders Introduction*

*These model Standing Orders update the National Association of Local Council (NALC) model Standing Orders contained in "Local Councils Explained" by Meera Tharmarajah (© 2013 NALC). This publication contains new model Standing Orders which reference new legislation introduced after 2013 when the last model Standing Orders were published.*

*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.*

*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.*

#### **1. Meetings**

A **parish** council in England **must** hold not less than **four** meetings in each year, one of which must be the Annual Parish Council Meeting, which has to take place every year **in May**.

At the Annual meeting of the Parish Council, a new chair person **must** be nominated.

- I. **Meetings of the Council shall begin at 7.00PM unless the Council decides at a previous meeting.**
- II. **The Statutory Annual Meeting (AM) *in an election year* shall be held on the last working day after elections to allow for changes of election dates.**
- III. **In a year which is not an election year the AM shall be held in May on a date determined by the Council in January each year.**
- IV. The three other statutory meetings and any additional meetings shall be held on the third Monday of the month as prescribed by the Council in January each year.
- V. Full Council meetings will be monthly. No council meeting will take place during August or December unless the Clerk advises the Chairman to call an extraordinary meeting of the council.
- VI. **Council Meetings shall not last more than 3 hours**
- VII. **It must be moved to carry on meetings past 9.00pm and can then only continue to the maximum allocation of 3 hours on passing of this motion.**
- VIII. **A councillor who fails to attend any meetings for six consecutive meetings will automatically cease to be a councillor unless the council approved the reason for absence before the end of the six month period.**
- IX. **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.**

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. The public are requested to notify the Clerk if they intend to film a meeting in order that necessary arrangements can be made. 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. 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)

## 2. Chairman of the meeting

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

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 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. 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. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting. 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. Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

## 3. Proper Officer (Clerk)

The proper officer shall, At least three clear days before a meeting of the council, a committee or a subcommittee; • 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)

• 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).

• convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office; • facilitate inspection of the minute book by local government electors; • receive and retain copies of byelaws made by other local authorities

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases he/she shall be the Clerk:-

- (a) To receive declarations of acceptance of office
- (b) To receive and record notices disclosing pecuniary interests
- (c) To receive and retain plans and documents
- (d) To sign notices and documents on behalf of the Council
- (e) To receive copies of byelaws made by a District Council
- (f) To certify copies of byelaws made by the Council
- (g) To sign summonses to attend meetings of the Council
- (h) To manage all matters/quotes/orders in relation to Councillors, staff and contractors and report back via FCM where necessary – any costs incurred without consent of Full Council will not be honoured unless in case of emergency (as per Item 52 (b) of the Standing Orders).
- (i) Office hours - Councillors, staff and Contractors can contact the clerk during office hours by telephone, text or email.
- (j) Visits to the Clerks office by Councillors, Staff or Contractors during office hours must be by prior appointment only unless in case of emergency.

## 4. Quorum

With the maximum number of Cllrs being reduced from 15 to 10 after the May 2015 Elections, FOUR Cllrs shall constitute a quorum from May 2015.

If a quorum is not present when the Council meets, or if during a meeting the number of Councillors present, and not debarred by reason of declared pecuniary interest, falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

## 5. Voting

Members shall vote by a show of hands, or, if at least two members so request, by signed ballot.

- a. If a member so requests, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.
- b. Subject to (c) below, the Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes, the Chairman may give a casting vote.
- c. If the person presiding at the annual meeting of the council would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their term of office, he may not give an original vote in an election for Chairman. Nor can that person have a casting vote if the vote is tied. The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## 6. Extraordinary meetings of the council

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

## 7. Committees and sub-committees

**a** Unless the council determines otherwise, a committee may appoint a subcommittee whose terms of reference and members shall be determined by the committee.

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

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

**d** The council may appoint standing committees or other committees as may be necessary, and:

**i** shall determine their terms of reference;

**ii** shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;

**iii** shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

**iv** shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

**v** shall determine if the public may participate at a meeting of a committee

## 8. Order of Business

In an election year, Councillors should execute Declarations of Acceptance of Office in each other's presence or in the presence of a proper officer previously authorised by the Council to take such declaration before the annual meeting commences.

At each AM, the first business shall be :-

**(a)** To elect a Chairman

**(b)** To receive the Chairman's declaration of acceptance of office or if not received to decide when it shall be received.

**(c)** To elect a Vice Chairman and to receive their declaration of acceptance or if not received to decide when it shall be received

**(d)** To consider the payment of any subscriptions falling to be paid annually

**(e)** To inspect any deeds and trust instruments in the custody of the council and shall thereafter follow the order set out in S.O. 15.

