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## **FRAMWELLGATE MOOR PARISH COUNCIL**

### **STANDING ORDERS**

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## **INTRODUCTION**

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.

These standing orders do not include financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of the council and are covered in a separate document entitled “**Framwellgate Moor Parish Council Financial Regulations**”. 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.

### **1. COUNCILLORS**

- 1.1. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and these Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council, or of a Councillor who has been specifically designated by the Council for this purpose.
- 1.2. All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council’s business.
- 1.3. The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity.

### **2. RULES OF DEBATE AT MEETINGS**

- 2.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 2.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 2.3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 2.4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- 2.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 2.6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- 2.7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.

- 2.8. A councillor may move an amendment to his 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.
- 2.9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- 2.10. Subject to standing order 2.11, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 2.11. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 2.12. A councillor may not move more than one amendment to an original or substantive motion.
- 2.13. The mover of an amendment has no right of reply at the end of debate on it.
- 2.14. 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 2.15. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - 2.15.1. to speak on an amendment moved by another councillor;
  - 2.15.2. to move or speak on another amendment if the motion has been amended since he last spoke;
  - 2.15.3. to make a point of order;
  - 2.15.4. to give a personal explanation; or
  - 2.15.5. to exercise a right of reply.
- 2.16. During the debate on 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.
- 2.17. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
  
- 2.18. When a motion is under debate, no other motion shall be moved except:
  - 2.18.1. to amend the motion;
  - 2.18.2. to proceed to the next business;
  - 2.18.3. to adjourn the debate;
  - 2.18.4. to put the motion to a vote;

- 2.18.5. to ask a person to be no longer heard or to leave the meeting;
- 2.18.6. to refer a motion to a committee or sub-committee for consideration;
- 2.18.7. to exclude the public and press;
- 2.18.8. to adjourn the meeting; or
- 2.18.9. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

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

2.20. Excluding motions moved under standing order 2.18, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (10) minutes without the consent of the chairman of the meeting.

### **3. DISORDERLY CONDUCT AT MEETINGS**

3.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

3.2 If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

3.3 If a resolution made under standing order 3.2 is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **4. MEETINGS GENERALLY**

4.1. Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.

4.2. An agreed frequency of meetings will be decided at the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post or by hand. The agenda may be delivered by email provided the Council has previously agreed to this. In any case the agenda must be issued at least three clear business days before the meeting. 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.

4.3. Public notices will be posted in conspicuous places informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting. 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.

- 4.4. 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. 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.
- 4.5. 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 at the discretion of the Chairman of the meeting.
- 4.6. The period of time designated for public participation at a meeting in accordance with standing order 4.5 shall not exceed 15 minutes unless directed by the chairman of the meeting.
- 4.7. Subject to standing order 4.6 a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- 4.8. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- 4.9. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- 4.10. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 4.11. Subject to standing order 4.12 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 proceedings, 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. – Reference also FMPC policy for Public filming.
- 4.12. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 4.13. The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman as appropriate. The agenda will always include an item to enable Councillors to declare interests. An opportunity for public questions will be made available immediately during each meeting.

- 4.14. The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- 4.15. The quorum for the Council will be one third of the total Councillor places but in no case fewer than 4. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.
- 4.16. If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.
- 4.17. The Council may only take decisions on items clearly specified on the agenda; if agreed by the chairman, any urgent items which are not on the agenda may be discussed, but no decision may be made, at that meeting.
- 4.18. Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.
- 4.19. The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- 4.20. A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated will be draft minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.
- 4.21. The minutes of a meeting shall include an accurate record of the following:
- 4.21.1. the time and place of the meeting;
  - 4.21.2. the names of councillors who are present and the names of councillors who are absent;
  - 4.21.3. interests that have been declared by councillors and non-councillors with voting rights;
  - 4.21.4. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - 4.21.5. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - 4.21.6. if there was a public participation session; and the resolutions made.

