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Castle Bromwich Parish Council

Standing Orders

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INTRODUCTION

These standing orders are based on the National Association of Local Council (NALC) model standing orders updated July 2018.

V2 This is version two of Model Standing Orders 2018 (England) updated on April 2022. Update to Model Standing Order 18 only.

v3 Updates to Model Standing Orders 8b, 14 & 18 plus gender neutral wording.

v4 Update to 5.J.ix in v3 be changed to 5.J.xii in v4 specifying that Standing Orders and Financial Regulations should be reviewed within 6 months of the annual meeting.

HOW TO USE MODEL STANDING ORDERS

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

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

These 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. The Castle Bromwich Financial Regulations are contained in a separate document available to all members.

DRAFTING NOTES

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

For convenience, 'he' is used for both male and female persons. The word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.**NB** Castle Bromwich parish council has no 'non-councillors with voting rights'. All members of the council have been either elected or co-opted and all have full voting rights. The only time there will be a 'non-councillor with or without voting rights' will be if a committee appoints a non-councillor to assist; such an appointment may not be made to a committee with financial responsibilities.

Committee members who are non-councillors will be entitled to vote only if the committee's function relates to:-

- the management of land owned or occupied by the council;
- the functions of the council as a harbour authority;

- any function relating to the promotion of tourism;
- any function relating to the management of a festival

1. RULES OF DEBATE AT MEETINGS

a Motions on the agenda shall be considered in the order they appear unless the order is changed at the discretion of the Chairperson of the meeting.

b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the Chairperson of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairperson of the meeting, is expressed in writing to the Chairperson.

h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairperson.

j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairperson of the meeting.

k One or more amendments may be discussed together if the Chairperson of the meeting considers this expedient but each amendment shall be voted upon separately.

l A councillor may not move more than one amendment to an original or substantive motion.

m The mover of an amendment has no right of reply at the end of debate on it.

n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o Unless permitted by the Chairperson of the meeting, a councillor may speak once in the debate on a motion except:

i. to speak on an amendment moved by another councillor;
ii. to move or speak on another amendment if the motion has been amended since he last spoke;

iii. to make a point of order;
iv. to give a personal explanation;

v. to exercise a right of reply.

p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

q A point of order shall be decided by the Chairperson of the meeting and their decision shall be final.

r When a motion is under debate, no other motion shall be moved except:
i. to amend the motion;
ii. to proceed to the next business;
iii. to adjourn the debate;
iv. to put the motion to a vote;
v. to ask a person to be no longer heard or to leave the meeting;
vi. to refer a motion to a committee or sub-committee for consideration;
vii. to exclude the public and press;
viii. to adjourn the meeting; or
ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the Chairperson of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

t Excluding motions moved under standing order 1(s) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairperson of the meeting.

2. 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 Chairperson of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any councillor or the Chairperson 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.

a If a resolution made under standing order 2(b) above is ignored, the Chairperson 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.

3. MEETINGS GENERALLY

- ● Full Council meetings
- ■ Committee meetings
- ◆ Sub-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.**
The normal venue is Arden Hall, Water Orton Road

● b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

■ c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**.

● d **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.**

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

f The period of time designated for public participation at a meeting in accordance with standing order 3(d) above shall not exceed 15 minutes unless directed by the Chairperson of the meeting.

g Subject to standing order 3(f) a member of the public shall not speak for more than 3 minutes, subject to the Chairperson's discretion.

h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chairperson of the meeting may direct that a written or oral response be given.

i A person shall raise their hand when requesting to speak. A member shall remain seated when speaking unless the Chairperson requests councillors stand.

j A person who speaks at a meeting shall direct their comments to the Chairperson of the meeting. Whenever a member speaks during a debate all other members shall be silent.

k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairperson of the meeting shall direct the order of speaking.

● l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public.**

To 'report' means to film, photograph, make an audio recording of meeting procedings, 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.

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

n **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**.

o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in their absence be done by, to or before the Vice-Chairperson of the Council.**

p **The Chairperson of the Council, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson, if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

q **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.**

r **The Chairperson 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 their casting vote whether or not he gave an original vote.**
See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairperson of the Council at the annual meeting of the council.

s **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

t 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. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
vi. if there was a public participation session; and
vii. the resolutions made.

u **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 their right to participate and vote on that matter.
See also Standing Order 13

v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present. The quorum at Castle Bromwich Parish Council is five members for all council meetings. In no case shall the quorum of a meeting be less than three council members.** *See standing order 4d(viii) for the quorum of a committee or sub-committee meeting*.

w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. At the Chairperson's request members may stay to discuss business but without agreeing any decisions. Decisions relating to business on the agenda for the meeting shall be adjourned to another meeting.

x A meeting shall not exceed a period of 2½ hours.

