

# COLWICH PARISH COUNCIL



## PD001 STANDING ORDERS

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## STANDING ORDERS

# Standing Orders – PD001

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**This document was originally written by:**

Name	Position	Date
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## STANDING ORDERS

### 1 Meetings

- 1.1 Meetings of the council shall be held at the Parish Centre, St Mary's Road, Little Haywood, unless the Council otherwise decides at a previous meeting. 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.
- 1.2 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; any day of the Christmas break; Easter break or bank holiday break or a day appointed for public thanksgiving or mourning shall not count.
- 1.3 Christmas break means the period beginning with the last weekday before Christmas and ending with the first weekday after Christmas Day which is not a bank holiday; Easter break means the period beginning with the Thursday before and ending with the Tuesday after Easter Day. Bank holiday break means any bank holiday not included in the Christmas or Easter breaks and the period beginning with the last weekday before that bank holiday and ending with the next weekday which is not a bank holiday.
- 1.4 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. Members of the Public must identify themselves; 'sign-in' and accept the Standing Orders relating to members of the public. 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.
- 1.5 Subject to standing order 1.3 above, members of the public and press are permitted to make representations; ask a question of the Council; answer questions from the Council and give evidence in respect of any item of business included in the agenda.
- 1.6 The period of time which is designated for public participation in accordance with standing order 1.4 above shall not exceed 10 minutes except via Resolution.
- 1.7 Subject to standing order 1.5 above, each member of the public or press is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- 1.8 In accordance with standing order 1.4 above, a question asked by a member of the public during a public participation session at a meeting shall not require a response in the meeting but shall receive a written or verbal acknowledgement within 10 working days.
- 1.9 In accordance with standing order 1.7 above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written response.
- 1.10 A record of public participation at a meeting, including numbers of attendees and any representations made, question asked/answered or evidence given, shall be included in the minutes of that meeting.
- 1.11 Any person speaking at a meeting shall address their comments to the Chairman.

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- 1.12** Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- 1.13** All meetings of the Council will be video and audio recorded, on MSTeams, with the recording retained. The retention will usually be until the minutes have been approved but may be indefinitely if released under a Freedom of Information request.
- 1.14** In accordance with standing order 1.3 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. Copies of the Agenda will be forwarded to the local press, The Express and Star and Staffordshire Newsletter, with a link to approved minutes.
- 1.15** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice Chairman.
- 1.16** In the absence of the Chairman the Vice Chairman shall preside. If both the Chairman and the Vice-Chairman are absent from the start of a meeting, a Councillor, as chosen by the Councillors present and voting at the meeting, shall preside for the entirety of that meeting or until the Chairman or, in his absence, the Vice Chairman shall arrive.
- 1.17** Subject to model standing order 1.22 below, all motions at a meeting shall be decided by a majority of the Councillors present and voting thereon. A paper ballot will be taken when voting on sensitive matters e.g., the election of the Chairman and/or Vice Chairman of the Council and/or Committees or the co-option of new Councillors.
- 1.18** 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 a casting vote whether or not an original vote was given. (See also standing orders 2.7 and 2.8 below.)
- 1.19** 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 and voted for, against or abstained from voting on that question except on resolutions relating to employment matters. Such a request shall be made before moving on to the next item of business on the agenda.
- 1.20** The minutes of a meeting shall record the names of councillors present, absent, with reasons for absence, and those leaving early. Except in extraordinary circumstances, apologies for absence, with full reasons, should be sent to the Clerk in writing at least 48 hours before the meeting using the agreed template. Any Councillor who wishes to leave the meeting before it finishes should make this known at the start of the meeting under the item 'Apologies'.
- 1.21** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- 1.22** 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. (See also standing orders 7 and 8 below.)
- 1.23** No business may be transacted at a meeting unless at least one third, rounded up, of the whole number of members of the Committee are present and in no case shall

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the quorum of a meeting be less than 3. For the Full Council the number required shall be 5.

