

ENSTONE PARISH COUNCIL

DRAFT STANDING ORDERS

September 2019

MEETINGS

1. a) Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b) When calculating the three clear days for notice of a meeting to councillors and the public, the day on which the notice was issued; the day of the meeting; a Sunday; a day of the Christmas break; a day of the Easter break or of a bank holiday; or a day appointed for public thanksgiving or mourning shall not count.
- c) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d) Subject to the standing order above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e) The period of time which is at the Chairman's discretion shall not exceed 20 minutes.
- f) Subject to standing order 1(e) above, each member of the public is entitled to speak in respect of business itemised on the agenda for up to five minutes. After all members of the public have spoken, a question and answer session can be held at the discretion of the Chair for up to thirty minutes.
- g) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- h) Any person speaking at a meeting shall address his/her comments to the Chair.
- i) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- j) Photographing, recording, broadcasting or transmitting the proceedings of a meeting is allowed.
- k) In accordance with the standing order 1c 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.

- l) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his/her absence be done by, to or before the Vice-Chair(s).
- m) The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and Vice-Chair(s) are absent from a meeting, a Councillor, as chosen by the Councillors present at that meeting, shall preside at the meeting.
- n) Subject to model standing order 4a, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- o) The minutes of a meeting shall record the names of councillors present and absent.
- p) The code of conduct adopted by the Parish Council shall apply to councillors in respect of the entire meeting.

THE STATUTORY ANNUAL MEETING

- 2. a) In an election year the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b) In a year which is not an election year, the annual meeting of a Council shall be held on such a day in May as the Council may direct.
- c) If no other time is fixed, the annual meeting of the Council shall take place at 7.15 pm.
- d) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e) The election of the Chair and Vice-Chair(s) of the Council shall be the first business completed at the annual meeting of the Council.
- f) The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.
- g) The Vice-Chair(s) of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- h) In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.
- i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

PLANNING MEETINGS & FINANCIAL MEETING

In addition to the monthly Parish Council meetings, the Council will arrange Planning Meetings for applications of development, as and when, as well as an annual financial meeting during November.

PROPER OFFICER

3. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the clerk or nominated officer:-
- To receive and retain declarations of acceptance of office.
 - To receive and record notices disclosing interests at meetings.
 - To receive and retain plans and documents.
 - To sign notices or other documents on behalf of the Council.
 - To receive copies of byelaws made by another local authority.
 - To receive copies of byelaws made by the Council.
 - To certify copies of byelaws made by the Council.
 - To sign and issue summonses to attend meetings of the Council.
 - To give public notice of meetings at least three clear days before that meeting.
 - To keep proper records for all Council meetings.

QUORUM OF THE COUNCIL

4. a) No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than four.
- b) If a meeting is or becomes in quorate, 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.

VOTING

5. a) 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 voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- b) The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes, may exercise his/her casting votes whether or not he/she gave an original vote.

ORDER OF BUSINESS

6. At each Annual Parish Council Meeting, the first business shall be:-
 - a) To elect a Chairman of the Council.
 - b) To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.
 - c) In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - e) To elect a Vice-Chair(s) of the Council.
 - f) To appoint representatives to outside bodies.
 - g) To appoint committees and sub-committees.
 - h) To inspect any deeds and trust instruments in the custody of the Council as required.

7. In every year, not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees.

MOTIONS REQUIRING WRITTEN NOTICE

8. Except as provided by these Standing Orders, no resolution may be moved at a meeting unless the business it relates to has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least **four** clear days before the next meeting of the Council.

MOTIONS NOT REQUIRING WRITTEN NOTICE

9. Motions in respect of the following matters may be moved without written notice:-
 - a) To appoint a Chair of the meeting.
 - b) To approve the absences of Councillors.
 - c) To correct an inaccuracy of the Minutes of the previous meeting.
 - d) To approve the Minutes.
 - e) To alter the order of business on the agenda for reasons of urgency or expedience.
 - f) To proceed to the next business.
 - g) To close or adjourn the debate.
 - h) To appoint a committee or any members thereto.
 - i) To consider a report and/or recommendations made by a committee or employees.
 - j) To note the minutes of a committee.
 - k) To authorise the sealing of documents.
 - l) To amend a motion.
 - m) To give leave to withdraw a resolution or amendment.
 - n) To extend the time limit for speeches.
 - o) To exclude the press and public for all or part of the meeting.
 - p) To silence or exclude from the meeting a councillor or member of the public for disorderly conduct.
 - q) To give the consent of the Council where such consent is required by these Standing Orders.
 - r) To suspend any Standing Order. Except those which are mandatory by law.
 - s) To adjourn a meeting.
 - t) To dissolve a committee or sub-committee.
 - u) To authorise the payment of monies up to £300.00.

- v) To answer questions from Councillors.

QUESTIONS OF THE COUNCIL

10. a) A Councillor may seek an answer to a question concerning any business of the Council provided five clear days' notice of the question has been given to the Proper Officer.
b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
c) Every question shall be put and answered without discussion.