At every meeting (other than the AM) the first business shall be to appoint a Chairman if the Chairman and Vice Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made or, if not then received, to decide when they shall be received.

After the first business has been completed the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

1. To receive apologies for absence
2. To receive from members, disclosure of any Disclosable Pecuniary Interests and Other Disclosable Interests as required under Chapter 7 of the Localism Act 2011
3. To suspend the Standing Orders in order to answer questions and to allow public participation (i.e. anyone who is not a Barnton Parish Councillor)
4. Public Open Forum
5. To answer Questions (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)
6. To receive and consider reports from officer of the Cheshire West & Chester Council and PCSO
7. To reinstate the Standing Orders which prohibits further public participation
8. To read and consider the Minutes provided that, if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
9. After consideration, to approve the signature of the Minutes by the person presiding as a correct record
10. To deal with business expressly required by statute to be done
11. To receive such communications as the person presiding may wish to lay before the Council
12. To authorise the sealing of documents
13. To authorise the signing of orders for payment
14. To consider resolutions or recommendations in the order in which they have been notified
15. Part B - Exclusion of press and public – in accordance with the provision of Schedule 12A of the Local Government Act 1972, section 5, the press and public be excluded during items of a confidential or other special nature.
16. A motion to vary the order of business on the grounds of urgency may be proposed by any member and, if proposed by the Chairman, may be put to the vote without being seconded and shall be put to the vote without discussion.
17. In every year not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service for existing employees.

## 9. Motions for a meeting that require written notice to be given to the Proper Officer

- A. A motion shall relate to the responsibilities of the Council in the performance of its statutory functions, powers and obligations or an issue which specifically affects the Councils area or its residents.
- B. No motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 10 clear days before the next meeting of the Council.
- C. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it is received and shall enter it into a book which shall be open to inspection by every member of the Council
- D. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it
- E. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area

## 10. Motions at a meeting that do not require written notice

Resolutions dealing with the following matters may be moved without notice;-

- (a) To appoint a Chairman of the meeting
- (b) To correct the Minutes
- (c) To approve the Minutes
- (d) To alter the order of business
- (e) To proceed to the next business
- (f) To close or adjourn the debate
- (g) To refer a matter to a working party and to appoint any members thereof
- (h) To adopt a report
- (i) To authorise the sealing of documents
- (j) To amend a resolution
- (k) To give leave to withdraw a resolution or amendment
- (l) To adjourn or close a meeting
- (m) To exclude the press or public from a meeting in respect of confidential or sensitive information. (Part B refers)
- (n) To extend the time limit for speeches by members
- (o) To silence or eject from a meeting a member named for misconduct
- (p) To invite a member having an interest in the subject matter under debate to remain
- (q) To give the consent of the Council where such consent is required by these Standing Orders
- (r) To suspend any Standing Order

## 11. Questions

- a) A member may ask the Chairman or the Clerk any question concerning the business of the Council provided notice of the question has been given to the person to whom it is addressed before the meeting begins
- b) No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions
- c) Every question shall be put and answered without discussion – Chair may ask for time to respond.
- d) A person to whom a question has been put may decline to answer

## 12. Rules of Debate

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes must be made by resolution and initialled by the Chairman.

- I. A resolution or amendment cannot be discussed unless its on the agenda and must be proposed and seconded after discussion
- II. A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order
- III. No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council (*the mover of a resolution is allowed a longer time than others*)
- IV. An amendment shall either be (i) to leave out words (ii) to leave out words and insert or add others (iii) to insert or add words
- V. An amendment shall not have the effect of negating the motion before the Council
- VI. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution
- VII. The mover of a resolution (or an amendment) shall have the right of reply not exceeding 3 minutes.
- VIII. A motion or amendment may be withdrawn by the proposer with the consent of the Council
- IX. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation will not be discussed
- X. Members shall address the Chairman
- XI. Whenever the Chairman rises during a debate all other members shall be seated and silent
- XII. When a resolution is under debate, no other resolution may be moved except the following;

(i) to amend the resolution (ii) to proceed to the next business (iii) to adjourn the debate (iv) that the question be now put (v) that a member named be not further heard (vi) that a member named do leave the meeting (vii) (viii) to exclude the public and press to adjourn the meeting

## 13. Disorderly Conduct

- (a) No members shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named leave the meeting and the motion, if seconded, shall be put forth with or without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## 14. Right of Reply

The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

#### 15. Rescission of a previous Resolution

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

#### 16. Canvassing of Members

- (a) Canvassing of members, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub paragraph of this Standing Order to every candidate.
- (b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a member may give a written testimonial of a candidate's ability experience or character for submission to the Clerk. Such nominations shall be put before full Council for voting at the Annual Meeting.
- (c) 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. In the case of a tied vote, Chairman takes the casting vote.