- 1.24 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. However, if a meeting becomes inquorate by virtue of Declarations of Interest then such items are to be adjourned to a future meeting and the meeting may continue at the next item.
- 1.25 Mobiles phones and other electronic devices may be used during meetings providing this is discreet, does not interfere with the efficient running of the meeting and relates to the items on the agenda.
- 1.26 If the business of the day has not concluded two hours after the start of the meeting(s), the Chairman will indicate that time has expired and the Member speaking must immediately be quiet. The Chairman will adjourn the meeting immediately unless a motion to continue is moved and seconded. A motion to continue the meeting will be voted on without discussion.
- 1.27 If the motion is passed the meeting may continue for a further thirty minutes. At the end of this period the Chairman will again indicate that time has expired and that the meeting will be adjourn unless a further motion is proposed, seconded and voted on as above. If a second motion is agreed then the meeting may continue for a further thirty minutes at the end of which the Chairman must adjourn the meeting and no further motion to continue the meeting may be moved.
- 1.28 If, when the meeting is adjourned, there is business on the agenda that has not been considered it will be deferred to the next meeting unless an extra-ordinary meeting is called in accordance with S.O. 17.

## **2 Ordinary Council Meetings (see also SO1 above)**

- 2.1 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the newly elected councillors take office.
- 2.2 In a year which is not an election year, the annual meeting of the Council shall be held on the first Thursday in May.
- 2.3 In addition to the annual meeting of the Council, the three other statutory ordinary meetings shall be held each year in February, July and November.
- 2.4 The election of the Chairman of the Council shall be the first business completed at the annual meeting of the Council The election of the Vice Chairman shall follow the election of the Chairman.
- 2.5 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.
- 2.6 The Vice-Chairman of the Council, 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.
- 2.7 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

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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.

**2.8** 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.

**2.9** 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.

*2.9.1 (In an election year, delivery by councillors of their declarations of acceptance of office.*

*2.9.2 Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.*

*2.9.3 Review of delegation arrangements to committees, sub-committees, employees and other local authorities.*

*2.9.4 Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.*

*2.9.5 Review and adoption of appropriate standing orders and financial regulations.*

*2.9.6 Review of representation on or work with external bodies and arrangements for reporting back.*

*2.9.7 Review of inventory of land and assets including buildings and office equipment.*

*2.9.8 Review of the Council's and/or employees' memberships of other bodies.*

*2.9.9 Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.*

*2.9.10 Should a meeting fall on the same night as a Colwich Parish Council Ordinary Election or By-Election then the date of the meeting shall be changed.)*

### **3 Proper Officer**

**3.1** The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

**3.2** Urgent matters arising between Ordinary Meetings of the Council shall be considered by the Chairman and three other members (one of which shall, if possible, be the Vice-Chairman), and recommendations made to the Proper Officer of the Council.



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The Proper Officer shall have regard to these recommendations, and make the appropriate decision(s), on the basis of authority, which is hereby delegated in accordance with Section 101 of the Local Government Act 1972. The Proper Officer shall report details of the decision(s) made to the next Ordinary Meeting of the Council. In the case of an emergency, or in the case of Planning Amendments, 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, but will seek to obtain retrospective approval, as soon as is reasonably possible.

- 3.3** The Council's Proper Officer shall do the following:
- 3.3.1 Sign and serve on councillors by delivery, post or email at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting in line with 1b above. (Provided any such email contains the electronic signature and title of the Proper Officer).
  - 3.3.2 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 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).
  - 3.3.3 Subject to standing orders 4.1–4.5 below, include in the agenda all motions in the order received unless a councillor has given written notice at least 8 clear days before the meeting confirming its withdrawal.
  - 3.3.4 Convene a meeting of 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 3.3.1 OR 3.3.2 above.
  - 3.3.5 Make available for inspection the minutes of meetings.
  - 3.3.6 Receive and retain copies of byelaws made by other local authorities.
  - 3.3.7 Receive and retain declarations of acceptance of office from councillors.
  - 3.3.8 Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - 3.3.9 Retain securely the Declaration of Interest record as declared within each meeting.
  - 3.3.10 Keep proper records required before and after meetings
  - 3.3.11 Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - 3.3.12 Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - 3.3.13 Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - 3.3.14 Arrange for legal deeds to be signed by 2 councillors and witnessed (See also Standing Orders 14.1 and 14.2.)