4. 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, 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 the 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, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 5 days before the meeting that they are unable to attend;
vi. shall, after it has appointed the members of a standing committee, appoint the Chairperson of the standing committee;
vii. shall permit a committee other than a standing committee, to appoint its own Chairperson at the first meeting of the committee;
viii. 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;

ix. shall determine if the public may participate at a meeting of a committee;
x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
xii. may dissolve a committee or a sub-committee.

5. 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 decides.**

c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

d **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council decides.**

e **The first business conducted at the annual meeting of the council shall be the election of the Chairperson and Vice-Chairperson of the Council.**

f **The Chairperson of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until** their **successor is elected at the next annual meeting of the council.**

g **The Vice-Chairperson of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the council.**

h **In an election year, if the current Chairperson of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson 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 Chairperson of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairperson of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairperson of the Council and must give a casting vote in the case of an equality of votes.**

j Following the election of the Chairperson of the Council and Vice-Chairperson of the Council at the annual meeting of the council, the business of the annual parish council meeting shall include:

i. **In an election year, delivery by the Chairperson 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 Chairperson of the Council of their acceptance of office form unless the council resolves for this to be done at a later date;**
ii. Confirmation of the accuracy of the minutes of the previous meeting of the council;
iii. Receipt of the minutes of the previous 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 and election of Chairmen;
viii. Appointment of any new committees and election of Chairmen in accordance with standing order 4 above;
ix. Review of arrangements, including any charters and agency agreements, with other local authorities not-for-profit bodies and businesses;
x. Review of representation on or work with external bodies and arrangements for reporting back;

Items xii to xxi will be considered either at the Annual Meeting or within three months of it ie over the 6-month period March – August inc:

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 and adoption of appropriate standing orders and financial regulations;
xiii. Review of inventory of land and other assets including buildings and office equipment;
xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
xv. Review of the Council's and/or staff subscriptions to other bodies;
xvi. Review of the Council's complaints procedure;
xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
xviii. Review of the Council's policy for dealing with the press/media;
xix. Review of the Council's employment policies and procedures;
xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972;
xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES

a **The Chairperson of the Council may convene an extraordinary meeting of the council at any time.**

b **If the Chairperson 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.**

c The Chairperson 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 Chairperson of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of a committee or 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 five councillors to be given to the Proper Officer in accordance with standing order 9, 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) has been disposed of, no similar motion may be moved for 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 Chairperson of the meeting.

b. Members entitled to vote on appointments shall, if requested, vote by signed ballot.

9. MOTIONS FOR A MEETING THAT REQUIRE NOTICE TO BE GIVEN TO THE PROPER OFFICER IN WRITING

a A motion shall relate to the responsibilities of the meeting for which it is tabled 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 is on the agenda and the mover has given written notice of its wording to the Proper Officer at least eight clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.

d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it so that it can be understood, in writing, at least six clear days before the meeting.

e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairperson of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

g Motions received shall be recorded and numbered in the order they are received.

h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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 or legal requirements);
xvi. to adjourn the meeting; or
xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. DRAFT MINUTES

● **Full Council meetings**
■ **Committee meetings**
◆ Sub-committee meetings

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).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d If the Chairperson of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The Chairperson of this meeting does not believe that the minutes of the meeting of the (Council/Committee) held on [date] in respect of Item ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.** This is not applicable to Castle Bromwich Parish Council but will be followed as good practice.

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u)

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council in May 2021.

b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

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

f A dispensation request shall confirm:

i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
iv. an explanation as to why the dispensation is sought.

g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**

- **i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business 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 Borough 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 them. 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. **at least three clear days before a meeting of the council, a committee** or a sub-committee,

- **serve on councillors, by delivery or post at their residences, or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- **Provide in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3 (c) for the meaning of clear days for a meeting of a committee.

ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least eight days

before the meeting confirming their withdrawal of it;

iii. **convene a meeting of the council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in their 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. hold acceptance of office forms from councillors;
vii. hold a copy of every councillor's register of interests;
viii. respond to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance the council's relevant policies and procedures;
ix. liaise, as appropriate, with the Council's Data Protection Officer (if one);
x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements;
xii. arrange for legal deeds to be executed; *See also standing order 23*
xiii. 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;
xiv. record every notified planning application and the council's response to the local planning authority in an electronic workbook for such purpose;
xv. refer a planning application received by the council to the Chairperson or in their absence vice-Chairperson of the Finance and General Purposes Committee within two 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 committee;
xvi. manage access to information about the council via the publication scheme; and
xvii. retain custody of the seal of the council which shall not be used without a resolution to that effect.

c. Authority is hereby delegated in accordance with Local Government Act 1972, section 101, such that the Proper Officer shall be authorised to use the following executive powers:-

i. As the head of paid service, the Proper Officer supervises the day-to-day management of facilities that are the responsibility of Officers, working under the Proper Officer's supervision.
ii. Urgent matters that require a decision before the next ordinary meeting are delegated to the Clerk to the Council, following consultation with the Council's Chairperson and the Chairperson and/or Vice-Chairperson of the Committee, as appropriate, to decide.
iii. The Council's Standing Committees (Finance & General Purposes and Leisure Services) and the Staffing Committee have delegated authority to act on the council's behalf in accordance with their terms of reference reviewed annually by the council and published online. Decisions duly made by these committees will be carried out by the Proper Officer.

iv. Matters arising between Ordinary Meetings of the Council that are considered urgent by the Chairperson and at least three other members (one of which shall, if possible, be the vice-Chairperson), shall be referred to the Proper Officer of the Council with recommendations for action. The Proper Officer shall have regard to these recommendations and make the appropriate decision(s).

v. The Proper Officer shall report details of the decision(s) made to the next Ordinary Meeting of the Council. In the case of a critical emergency, where it is not practical, or appropriate, to comply with the foregoing procedure, the Proper Officer may make a decision on behalf of the Council in accordance with powers similarly delegated, and shall report retrospectively thereon as soon as is reasonably possible.

d The Clerk may do anything pursuant to the delegated power, or duty, which it would be lawful for the council to do including anything reasonably implied or incidental to the power or duty. Provided that such authorisation is not prohibited by statute, the Clerk, to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the officer acting in the name of the Clerk. The Clerk is authorised to:

i. Sign, or where appropriate, have sealed on behalf of the council, any orders, deeds or documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the council.

ii. Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the council.

iii. Alter the date or time of a council committee meeting but, before doing so, shall consult the Chairperson of the Council or Chairperson of the Committee concerned.

iv. Decide arrangements for the closure of the council offices in the Christmas/New Year period.

v. Deal with day-to-day matters relating to the use of office accommodation space.

vi. Manage all of the Council's services including:
- Shows and events
- Facilities Management
- Services agreed under contract
- Websites and social media accounts relating to the Council and council activities.

vii. In consultation with the relevant Chairperson, vary as necessary fees and charges for the delivery of Council services and report same to the next meeting of the Council.

viii. To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000 and GDPR queries.

ix. To apply for planning consent for the carrying out of development by the Council.

x. To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee or the collated e-mail comments from members of the Planning Committee.

xi. Under the Regulation of Investigatory Powers Act 2016 to authorise

directed surveillance.

xii. To respond to complaints made under the Council's complaints procedure.

xiii. To manage, monitor and review the Council's internal control procedures.

xiv. To manage, monitor and review the Council's Corporate Risk Management Strategy.

xv. Take and discontinue legal proceedings in any Court or at any Tribunal.

xvi. Take counsel's advice or instruct counsel to represent the Council.

xvii. Agreeing the terms of any lease, licence, conveyance or transfer.

xviii. The granting or refusal of the council's consent under the terms of any lease.

xix. Variations of restrictive covenants of a routine nature.

xx. The granting of easements, wayleaves and licences over council land.

xxi. Initiating legal action or proceedings against unauthorised encampments or encroachments on council land, in conjunction with any two councillors.

xxii. Directing the custody of parish council property and documents in accordance with the provisions of Local Government Act 1972 s226.

xxiii. Exercising responsibility for the safe custody and maintenance of civic regalia.

xxiv. Authorise officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.

xxv. Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.

xxvi. Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to Standing Orders and Financial Regulations.

16. RESPONSIBLE FINANCIAL OFFICER

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

17. ACCOUNTS AND ACCOUNTING STATEMENTS

a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).

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 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

i. the council's income and expenditure for each quarter;
ii. the council's aggregate income and expenditure for the year to date;
iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts required by statute (I and E) for the year to 31 March. A completed draft annual governance and accountability return shall, where possible, be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the council, which is subject to external audit, and includes the annual governance statement, shall be presented to the council for consideration and formal approval before 30 June unless otherwise directed by statute.

