

**Litton Cheney Parish Council
Standing Orders**

Issued 18 April 2016 – Adopted 10 May 2016

**Based upon NALC Standing Orders-2010 and 2013 as amended following the Openness of
Local Government Regulations 2014**

1 Meetings

- a. Meetings of the Council shall be held at Litton and Thorner's Community Hall at 7:30pm unless the Council otherwise decides at a previous meeting. Smoking is not permitted at any meeting of the Council.
- b. **At every meeting other than the Annual Meeting 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 that are required by law to be made, or if not then received to decide when they shall be received.**
- c. **Meetings shall not take place 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 reasonable cost.**
- d. **When calculating the 3 days clear notice for a meeting, the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break, a bank holiday, or a day appointed for public thanksgiving or mourning, shall not count.**
- e. **No business may be transacted at a meeting unless at least one third of the total members of the Council are present, and in no case shall the quorum of a meeting be less than three.** If a quorum is not present or if during the meeting the number of councillors 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 the next meeting.
- f. **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 special reasons. The public's exclusion from part or, all of a meeting shall be by a resolution, which shall give reasons for the exclusion.**
- g. Subject to standing order 1f above, members of the public are permitted to make representations, answer questions and give evidence in respect of business included in the agenda during the democratic time. No member of the public has a right to speak unless the council (not the Chairman) approves.
- h. The period of time designated for public participation (democratic time) at a meeting shall not exceed 15 minutes unless directed by the Chairman. A member of the public shall not speak for more than 3 minutes.
- i. In accordance with standing order 1g above a question shall not require a response at a meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or an oral response be given.
- j. The local MP, County councillors, District councillors, police representatives, and incumbent vicar are allowed to talk at meetings.

- k. Any person who attends a council meeting may report on the proceedings at that meeting. A person present may not give an oral report, or commentary during that meeting, but may: film, photograph or make an audio recording of proceedings, use any other means to make people not present at that meeting to see or hear proceedings, as it takes place or later, use written reporting on proceedings, during or after the meeting, or use oral reporting after the meeting.**
- l. The press shall be provided with reasonable facilities for the taking of that report of all or part of the meeting at which they are entitled to be present.**
- m. The Chairman if present shall chair the meeting. If the Chairman is absent from the meeting the Vice Chairman shall preside. If both the Chairman and Vice Chairman are absent from the meeting a councillor as chosen by the councillors at the meeting shall preside.**
- n. The person presiding at the meeting may exercise all powers and duties of the Chairman in relation to the conduct of the meeting.**
- o. Members must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting that they are present, where an item of business which affects or relates to a 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 that interest). Members must leave the room when this item of business is discussed.**
- p. Members must make verbal declaration of the existence and nature of a non disclosable pecuniary interest at any meeting that they are present.**
- q. A dispensation may be granted to allow a Member to discuss a vote on an item where they have a disclosable pecuniary interest if after having regard to all relevant circumstances the council considers that without that 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 interest of the persons living in the council area or considers that it is otherwise appropriate to grant a dispensation. A Member must issue a written request to the council for a dispensation.**
- r. A dispensation must specify the period for which it has effect and not exceed 4 years.**
- s. No Member shall disclose to any person, not a member of the council any business declared to be confidential to the council.**
- t. A meeting shall not exceed a period of 2 hours.**

2. Voting

- a) Members shall vote verbally or by a show of hands.**
- b) All questions at a meeting shall be decided by the majority of Members present and voting.**
- c) At the request of a Member the voting on any question shall be recorded so as to show whether each Member present and voting gave his vote for or against that question. Such a request must be made before moving on to the next item 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.**

3. Statutory Annual Meeting

- a. **The Statutory Annual Meeting in an election year shall be held on the Tuesday following the fourth day after the ordinary day of elections to the Council. In the year, which is not an election year, it shall be held on the second Tuesday in May. The Village Assembly will be held on the same day as the Annual Meeting in May.**
- b. **The four other statutory meetings will be held on the second Tuesday in the months of July, September, November, and January. An additional meeting shall be held on the second Tuesday in the month of March.**
- c. **The election of the Chairman and Vice Chairman shall be the first business completed at the annual meeting of the Council.**
- d. **The Chairman of the Council unless he/she resigns or becomes disqualified shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- e. **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 meeting of the Council.**
- f. **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 is 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.**
- g. **At the 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 the acceptance of office, or if then not received to decide when it shall be received. In an election year delivery by the Chairman of the Council and Members 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.**
 - III) In an ordinary year of elections of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - IV) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**

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, 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 notices giving the time, venue and agenda for such a meeting must be signed by 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 a person(s) disregards the request of the chairman to moderate or improve their conduct, any Member or The Chairman may move that the person be no longer heard or 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) above is ignored the Chairman of the meeting may take other reasonable steps to restore order or to progress the meeting. This may include temporarily suspending the meeting or closing the meeting.