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- 3.3.15 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.
- 3.3.16 Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- 3.3.17 Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

### **4 Motions Requiring Written Notice**

- 4.1 In accordance with standing order 3.3.3 above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 8 clear days before the next meeting. Clear days to be taken as in SO 1.2 above.
- 4.2 The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4.1 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 4.3 If the Proper Officer considers the wording of a motion received in accordance with standing order 4.1 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 5 clear days before the meeting.
- 4.4 If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman 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 or rejected in the agenda.
- 4.5 Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 4.6 Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- 4.7 Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- 4.8 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

### **5 Motions Not Requiring Written Notice**

- 5.1 Motions in respect of the following matters may be moved without written notice.
  - 5.1.1 To appoint a person to preside at a meeting.
  - 5.1.2 To approve the accuracy of the minutes of the previous meeting.
  - 5.1.3 To correct an inaccuracy in the minutes of the previous meeting.

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- 5.1.4 To dispose of business, if any, remaining from the last meeting.
- 5.1.5 To alter the order of business on the agenda for reasons of urgency or expedience.
- 5.1.6 To proceed to the next business on the agenda.
- 5.1.7 To close or adjourn debate.
- 5.1.8 To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- 5.1.9 To appoint a committee or sub-committee of any councillors (including substitutes) thereto.
- 5.1.10 To receive nominations to a committee or sub-committee.
- 5.1.11 To dissolve a committee or sub-committee.
- 5.1.12 To note the minutes of a meeting of a committee or sub-committee.
- 5.1.13 To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- 5.1.14 To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- 5.1.15 To authorise legal deeds to be signed by two councillors and witnessed. (See standing orders 14.1 and 14.2 below.)
- 5.1.16 To authorise the payment of monies up to £500.
- 5.1.17 To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it?
- 5.1.18 To exclude the press and public for all or part of a meeting.
- 5.1.19 To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- 5.1.20 To give the consent of the Council if such consent is required by standing orders.
- 5.1.21 To suspend any standing order except those which are mandatory by law.
- 5.1.22 To adjourn the meeting.
- 5.1.23 To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- 5.1.24 To answer questions from councillors.

- 5.2** If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

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### 6 Rules of Debate

- 6.1 Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience. See SO 5.1.5 above.
- 6.2 Subject to standing orders 4.1 – 4.5 above, a motion shall not be considered unless it has been proposed and seconded.
- 6.3 Subject to standing order 3.3.3 above, a motion included in an agenda not moved by the councillor who tabled it, will be treated as withdrawn.
- 6.4 A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- 6.5 A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- 6.6 Any amendment to a motion shall be either:
  - 6.6.1 to leave out words;
  - 6.6.2 to add words;
  - 6.6.3 to leave out words and add other words.
- 6.7 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 6.8 Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- 6.9 Subject to Standing Order 6.8 above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- 6.10 Pursuant to standing order 6.8 above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- 6.11 If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- 6.12 If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- 6.13 The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- 6.14 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

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- 6.15** Subject to standing orders 6.13 and 6.14 above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- 6.16** 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 irregularity in the meeting he is concerned by.
- 6.17** A point of order shall be decided by the Chairman and his decision shall be final.
- 6.18** With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- 6.19** Subject to standing order 6.15 above, when a councillor's motion is under debate no other motion shall be moved except:
- 6.19.1 to amend the motion;
  - 6.19.2 to proceed to the next business;
  - 6.19.3 to adjourn the debate;
  - 6.19.4 to put the motion to a vote;
  - 6.19.5 to ask a person to be silent or to leave the meeting;
  - 6.19.6 to refer a motion to a committee or sub-committee for consideration;
  - 6.19.7 to exclude the public and press;
  - 6.19.8 to adjourn the meeting;
  - 6.19.9 to suspend any standing order, except those which are mandatory.
- 6.20** In respect of standing order 6.19.4 above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive the right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **7 Code of Conduct (See also SO 1.4 – 1.9 above)**

