

Standing Orders for Little Gaddesden Parish Council.

Adopted 10th April 2017 (to be reviewed April 2019)

Standing Orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. Standing Orders are not the same as the policies of a council but they may refer to such policies.

Meetings of the Council, Councillors and the Clerk are subject to many statutory requirements. A council should have standing orders to meet those requirements. A council should also have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing Orders that are in bold type below contain statutory requirements.

Financial Regulations are Standing Orders to regulate and control the financial affairs and accounting procedures of the Parish Council. The Financial Regulations, as opposed to the Standing Orders of a council, include most of the requirements relevant to the Responsible Financial Officer (Clerk)

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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 **A minimum of three clear days of notice of a meeting is required and those 3 days do 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, subject to the 'Policy in relation to Public Participation at Parish Meetings', 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 The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the chairman of the meeting.
- f A question from the public shall not necessarily 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.
- g A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- h **A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:**
 - a) **film, photograph or make an audio recording of a meeting;**
 - b) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
 - c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**

- i **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.**
- j **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 (if any).**
- k **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.**
- l **Subject to a meeting being quorate, (3 Councillors present) all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
- m **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.**
- n **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.**
- o 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 present and absent;
 - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
 - iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. any resolutions made.
- p **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.**
- q **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.**

- r A meeting shall not exceed a period of 3 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.**
- d The council may appoint standing committees or other committees as may be necessary.
- e The Council may hold a pre-meeting without the public being present in order to prepare an agenda for an Ordinary meeting, no decisions can be taken at that pre-meeting.

3. Ordinary council meetings

- a **In an election year, the Annual Parish 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 Parish 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 Parish Meeting of the council shall take place at 6pm.**
- d **In addition to the statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct. In respect of those statutory meetings, the Clerk will prepare an agenda and ensure it is delivered to Councillors and placed on the noticeboard and website, three clear days before the meeting. As a result of the modifications to the Local Government Act 1972 by the Local Government (Electronic Communications)(England) Order 2015, sending a summons to**

Councillors by e-mail is an acceptable method of inviting Councillors to the Parish Meetings, provided that the Councillors continue to accept this approach.

- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) 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 (if any) of the Council at the annual meeting of the council, the business of the annual meeting 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 and Vice Chairman of the Council of their acceptance of office forms 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. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 2 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;

- x. Review of representation on or work with external bodies and arrangements for reporting back;
- xi. 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;
- xii. Review of inventory of land and assets including buildings and office equipment;
- xiii. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xiv. Review of the council's and/or staff subscriptions to other bodies;
- xv. Review of the council's complaints procedure;
- xvi. Review of the council's procedures (Publication Scheme) for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xvii. Review of the council's policy for dealing with the press/media; and
- xviii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

4. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- d If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- e An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- f A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- g Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated

5. Disorderly conduct at meetings

- 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) to moderate or improve their conduct.

- b If a person(s) disregards the request of the Chairman of the meeting to moderate or improve their conduct, any councillor or the Chairman of the meeting 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 further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- d Whenever the Chairman speaks all other Councillors shall remain silent.
- e If a Councillor fails through three consecutive months to attend any Council meetings the Clerk will send a reminder about the need to attend meetings to avoid loss of office. **If a Councillor fails through six consecutive months to attend any Council meetings he is deemed to have resigned.**

6. Extraordinary meetings of the council and 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 or refuses to 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.**
- c The Chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by two members of the committee [or the sub-committee], any two members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. 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 two Councillors to be given to the Clerk in accordance with standing order 9 below, 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 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it has been put on the agenda by the Clerk.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;

- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a Councillor or a member of the public;
- xiii. to exclude a Councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

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

12. 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. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and the minutes shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

13. Code of conduct and dispensations

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct

adopted by the council.

- b Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c 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 (Clerk)** 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 a meeting of the council, or committee or sub-committee for which the dispensation is required 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.

A dispensation may be granted if having regard to all 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 interests of persons living in the council's area or**
- iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by the District Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the council's code of

conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.

- b** Where the notification above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c** The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d** **Upon notification by the District Council that a Councillor 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.**

15. 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. **Summon the Councillors to attend the meetings (see 3(d))**
 - ii. **Give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by Councillors is signed by them);**
 - iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. facilitate inspection of the minute book by local government electors;
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. retain acceptance of office forms from Councillors;
 - vii. retain a copy of every Councillor's register of interests;
 - viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies (Publication Scheme) and procedures relating to the same;
 - ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;

- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form in accordance with the Council's Document Retention Policy;
- xi. arrange for legal deeds to be executed; (see standing order 22 below.)
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii. record every planning application notified to the council and the council's response to the local planning authority for such purpose;
- xiv. refer a planning application received by the council to the Chairman and Councillors with Planning in their portfolio.
- xv. manage access to information about the council.

16. Responsible Financial Officer

The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer (RFO) when the RFO is absent.

17. Accounts and accounting statements

The RFO must follow the Financial Regulations adopted by the Parish Council on 21st November 2016 as amended from time to time.

18. Financial controls and procurement

The RFO must follow the Financial Regulations adopted by the Parish Council on 21st November 2016 as amended from time to time.

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above. If at a meeting 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 not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded.
- b Subject to terms of the employment contract regarding absences from work, the Clerk

shall notify the Chairman of absence occasioned by illness and the Chairman shall report such absence to the Council at its next meeting.

- c The Chairman and Vice-Chairman shall conduct a performance review and annual appraisal of the work of Clerk in March of every year and will review the pay and conditions of service annually to coincide with the budget setting for the next year. The reviews and appraisal shall be retained in the employee file.
- d Subject to the terms of the employment contract regarding the handling of grievance matters, the Clerk 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 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted. Only persons with line management responsibilities shall have access to staff records. Access and means of access by keys and/or computer passwords to records of employment shall be provided only to (post holder) and/or the Chairman of the Council

20. Requests for information

Requests for information held by the council shall be handled in accordance with the council's policy (Publication Scheme) in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

Correspondence from, and notices served by, the Information Commissioner shall be referred by the Clerk to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

22. 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 22(a) above, any two Councillors may sign, on behalf of the council, any deed required by law and the Clerk shall witness their signatures.**

23. Communicating with District and County Councillors

- a An invitation to attend a meeting of the Parish Council shall be sent, together with the agenda, to the ward Councillor(s) of the District and County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward Councillor(s) representing the area of the council.

24. Restrictions on Councillor activities

- a Unless authorised by a resolution, no Councillor shall:
 - i inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii issue orders, instructions or directions.

25. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Clerk.
- c The Clerk shall provide a copy of the council's standing orders to a new Councillor as soon as possible after he has delivered his acceptance of office form.

- d The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

Signed by the Chairman.....Date.....