6. Minutes

- a. **The minutes of the meeting shall record the names of the members present or 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 the preceding meeting has been circulated to members no later than the day of the 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 amendments to correct their accuracy, shall be confirmed by resolution and shall be signed by the chairman of the meeting as an accurate record of the meeting to which the minutes relate.
- f. Upon a resolution, which confirms the accuracy of the minutes of meeting, any previous draft minutes or recordings shall be destroyed.
- g. 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:
“The Chairman of the meeting does not believe that the minutes of the Parish Council held on (date) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record”

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.
- b. An advisory committee may make representations and give notice thereof to the Council.

8. Code of Conduct

- c. All Members and non-Members with voting rights shall observe the code of conduct adopted by the Council.
- d. Unless he/she has been granted a dispensation, a councillor or non- councillor with voting rights shall withdraw from a meeting when it is considered a matter on which he/she has a disclosable pecuniary interest.
- e. **Dispensations 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.
- f. A decision whether to grant a dispensation shall be made by the meeting of the Council and that decision is final.
- g. Subject to d. above dispensation requests shall be considered at the start of the meeting for which the dispensation is required.
- h. **A dispensation may be granted in accordance with 8 e above if having regard to all the relevant circumstances the following applies**
 - 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 interest of persons living in the councils area or:**
 - iii. **It is otherwise appropriate to grant a dispensation.**

9. Code of Conduct Complaints

Upon notification by the District Council that a councillor has breached the councils code of conduct, the council shall consider, if any, what action to take against him/her.

10. Accounts and Financial Statement

- 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.
- c. As soon as possible after the financial year end at the 31 March the Responsible Finance Officer shall provide:
 - a. A statement summarising the councils receipts and payments for the last quarter and the year to date.
 - b. 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.
 - c. 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 return shall be completed before the end of the following May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and approval before 30 June.

11. Financial Matters

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. Keeping of accounting records and systems of internal controls.
- ii. Assessment and management of financial risks faced by the Council.
- iii. The work of an independent internal auditor, in accordance with proper practices and the receipt of regular reports from the internal auditor which shall be required at least annually.
- iv. **Procurement policies for a proposed contract for the supply of goods, materials, services, and execution of works with an estimated value in excess of £2000 shall be procured on the basis of a formal tender.**
- v. **Orders for payment of money shall be authorized by resolution of the Council and signed by two members. Payments may be made by cheque or via online banking.**

12. Proper Officer

The Council's Proper Officer shall be the Clerk who shall:

- i. **Sign and serve on Members by email a summons confirming the time, date, venue and agenda of a meeting of the Council at least 3 clear days before the meeting.**
- ii. **Give public notice of the time, date venue 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 and convened by Members is signed by them).**
- iii. Facilitate an inspection of the minute book by local government electors.
- iv. Retain a copy of every Member's Register of Interests, include those on the web site and make them available for inspection.
- v. Arrange for prompt authorisation, approval and instruction, regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- vi. Forward to the Council every planning application received within 96 hours of receipt, by email, and to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting of the Council.
- vii. Where an application is considered routine and non-contentious, a collective response by consensus of the council may be made by electronic communication, and minuted at the next ordinary meeting.
- viii. It is sometimes not possible for Members to submit comments on Planning Applications for Tree Works and in this instance the Council delegates its response to the Clerk who will submit the following comments on behalf of the Council: "The Parish Council has no objection provided that it can rely upon the professional expertise of the Tree Officer".
- ix. Receive and send correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- x. Manage the organisation, storage of and access to and destruction of information held by the Council in paper and electronic form.
- xi. Process requests made under the freedom of information Act 2000 and Data Protection Act 1998 in accordance with and subject to the Councils procedures relating to the same.
- xii. **Convene a meeting of the full Council for the election of a new Chairman of the Council occasioned by a casual vacancy in his office.**
- xiii. **Receive and retain copies of bylaws made by other local authorities.**

- xiv. A copy of these Standing Orders and the Council's Code of Conduct shall be given to each Member by the Clerk upon delivery to him of the Members declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.

13. 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.**

14. Handling Confidential Information

- a. The Agenda, papers that support the Agenda and the minutes of the 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 should not be in the public interest.

15. Freedom of Information Act 2000

The Parish Council has adopted the Model Scheme for Local Councils (Core Classes only) and requests for information under the Freedom of information Act 2000 shall be handled in accordance with this policy.

16. Variation, Revocation and Suspension of Standing Orders

- a. Any or every part of the Standing orders, except those that are mandatory by law, **(those 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 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.
- c. The Chairman's decision as to the application of Standing Orders at a meeting shall be final.

17. Data Protection Act 1998

The Parish Council has adopted the Model Scheme for Local Councils and **No records of names or address shall be held in a computer unless registered as a Controller of Data with the Information Controller and payment of an annual fee.**

18. General Statement

The Council shall accept its general duty to consider the following matters in the exercise of any of its functions:

- a. **Equal Opportunities.**
- b. **Race Relations Act 2000.**
- c. **Crime and Disorder Act 1998.**
- d. **Disability Discrimination Act 1995.**
- e. **Human Rights Act 1998.**
- f. **Health and Safety at Work Act 1974.**
- g. **Transparency code for smaller authorities Dec 2014.**
- h. **Protection of Freedoms Act 2012.**
- i. **NALC Code of Conduct June 2012.**