- 7.1** All councillors shall observe the code of conduct as adopted by the Council on 8th November 2012 (pursuant to Section 27 of the Localism Act 2011).
- 7.2** All councillors should undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- 7.3** In accordance with paragraph 12 of the adopted code of conduct councillors may exercise the rights contained in standing order 7.4 below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

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- 7.4 Councillors with an interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

## 8 Questions

- 8.1 A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days' notice of the question has been given to the Proper Officer. See SO 1.2 for a definition of 'clear days'.

## 9 Minutes

- 9.1 The Clerk shall distribute a draft copy of the minutes and agenda to Chairman and Vice Chairman of a meeting at least 1 clear day before issuing the formal summons. See SO 1.2 for a definition of 'clear day'.
- 9.2 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.
- 9.3 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5.1.3 above.
- 9.4 Minutes, including any amendment to correct their accuracy, 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.
- 9.5 Upon a resolution which confirms the accuracy of the minutes of a meeting, any notes or recordings of the meeting shall be destroyed.
- 9.6 No minutes may be carried over from one Council to the next. Any outstanding minutes, together with the minutes from the final meeting before the Ordinary Election, will be considered during this final meeting. A short recess will be taken to allow for the minutes to be typed and read.

## 10 Disorderly Conduct

- 10.1 No person, whether that be a Councillor, Official, member of the public or member of the press, shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- 10.2 If, in the opinion of the Chairman, there has been a breach of standing order 10.1 above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) 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.

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- 10.3** If a resolution made in accordance with standing order 10.2 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

### **11 Rescission of Previous Resolutions**

- 11.1** A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except by a special motion, the written notice whereof bears the names of at least five councillors of the Council, and has been received in line with Standing Order 4.1 above.
- 11.2** When a special motion, or any other motion, moved pursuant to standing order 11.1 above has been disposed of, no similar motion may be moved within a further 6 months.

### **12 Voting on Appointments**

- 12.1** 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. Any tie may be settled by the Chairman's casting vote.

### **13 Expenditure**

- 13.1** Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- 13.2** The Council's financial regulations shall be reviewed once a year.
- 13.3** 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, sub-committee or to an employee.

### **14 Execution and Sealing of Legal Deeds** **(See also SO 5.1.15 above)**

- 14.1** A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 14.2** In accordance with a resolution made under standing order 14.1 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

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### **15 Committees (See also SO 1 above)**

- 15.1** The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
- 15.1.1 shall determine their terms of reference;
  - 15.1.2 shall determine the dates of their meetings;
  - 15.1.3 shall appoint and 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;
  - 15.1.4 may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 5 days before the meeting that they are unable to attend;
  - 15.1.5 an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15.1.4 above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - 15.1.6 May, in accordance with standing orders, dissolve a committee at any time.
  - 15.1.7 Any Councillor who fails to attend a minimum of three meetings of a Committee in the year and/or who fails to attend three consecutive meetings shall be deemed to have resigned from that Committee and will not be eligible to re-join until the next annual meeting.

### **16 Sub-Committees (See also SO 1 above)**

- 16.1** Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

### **17 Extraordinary Meetings (See also SO 1 above)**

- 17.1** The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 17.2** If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 5 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. See Standing Order 1.2 for definition of clear days.
- 17.3** The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.



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**17.4** If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 5 clear days of having been requested to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors. See Standing Order 1.2 for definition of clear days.

### **18 Advisory Committees (See also SO 1 above)**

**18.1** The Council may appoint advisory committees comprised of a number of councillors and non-councillors.

**18.2** Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

### **19 Accounts and Financial Statement**

**19.1** 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.

**19.2** The Responsible Financial Officer shall supply to each councillor each month a copy of the Council bank statement for the preceding month, a copy of the current budget position, a copy of the reconciliation between the Council's bank accounts and the RBS cashbook together with a reconciliation against the Council's current account.

