

NUNTHORPE PARISH COUNCIL STANDING ORDERS
Amended 12/6/2019

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Standing orders in bold represent legal requirements and should only be changed due to new legislation or having sought legal advice.

1 Meetings

- = Mandatory for full Council meetings.
- = Mandatory for committee 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 When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- **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 Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted.**
- **e In accordance with standing order 1(c) above, 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.**
- **f Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may exceptionally, if he is uncontactable, and the matter is urgent, as agreed between the Vice Chair and Parish Clerk, be done by, to or before the Vice-Chair (if any).**
- **g The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both 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.**

- ● **h** Subject to model standing order 1p below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- ● **i** 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.
- **j** Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present voted and whether he gave his vote for or against that question or if he abstained. Such a request shall be made before moving on to the next item of business on the agenda.
- ● **k** The minutes of a meeting shall record the names of councillors present and absent.
l If prior to the commencement of a meeting, a Councillor has submitted reasons for his absence at the meeting this shall be taken as accepted unless it is rejected by resolution, such resolution shall be recorded in the minutes.
- ● **m** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- ● **n** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- ● **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 3.
- ● **p** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- q At every meeting open to the public the Chairman shall afford members of the public time to make representations on items not on the agenda under 'Matters for reporting and inclusion on next agenda.'
- r The Chairman may request any item raised under standing order 1q be submitted in writing to the Clerk for inclusion on the next meeting's agenda.

2 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 new councillors elected take office.
- b** In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c** If no other time is fixed, the annual meeting of the Council shall take place at 7 pm.
- 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 directs.
- e** The election of the Chairman and Vice-Chairman 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 any, 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 meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- 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 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 must 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 of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and

- note minutes of and to determine recommendations made by committees.
- iii. Review of delegation arrangements to committees, employees and other local authorities.
 - iv. Review of the terms of references for committees.
 - v. Receipt of nominations to existing committees.
 - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
 - vii. Review and adoption of appropriate standing orders and financial regulations.
 - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - ix. Review of representation on or work with external bodies and arrangements for reporting back.
 - x. Review of inventory of land and assets including buildings and office equipment.
 - xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - xii. Review of the Council's and employees' memberships of other bodies.
 - xiii. Confirm the dates, times and place of ordinary meetings of the full Council and Committees, where possible, for the year ahead as agreed by the full Council.

3 Proper Officer

a The Council's Proper Officer shall be the Clerk, or such other person appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Council's Proper Officer shall do the following.

- i. Upon the Council, Chairman or a committee having resolved to serve a summons on councillors confirm the time, date, venue and the agenda for a meeting. The summons shall be by delivery or post at their residences or by electronic mail where appropriate at least 3 clear days before any meeting.
- ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them.**
- iii. Include in the agenda all items of business received.
- iv. 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, in accordance with standing order 3(a)i & 3(a)ii.**
- v. Make available for inspection the minutes of meetings.**
- vi. Receive and retain copies of bye laws made by other local authorities.**
- vii. Receive and retain declarations of acceptance of office from councillors.**
- viii. Keep proper records required before and after meetings;
- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution or standing order to the contrary using the system set out in standing orders. If the Chairman is unavailable due to illness or holiday his responsibility for communication becomes that of the Vice Chairman, until such time as the Chairman is able to resume these duties.
- xi. Circulate any internal communication when requested to do so by a councillor. If an item is deemed unacceptable for reasons of clarity, offensiveness or breach of law, it shall be returned to the originator with an explanation.
- xii. To send correspondence generated by any Councillor in situations where the Clerk or Chairman deems awaiting the approval at a meeting of the full Council would lead to detrimental consequences, and that the correspondence is one of sending or requesting information only. This information may make reference to previous resolutions of the Council but shall not represent, as those of the Council, any opinions which have not been agreed by resolution. Any four members of the Council must agree to the correspondence before it is sent, providing that it has been circulated to all councillors at least forty-eight hours prior to its sending. If any Councillor objects to the correspondence within the forty-eight hour notice period, it shall, at the Clerk's discretion be either amended and re-circulated or held for discussion at the next full meeting of the Council.
- xiii. Arrange for legal deeds to be signed by 2 councillors.
- xiv. 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.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book or electronic register for such purpose;
- xvi. Refer a planning application received by the Council to the Planning Committee within 3 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires

consideration before the next ordinary meeting of the Planning Committee.

xviii. Action or undertake activity or responsibilities instructed by resolution of the Council or a committee or contained in standing orders.

xix. Circulate the draft minutes of meetings of the Parish Council no later than ten clear days after the meeting.

xx. Manage the organisation, storage of and access to information held by the Council in paper or electronic form.

4 Motions and Resolutions

a Motions should be made and moved by one councillor in clear terms.

b Once a motion is made the mover should request a seconder for the motion. If no seconder is found the motion shall fail.

c Once a seconder has been found the motion should be discussed and changed as needed.

d The chairman shall then put the motion to a vote by the Council. This vote shall decide if the motion is passed.

e A motion shall be passed if more votes are in favour of the motion than against.

f Any councillor may abstain from voting on any motion.

g The Chairman may give an original vote on any motion and in the case of an equality of votes may give a casting vote whether or not he gave an original vote.

h A record of every motion made shall be entered into the minutes, including the number of votes for, against and the number of abstentions.

i A motion to suspend any standing order except those which are mandatory by law can be made at any time.

j Any councillor may request, immediately before or after a vote, that the names of councillors and how they vote on a motion be recorded.