4.22. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter

4.23. A meeting shall not exceed a period of (2) hours.

## **5. SUB-COMMITTEES & WORKING GROUPS**

5.1. The Council from time to time may set up sub-committees and working groups to undertake work on behalf of the Council:

5.1.1. shall determine their terms of reference;

5.1.2. shall determine the number and time of meetings of a sub-committee or working group up until the date of the next annual meeting of the Council;

5.1.3. shall, after it has appointed the members of a sub-committee or working group appoint the chairman of the sub-committee or working group;

5.1.4. shall determine the place, notice requirements and quorum for a meeting of a sub-committee or a working group which, in both cases, shall be no less than three;

5.1.5. 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;

5.1.6. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

5.1.7. may dissolve a sub-committee or working group.

*See standing orders 6.7 & 6.8) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

## **6. ORDINARY COUNCIL MEETINGS**

6.1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.

6.2. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.

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

6.4. The first business of the Annual Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office. If the outgoing Chairman is available then he/she will preside until a new Chairman has been elected.

6.5. 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.



- 6.6. The Vice-Chairman of the Council, if there is one, 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
- 6.7. 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 annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.
- 6.8. 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 annual 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 shall give a casting vote in the case of an equality of votes.
- 6.9. Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
  - 6.9.1. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
  - 6.9.2. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - 6.9.3. Receipt of the minutes of the last meeting of a committee;
  - 6.9.4. Consideration of the recommendations made by a committee;
  - 6.9.5. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - 6.9.6. Review of the terms of reference for committees;
  - 6.9.7. Appointment of members to existing committees;
  - 6.9.8. Appointment of any new committees in accordance with standing order 5;
  - 6.9.9. Review and adoption of appropriate standing orders and financial regulations;
  - 6.9.10. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - 6.9.11. Review of representation on or work with external bodies and arrangements for reporting back;
  - 6.9.12. 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;
  - 6.9.13. Review of inventory of land and other assets including buildings and office equipment;
  - 6.9.14. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - 6.9.15. Review of the Council's and/or staff subscriptions to other bodies;
  - 6.9.16. Review of the Council's complaints procedure;

- 6.9.17. 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 16 & 21*);
- 6.9.18. Review of the Council's policy for dealing with the press/media;
- 6.9.19. Review of the Council's employment policies and procedures;
- 6.9.20. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- 6.9.21. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council. 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.

## **7. EXTRAORDINARY MEETINGS OF THE COUNCIL**

- 7.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 7.2. If the Chairman 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 shall be signed by the two councillors.

## **8. ALTERATION OR REVERSAL OF PREVIOUS DECISIONS OF THE COUNCIL**

- 8.1. Decisions of the Council shall not be reversed or revised within four months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council. When such an item has been disposed of, no similar motion may be moved for a further four months.

## **9. VOTING ON APPOINTMENTS**

- 9.1. 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. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

## **10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- 10.1. 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.
- 10.2. 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 (4) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- 10.3.** The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10.2 correct obvious grammatical or typographical errors in the wording of the motion.
- 10.4.** If the Proper Officer considers the wording of a motion received in accordance with standing order 10.2 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, to the Proper Officer at least (4) clear days before the meeting.
- 10.5.** If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- 10.6.** The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 10.7.** Motions received shall be recorded and numbered in the order that they are received.
- 10.8.** Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- 11.1.** The following motions may be moved at a meeting without written notice to the Proper Officer:
- 11.1.1.** to correct an inaccuracy in the draft minutes of a meeting;
  - 11.1.2.** to move to a vote;
  - 11.1.3.** to defer consideration of a motion;
  - 11.1.4.** to refer a motion to a particular committee or sub-committee;
  - 11.1.5.** to appoint a person to preside at a meeting;
  - 11.1.6.** to change the order of business on the agenda;
  - 11.1.7.** to proceed to the next business on the agenda;
  - 11.1.8.** to require a written report;
  - 11.1.9.** to appoint a committee or sub-committee and their members;
  - 11.1.10.** to extend the time limits for speaking;
  - 11.1.11.** to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - 11.1.12.** to not hear further from a councillor or a member of the public;
  - 11.1.13.** to exclude a councillor or member of the public for disorderly conduct;
  - 11.1.14.** to temporarily suspend the meeting;
  - 11.1.15.** to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - 11.1.16.** to adjourn the meeting; or
  - 11.1.17.** to close the meeting.