**19.3** 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 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.

**19.4** The Clerk shall provide a paper, to the Full Council meeting, detailing employee attendance.

### **20 Estimates/Precepts**

**20.1** The Council shall approve written estimates for the coming financial year at its January Full Council meeting.

**20.2** Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

### **21 Canvassing of and Recommendations by Councillors**

**21.1** Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

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- 21.2** A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 21.3** This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22 Inspection of Documents**

- 22.1** Subject to standing orders to the contrary or in respect of matters which are confidential, councillors may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **23 Unauthorised Activities**

- 23.1** Unless authorised by a resolution and whilst still conforming to LGA 1972, Schedule 12 paragraph 12, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
- 23.1.1 inspect any land and/or premises which the Council has a right or duty to inspect; or
- 23.1.2 issue orders, instructions or directions.

## **24 Confidential Business**

- 24.1** Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- 24.2** A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **25 Power of Competence**

- 25.1** Before exercising the General Power of Competence, as defined in the Localism Act 2011 and detailed in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- 25.2** The Council's period of eligibility begins on the date that the resolution made under standing order 25.1 above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

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**25.3** After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25.2 above.

### **26 Matters Affecting Council Employees**

**26.1** If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Employment committee has decided whether or not the press and public shall be excluded pursuant to standing order 1.3 above.

**26.2** Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman or the Vice-Chairman of any absence occasioned by illness or urgency and report such absence to the Full Council at its next meeting.

**26.3** The Chairman or the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of employees and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Employment committee.

**26.4** Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman or, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.

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

**26.6** 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.

**26.7** 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.

**26.8** 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.

**26.9** Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26.7 and 26.8 above if so justified.

**26.10** Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26.7 and 26.8 above shall be provided only to the Parish Clerk and the Chairman of the Council.

**26.11** The Clerk, as the line manager for all other employees of the Council, has delegated power to suspend any employee for serious misconduct, notify the Chairman of the

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Council and call a meeting of the Employment Committee in line with the Council's Disciplinary Procedures.

### **27 Freedom of Information Act 2000**

- 27.1** All requests for information held by the Council shall be processed in accordance with the Council's policy, dated 7th November 2013, in respect of handling requests under the Freedom of Information Act 2000.
- 27.2** Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Policy & Resources committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3.3.10 above.

### **28 Relations with the Press/Media**

- 28.1** All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- 28.2** In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

### **29 Liaison with District and County or Unitary Councillors**

- 29.1** An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Borough and County Council representing its electoral ward.

### **30 Financial Matters**

- 30.1** 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:
- 30.1.1 the accounting records and systems of internal control;
  - 30.1.2 the assessment and management of financial risks faced by the Council;
  - 30.1.3 the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - 30.1.4 the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - 30.1.5 Procurement policies (subject to standing order 30.2 below) including the

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setting of values for different procedures where the contract has an estimated value of less than £25,000.

- 30.2** Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 30.3 below.
- 30.3** Any formal tender process shall comprise the following steps:
- 30.3.1 a public notice of intention to place a contract to be placed on the Government Procurement website;
  - 30.3.2 a specification of the goods, materials, services and the execution of works shall be drawn up;
  - 30.3.3 tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - 30.3.4 tenders submitted are to be opened in line with Financial Regulation 11.1.6;
  - 30.3.5 tenders are then to be assessed against the pre-prepared assessment criteria and reported to the appropriate meeting of Council or Committee.
- 30.4** Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- 30.5** 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.

## **31 Allegations of Breaches of the Code of Conduct**

- 31.1** 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 Chairman and/or Vice Chairman of the Council.
- 31.2** Where the notification relates to a complaint about the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, 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.
- 31.3** Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- 31.3.1 The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the duly formed Standards Committee (including the Proper Officer {see 31b above}, Chairman and/or Vice Chairman of the Council) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - 31.3.2 Draft the summonses and agendas in such a way that the identity and subject

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matter of the complaint are not disclosed.

31.3.3 Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.