5 Rules of debate

a Any person wishing to speak shall raise his hand and wait until the Chairman invites him to speak.

b Any councillor wishing to make a point of order shall raise his hand and say "Point of order." He shall be heard without delay. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity by which he is concerned.

c A point of order shall be decided by the Chairman and Clerk and the decision shall be final.

d The Chairman may give non councillors the opportunity to speak at his discretion.

e Items included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed by the Chairman.

f The Chairman shall give every councillor a fair opportunity to speak on each matter.

6 Code of conduct

a All councillors shall observe the code of conduct adopted by the Council.

b Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting must remind those present and may:

i. Make representations.

ii. Answer questions.

iii. Give evidence relating to the business being transacted but must take no part in the voting.

7 Minutes

a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. Correction of a perceived inaccuracy in the minutes shall be by resolution of the Council.

c Minutes, including any amendments, 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 Council resolves to accept the minutes and 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 this meeting does not believe that the minutes of the meeting of the Nunthorpe Parish Council held on [date] in respect of [item] were a correct record but his view was not upheld by the majority of the Council and the minutes are confirmed as an accurate record of the proceedings.”

e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be invalid.

8 Disorderly conduct

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

b If in the opinion of the Chairman there has been a breach of standing order 8a above, the Chairman shall express that opinion and thereafter any councillor may move that the person be silenced or excluded from the meeting and the motion, if seconded, shall be put forth with and without discussion.

c If a resolution made in accordance with standing orders above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and he may adjourn the meeting.

9 Rescission of previous resolutions

a A resolution of the Council shall not be reversed within 6 months except by a special motion requiring no less than half the councillors present to vote in favour of rescinding the original motion.

10 Financial matters

Please also refer to Nunthorpe Parish Council Financial Regulations.

a The Council’s financial regulations shall be reviewed once a year.

b The Council’s financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee or to an employee.

c All payments by the Council shall be authorised, approved and paid in accordance with the Council’s financial regulations, which shall be reviewed at least annually.

d The Responsible Financial Officer shall supply to each councillor at the Council’s meetings a statement summarising the Council’s receipts and payments for the month and year to date and the balances held. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

e The Council shall approve written estimates for the coming financial year at its meeting before the end of November.

f 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 orders of payments;

g Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.

h Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

11 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 11a above, any two of the three authorised bank signatories of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

12 Committees

a The Council may at any time appoint or dissolve committees as necessary and shall determine their terms of reference.

b The Council shall appoint or remove members to and from a committee by resolution.

c The Council shall determine the term of office of councillor or non-councillor members of such a committee, unless the appointment of non-councillors is prohibited by law, so as to hold office no later than the next annual meeting.

d Committees shall determine the dates of their meetings. These may be held within the full Council meeting so long as this is explicitly stated as an agenda item.

e The Council may in accordance with standing orders, dissolve a committee at any time.

13 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 seven clear days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

14 Advisory committees

a The Council may appoint advisory committees comprised of any number and proportion of councillors and non-councillors.

15 Inspection of documents

a Excluding matters which are confidential a councillor may, for the purpose of his official duties, inspect any document in the possession of the Council or a committee and request a copy for the same purpose. The minutes of meetings of the Council and its committees shall be available for inspection by councillors.

16 Unauthorised activities

a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council or a committee:

- i. inspect any land or premises which the Council has a right or duty to inspect;
- ii. issue orders, instructions or directions.

17 Confidential business

a Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature unless required to do so by law.

18 Matters affecting council employees

a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.

b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council of any absence occasioned by illness or urgency and that

person shall report such absence to any meeting impacted by the absence.

c The Chairman of the Council shall upon a resolution conduct a review of the performance of and give an appraisal of the Clerk and Assistant Clerk and shall keep a written record of it. The Clerk and Chairman shall conduct a review of the performance and appraisal of any other staff and shall keep a written record of it to be submitted to the Council. The review and appraisal shall be reported back and shall be subject to approval by resolution by the 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, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.

e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk or Assistant Clerk or another employee relates to the Chairman of the Council, this shall be communicated to another member of the Council which shall be reported back to and progressed by resolution of the Council.

f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same, the Chairman if he has good cause, or persons required to do so by law.

i Access of locks, keys and computer passwords to records of employment referred to in standing orders 18g and 18h above shall be provided only to the Clerk, Assistant Clerk and the Chairman of the Council. Copies of keys, passwords and documents may also be placed with a solicitor or similar provided these standing orders are provided to him so that he may give access if requested by authorised persons.

19 Freedom of Information Act 2000

a All requests for information held by the Council shall be processed in accordance with the Freedom of Information Act 2000.

20 Relations with the press and media

a Councillors should not provide oral or written statements or written articles to the press or other media. Councillors should make clear that any views given without a resolution by the Council are their personal views.

b All communications to the media shall be made by the Clerk in writing.

c Any councillor approached by the press or media shall direct the person making the request to contact the Council's Proper Officer in writing.

21 Allegations of breaches of the code of conduct

a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council.

b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact. The Chairman upon receipt of such notification shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved. The person nominated may not be the subject of the complaint.

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

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

i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.

ii. Ensure that any background papers are not made public.

iii. Ensure that the public and press are excluded from meetings as appropriate.

- iv. Ensure that the minutes of meetings preserve confidentiality.
- v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 21d above should not be taken to prohibit the Council, whether through the Proper Officer or the Chairman or otherwise, from disclosing information to councillors and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Chairman and Council shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the councillor involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 21 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

22 Standing orders and code of conduct to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders and code of conduct to a councillor upon delivery of his declaration of acceptance of office.
- b The decision of the application of standing orders at meetings shall be by resolution of the Council.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting by resolution.

23 Variation and revocation of standing orders

- a A motion to permanently add, vary or revoke one or more of the Council's standing orders shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.