## **12. MANAGEMENT OF INFORMATION**

*See also standing order 20.*

- 12.1.** 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.
- 12.2.** 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).
- 12.3.** 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.
- 12.4.** Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **13. DRAFT MINUTES**

- 13.1.** 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.
- 13.2.** 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 11.1.1.
- 13.3.** The accuracy of draft minutes, including any amendment(s) made to them, 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.
- 13.4.** If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

## **14. CODE OF CONDUCT AND DISPENSATIONS**

*See also standing order 4.22*

- 14.1.** All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

- 14.2. Unless s/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 s/he has a disclosable pecuniary interest. S/He may return to the meeting after it has considered the matter in which s/he had the interest.
- 14.3. Unless s/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 s/he has another interest if so required by the Council's code of conduct. S/He may return to the meeting after it has considered the matter in which s/he had the interest.
- 14.4. 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.
- 14.5. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 14.6. A dispensation request shall confirm:
- 14.6.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - 14.6.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - 14.6.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - 14.6.4. an explanation as to why the dispensation is sought.
- 14.7. Subject to standing orders 14.4 & 14.6 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.
- 14.8. A dispensation may be granted in accordance with standing order 14.5 if having regard to all relevant circumstances any of the following apply:
- 14.8.1. 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;
  - 14.8.2. granting the dispensation is in the interests of persons living in the Council's area; or
  - 14.8.3. it is otherwise appropriate to grant a dispensation.

## **15. CODE OF CONDUCT COMPLAINTS**

- 15.1. Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 12, report this to the Council.
- 15.2. Where the notification in standing order 15.1 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate a locum clerk or another Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 15.2.3. The Council may:

- 15.2.1.** provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
- 15.2.2.** seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 15.2.3.** Upon notification by the Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **16. PROPER OFFICER**

**16.1.** The Proper Officer shall be the clerk

**16.2.** The Proper Officer shall:

- 16.2.1.** at least three clear days before a meeting of the council, a committee or a sub-committee,
  - 16.2.1.1.** 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
  - 16.2.1.2.** 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 4.3 for the meaning of clear days for a meeting of a full council and standing order 4.2 for the meaning of clear days for a meeting of a committee;*

- 16.2.2.** subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least (2) days before the meeting confirming his withdrawal of it;
- 16.2.3.** convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- 16.2.4.** facilitate inspection of the minute book by local government electors;
- 16.2.5.** receive and retain copies of byelaws made by other local authorities;
- 16.2.6.** hold acceptance of office forms from councillors;
- 16.2.7.** hold a copy of every councillor's register of interests;
- 16.2.8.** assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- 16.2.9.** liaise, as appropriate, with the Council's Data Protection Officer; if there is one
- 16.2.10.** receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 16.2.11.** assist in the organisation of, storage of, access to, security of 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 (e.g. the Limitation Act 1980);

**16.2.12.** arrange for legal deeds to be executed;

*(see also standing order 24);*

**16.2.13.** arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

*(see also standing order 24).*

**16.2.14.** record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;

**16.2.15.** refer a planning application received by the Council to all members of the Council within two working days of receipt. Contentious applications will be referred to the Planning Working Group on the request of two councillors and thereafter an extraordinary meeting called, if needed, so an appropriate response can be agreed by all members.

**16.2.16.** manage access to information about the Council via the means set out in the Council Public Engagement Policy;

**16.2.17.** retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

## **17. RESPONSIBLE FINANCIAL OFFICER**

17.1. The Council shall appoint the Clerk as the Responsible Financial Officer

## **18. ACCOUNTS AND ACCOUNTING STATEMENTS (see also Financial Policy)**

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

18.2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

18.2.1. 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:

- the Council's receipts and payments (or income and expenditure) for each quarter;
- the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

- the balances held at the end of the quarter being reported and which include a comparison with the budget for the financial year and highlights any actual or potential overspends.