18. FINANCIAL CONTROLS AND PROCUREMENT

a 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 keeping of accounting records and systems of internal controls;
ii. the assessment and management of financial risks faced by the council;
iii. the work of the 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. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and

b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

i. a specification for the goods, materials, services or the execution of works shall be drawn up;
ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
iii. the invitation to tender shall be advertised via the council's own website and in any other manner that is appropriate;
iv. tenders are to be submitted in writing, either electronically or in a sealed marked envelope addressed to the Proper Officer and date-stamped upon receipt, by resolution of the Council;
v. any paper tenders thus received shall be opened on the specified date and

time by the Proper Officer in the presence of at least one councillor and signed by both Proper Officer and councillor;

vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility

d. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

e. Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

19. HANDLING STAFF MATTERS

a A matter personal to a member of staff that is being considered by a meeting of council, a standing Committee, the Staffing Committee (which is the Discipline/Grievance Committee) or the Appeal Committee is subject to standing order 11.

b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairperson of the Staffing Committee or, if they are not available, the members of the Staffing Committee, of absence occasioned by illness or other reason and that person(s) shall report such absences longer than 7 days to the Staffing Committee at its next meeting.

c The Chairperson of the Staffing Committee plus one other member shall upon a resolution conduct a review of the performance and annual appraisal of the work of Proper Officer in accordance with the Appraisal Policy. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staffing Committee.

d Subject to the council's policy regarding the handling of grievance matters, the council's most senior member of staff shall contact the Chairperson of the Staffing Committee or in their absence, another appointed member in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.

e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairperson, this shall be communicated to another member of Staffing Committee, which shall be reported back and progressed by resolution of the Staffing Committee. Where a grievance is raised against the Staffing Committee, it will be referred to a third party.

f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked being returned to the Council Offices at conclusion of the process. Electronic records shall be held on the restricted

server.

h In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

i The Clerk is given delegated powers to manage the council staff in accordance with the council's policies, procedures and budget, including:

i. Appointments to posts, including apprentices.
ii. Employment of temporary employees.
iii. Preparation of the job description and person specification, placing of the advertisement, short-listing of applicants and carrying out all interviews. (Interviews should be attended by one Chair of Council/committees). NB appointment of Clerk will be subject to separate procedure.
iv. Management of staff performance.
v. Control of discipline and performance, including the power of suspension and dismissal.

i. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
ii. Determine approved duties for the payment of travel and subsistence expenses to council members and officers.
iii. Consider, approve or refuse as part of the Annual Appraisal System applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments (subject to consideration/approval by the Staffing Committee if any).
iv. Approve additional hours of work where absolutely necessary.
v. Agree minor variations to the condition of employment subject to prior discussion with the council's HR advisor, if any.
vi. Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the council's policies.
vii. Authorise training in line with the council's policies.
viii. Authorise the provision of protective personal clothing.
ix. Negotiate and agree settlements on behalf of the council, in consultation with either the Staffing Committee or up to two identified council members, in relation to any Employment Tribunal proceedings.
x. Agree to premature retirement on the grounds of duly certified ill health, in consultation with either the Staffing Committee or up to two identified council members.
xi. Terminate employment during probation and review salary on completion of probationary periods in consultation with either the Staffing Committee or up to two identified council members.
xii. Commission legal and professional advice on staffing matters for consideration by the Staffing Committee.

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21

a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

b *Where gross annual income or expenditure (whichever is the higher) exceeds £200,000* t**he Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015**.

21. DATA PROTECTION LEGISLATION RESPONSIBILITIES

Below is not an exclusive list
See also standing order 11.

a The Council may appoint a Data Protection Officer.

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

22. 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.

23. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 15(b)(xii) and (xvii)

a A legal deed shall not be executed on behalf of the council unless authorised by a resolution

b **Subject to standing order 23(a), the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

24. COMMUNICATING WITH UNITARY COUNCILLORS

a A list of meeting dates of the council shall be sent annually to the ward

councillors. An email reminder shall be sent electronically, referring to the display of the agenda on the parish council website, to the ward councillor(s) of the Borough Council representing the area of the council.

b By resolution of a committee or the Council, a copy of letters sent to the Borough Council shall be sent to the ward councillor(s) representing the area of the council.

25. 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.

26. 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 or legal requirements, shall be proposed by a special motion, the written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 9.

c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible.

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