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

31.3.5 Ensure that the minutes of meetings preserve confidentiality.

31.3.6 Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.

**31.4** Standing order 31.4 above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Council or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

**31.5** The shall have the power to:

31.5.1 seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;

31.5.2 seek and share information relevant to the complaint;

31.5.3 grant the member 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.

**31.6** References in standing order 31 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.

## **32 Variation, Revocation and Suspension of Standing Orders**

**32.1** Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

**32.2** A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless a majority of the councillors at a meeting of the Council vote in favour of the same.

## **33 Standing Orders to be given to Councillors**

**33.1** The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of the signed declaration of acceptance of office.

**33.2** The Chairman's decision as to the application of standing orders at meetings shall be final.

## **34 Casual Vacancy**

**34.1** A Casual vacancy is deemed to exist when a councillor resigns, dies or becomes disqualified.

**34.1.1** A Councillor wishing to resign from the Council should inform the Chairman in writing, copied to the Clerk. The resignation becomes immediate upon

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receipt of this notification by the Chairman. A resignation cannot be post-dated, cannot be refused by the Chairman and cannot be rescinded once received.

**34.1.2** The vacancy is deemed to exist from the date of death.

**34.1.3** An applicant, successful at an election or co-option, must complete a declaration of acceptance of office, witnessed by the Clerk at or before the first meeting after (s)he is elected. A vacancy will automatically arise if the declaration is not executed at the proper time or is not witnessed correctly.

**34.1.4** A Councillor may become disqualified under section 79 of the Local Government Act 2000; section 34 of the Localism Act 2011 or by virtue of a conviction or a breach of any provision under Part II of the Representation of the People Act 1983. In such cases a declaration of disqualification will be made by the High Court.

**34.1.5** Where a Councillor fails to attend any meeting of the Council for a period of six consecutive months, unless this has been approved by the Council beforehand through a signed and minuted Dispensation, the seat will be declared vacant at a meeting of the Full Council which will take place as soon as possible after the expiry of the six month period.

**34.2** The Clerk will inform Stafford Borough Council of the casual vacancy, including the minute reference when necessary.

**34.3** Stafford Borough Council will issue the appropriate Notice of Vacancy informing electors in the Ward that they may request an election by writing to the returning officer at Stafford Borough Council by a set date.

**34.4** If 10 electors make such a request then an election will be held at a date set by Stafford Borough Council.

**34.5** If 10 electors do not make such a request then the Council will fill the vacancy through co-option.

**34.6** Candidates for co-option will be asked to complete a simple application form, detailing their eligibility, together with a short personal statement by a date set by the Clerk. In the first instance this would be one week before the second Full Council meeting after the issuing of the notice.

**34.7** The decision to co-opt a new member may only be taken at a Full Council meeting.

**34.7.1** The item **“TO CONSIDER AND AGREE WHETHER TO CO-OPT A NEW MEMBER FOR \*\*\*\*\* WARD”** will be included on the agenda near the start of the meeting.

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- 34.7.2** The Chairman will invite candidates to make a short verbal presentation. Following the presentations the Chairman will invite members to ask questions of the candidates.
- 34.7.3** Voting will be by secret ballot of those Councillors present at the meeting.
- 34.7.4** Where the number of applicants is equal to or less than the number of vacancies the question asked will be:
- Do you wish to co-opt X to be a member of Colwich Parish Council? Yes or No.
- 34.7.5** When the number of applicants exceeds the number of vacancies voting will fill the vacancies in order. The first ballot paper will list all applicants by name as well as “none of the above”. Subsequent ballots will be taken, removing the appropriate name, until all the vacancies are filled or “none of the above” receives the most votes.
- 34.7.6** An applicant will be deemed to be co-opted when (s)he receives a majority of votes of those Councillors present and voting.
- 34.7.7** The successful applicant will be invited to sign their Declaration of acceptance of office straight away and so join the meeting.

<b>SIGNED</b>	
COUNCILLOR WENDY PLANT PARISH COUNCIL CHAIRMAN	