#### 17. Management of Information

A In accordance with GDPR Act 2018, 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.**

#### 18. Discussions and Resolutions affecting Employees of the Council

At a meeting, if there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council it shall be discussed in Part B and the press and public shall be excluded.

#### 19. Resolutions on Expenditure

Any resolution which, if carried, would in the opinion of the Chairman substantially increase the expenditure on any service which is under the management of, 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.

#### 20. Expenditure

Orders for the payment of money shall be authorised by resolution of the Full Council or delegated committee and signed.

#### 21. Sealing of Documents

A document shall not be sealed on behalf of the Council unless the Council has authorised its sealing by resolution. Any two members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.

#### 22. Accounts and Financial Statement

In accordance with The Local Government Transparency Code 2015

- (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Full Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the Chairman or Vice Chairman of the Council.
- (c) All payments ratified under sub paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- (d) The Clerk shall supply to each member at each meeting a statement of receipts and payments.

#### 23. Estimates

The Council shall approve written estimates (BUDGET) for the coming financial year at its meeting in the month of January.

**A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 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.**

#### 24. Interests

If any member has any pecuniary interest direct or indirect within the meaning of section 94-95 of the Local Government Act 1972, in any contract, proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the matter described in section 97(b) or

- (a) The disability imposed upon him by those sections has been removed by the District Council; or
- (b) The Council invite him to remain

The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member

#### 25. Inspection of Documents

- (a) A member may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council, and if copies are available, shall, on request, be supplied for the like purpose with a copy.
- (b) All minutes kept by the Council shall be open for inspection of any member of the Council.

#### 26. Responsibilities Under Data Protection Legislation

GDPR 2018 refers:-

**a The Council shall appoint a Data Protection Officer.**

**b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

**c The Council shall have a written policy in place for responding to and managing a personal data breach.**

**d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

**e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

**f The Council shall maintain a written record of its processing activities**

#### 27. Unauthorised Activities

No member of the Council shall, in the name of, or on behalf of the Council:-

- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or unless authorised to do so by the Council.
- (b) Issue orders, instructions or directions

#### 28. Admission of Press and Public to Meetings

- (a) The public shall be admitted to all meetings of the Council. The Council may however temporarily exclude the public and press by means of the following resolution:-

"That in view of the [special] [confidential] nature of the business about to be transacted it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw"

*(Notes: The special reasons should be stated. Circular 1/86 issued by the National Association of Local Councils deals with situations where it is likely to be desirable to exclude the public. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).*

- (b) The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present
- (c) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

#### 29. Confidential Business

- (a) No member of the Council shall disclose to any person who is not a member of the Council any business declared to be confidential to the Council
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from the Council by the Council
- (c) Only persons with line management responsibilities shall have access to employee records

#### 30. Liaison with County Councillors and Police Services

A notice of a meeting shall be sent, together with an invitation to attend, to the County Councillors for the ward and to the PCSO to enable them to speak in the public forum (at the suspension of Barnton Parish Council Standing Orders).

#### 31. Planning Applications

The Clerk shall, as soon as it is received, keep an electronic file and back up or a book, specifically for the purpose, recording the following particulars of every planning application notified to the Council:- (i) the date on which it was received (ii) the name of the applicant (iii) the place to which it relates (iv) a summary of the nature of the application (b) The Council may delegate powers to deal with planning applications. Only contentious or unusual applications need be referred to Council.

### 32. Standing Order on Contracts

- (a) Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or material or for the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given in addition to all firms included in the appropriate standing approved list of contractors maintained by the District Council, or if no such list is maintained then in such newspapers circulating in the district as the Council shall direct.
- (b) Notice of a contract exceeding £25,000 shall state the general nature of the intended contract and state the name and address of the person to whom the tenders are to be addressed and the last date by which those tender should reach that person in the ordinary course of post.
- (c) Tenders shall be opened by the Clerk or other person to whom tenders are to be addressed on the date specified pursuant to paragraph (b) of the Order and shall be reported by the person who opened them to the Council
- (d) The Council is not bound to accept the lowest tender
- (e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit

### 33. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member by way of the Complaints Policy adopted by Council in March 2013.

**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.**

### 34. Standing Orders to be given to Members

A copy of Barnton Parish Council Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the members Declaration of Acceptance of Office

### 35. Co-option of new councillors

The following procedure shall be followed;-

- Public Notification re; intention to co-opt to be posted on website and notice board
- Applicant; Interview with clerk/application form completed/invitation to attend and observe FCM
- Meeting 1 - Application to full council for consideration
- Meeting 2 - Vote to take place
- Meeting 3 – Co-option to take place