18.2.2. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

**18.2.2.1.** each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and

**18.2.2.2.** to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

18.2.3. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall 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, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **19. FINANCIAL CONTROLS AND PROCUREMENT**

19.1. 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:

19.1.1. the keeping of accounting records and systems of internal controls;

19.1.2. the assessment and management of financial risks faced by the Council;

19.1.3. 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;

19.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and

19.1.5. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.

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



- 19.3. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 19.6 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).
- 19.4. 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:
- 19.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;
- 19.4.2. 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;
- 19.4.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- 19.4.4. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 19.4.5. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
- 19.4.6. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- 19.4.7. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 19.4.8. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- 19.4.9. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract;

or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

## **20. HANDLING STAFF MATTERS**

- 20.1. A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 12.
- 20.2. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman or the vice-chairman of absence occasioned by illness or other reason and that person shall report such absence at its next meeting.
- 20.3. The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff. The reviews and appraisal shall be reported in writing and are subject to approval by resolution.
- 20.4. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution.
- 20.5. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the member of staff' relates to the chairman or vice-chairman, this shall be communicated to another member, which shall be reported back and progressed by resolution.
- 20.6. 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.
- 20.7. In accordance with standing order 12.1, persons with line management responsibilities shall have access to staff records referred to in standing order 20.6.

## **21. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 22.*

- 21.1. 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.

21.2. If gross annual income or expenditure (whichever is higher) does not exceed £25,000] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

## **22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 12.*

22.1. The Council shall appoint a Data Protection Officer.

22.2. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

22.3. The Council shall have a written policy in place for responding to and managing a personal data breach.

22.4. 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.

22.5. 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.

22.6. The Council shall maintain a written record of its processing activities.

## **23. RELATIONS WITH THE PRESS / MEDIA**

23.1. 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.

## **24. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing order 16.2.12*

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

24.2. Subject to standing order 24.1, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **25. COMMUNICATING WITH COUNTY COUNCILLORS**

25.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Unitary Council representing the area of the Council.

**25.2.** Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

**26. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

26.1. Unless duly authorised no councillor shall:

26.1.1. inspect any land and/or premises which the Council has a right or duty to inspect or

26.1.2. issue orders, instructions or directions.

**27. STANDING ORDERS GENERALLY**

27.1. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

27.2. 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 (2) councillors to be given to the Proper Officer in accordance with standing order 10.

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

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

**28. COVID-19 MODIFICATION OF MEETINGS**

**See Appendix A**

Adopted 3<sup>rd</sup> June 2020 - to be reviewed annually at the Annual Meeting of the Council in May

Signed      Chairman      \_\_\_\_\_

Signed      Proper Officer      \_\_\_\_\_

Date      \_\_\_\_\_

# Framwellgate Moor Parish Council

## APPENDIX A Amendment to Standing Orders

### COVID-19 Modification of meetings [\[1\]](#).

1. **Persons attending a council meeting do not need to be in the same place.**  
“Place” means more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
2. **A member in remote attendance attends the meeting at any time if the member is able at that time:**
  - a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
  - b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
  - c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
3. **Voting at remote meetings will be carried out by**  
a show of hands, by a roll call of councillors’ names and asking them to state their vote or by another method of voting, should a platform allow it.
4. The method of remote access for the press and public will be advertised on the meeting’s agenda.
5. Notice of a meeting must be placed on the Council’s website[\[2\]](#) or in a prominent physical place to meet advertising standards contained in Schedule 12 of the Local Government Act 1972.
6. The Council will take account of social distancing requirements before deciding to put notices in physical spaces.
7. There is no requirement for the Parish Council to hold its annual meeting.

[\[1\]](#) The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; In force between the dates of 4 April 2020 – May 2021 [\[2\]](#) National Association of Local Councils, Legal Briefing Note, 3 April 2020.