MINUTES

11. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.

RULES OF DEBATE

12. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given it shall, if required by the Chair, be written and handed to him/her before it is further discussed or put to the meeting.
b) A member, when seconding a resolution or amendment, may if he/she then declares his/her intention to do so, reserve his/her speech until a later period of debate.
c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
d) No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed four minutes except by consent of the Council.
e) An amendment shall be either:-
i. To leave out words.
ii. To leave out words and insert others.
iii. To insert or add words.
f) An amendment shall not have the effect of negating the resolution before the Council.
g) If an amendment be carried, the resolution as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
i) The mover of a resolution or of an amendment shall have a right of reply not exceeding five minutes.
j) A member, other than the mover of a resolution shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment on an amendment, or on a point of order, or in personal explanation, or to move a closure.
k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be

confined to some material part of a former speech by him/her which may have been misunderstood.

l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

m) When a resolution is under debate, no other resolution shall be moved except the following:-

- i. To amend the resolution.
- ii. To proceed to the next business.
- iii. To adjourn the debate.
- iv. That the question be now put.
- v. That a member named be not further heard.
- vi. That a member named leave the meeting.
- vii. That the resolution be referred to a committee.
- viii. To exclude the public and press.
- ix. To adjourn the meeting.

13. A member shall remain seated when speaking unless requested to stand by the Chair.

14. a) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.

b) Members shall address the Chair. If two or more members wish to speak, the Chair shall decide who to call upon.

c) Whenever the Chair speaks during a debate, all other members shall be silent.

CODE OF CONDUCT

15. a) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

b) Any personal or pecuniary 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.

c) If any member has a personal or pecuniary interest as defined by the Code of Conduct, then he/she shall declare such an interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

d) If any member declares a pecuniary interest, he/she may make representations, answer questions or give evidence relating to the business being transacted but must thereafter leave the room.

e) The clerk shall compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer at West Oxfordshire District Council.

DISORDERLY CONDUCT

a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly or in such a manner as to bring the Council into disrepute.

b) If, in the opinion of the Chair, there has been a breach of standing order (a) above, the Chair shall express that opinion to the Council and thereafter any member (including the

Chair) may move that the person be silenced or excluded from the meeting and the motion, if seconded, shall be put forth without discussion.

- c) If a resolution in accordance with standing order (b) is disobeyed, the Chair may take further steps as may reasonably be necessary to enforce it and/or may adjourn the meeting.

RESCISSION OF A PREVIOUS RESOLUTION

- 16. a) A resolution (whether affirmative or negative) of the Council shall not be reversed within six months, except either by a special motion, the written notice whereof bears the names of at least six members of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to paragraph (a) of the above has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

- 17. Where more than two persons have been nominated for any position to be filled by the Council and none of these persons has received an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. The process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

DISCUSSIONS AND RESOLUTIONS AFFECTING

EMPLOYEES OF THE COUNCIL

- 18. If, at a meeting, there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council has decided whether or not the press and public shall be excluded.

EXPENDITURE

- 19. Orders for payment of money shall be authorised by resolution of the Council and signed by two members. The Responsible Financial Officer shall then pay the invoices by the method of electronic banking.

EXECUTION AND SEALING OF LEGAL DEEDS

- 20. a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by resolution.
- b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of the Order may sign, on behalf of the Council, any document required by law and the Proper Officer shall witness their signatures.

ACCOUNTS AND FINANCIAL STATEMENT

- 21. a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations, which shall be reviewed annually or earlier, if required.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate

officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chair or Vice-Chair(s) of the Council.

c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.

22. The Responsible Financial Officer shall supply to each member, as soon as practicable after 31st March, 30th June, 30th September and 31st December in each year, a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter. A Financial Statement prepared on the appropriate accounting basis for a year to 31st March shall be presented to each member before the end of the following month of May. This statement should include a comparison with the budget for the financial year. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before 30th June.

ESTIMATES/PRECEPTS

23. a) The Council shall approve written estimates for the coming financial year at its Financial Meeting before the end of November.

APPOINTMENTS

24. If a candidate for any appointment under the Council is to his/her knowledge related to any member of, or the holder of any office under the Council, he/she and the person to whom they are related shall disclose the relationship to the clerk. A candidate who fails so to do, shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The clerk shall report to the Council any such disclosure.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

25. a) Canvassing of members of the Council for appointment to or 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.

b) A Councillor shall not solicit a person for appointment or recommend a person for appointment.

INSPECTION OF DOCUMENTS

26. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his/her official duties (but not otherwise), inspect any document in the possession of the Council or a committee and request a copy for the same purpose.

UNAUTHORISED ACTIVITIES

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

- a) Inspect any land and/or premises which the Council has a right or duty to inspect;
- or b) Issue orders, instructions or directions.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

28. a) The public and press shall be admitted to all meetings of the Council which may, however, temporarily exclude the public and press by means of the following resolution:

“That in the view of the confidential nature of the business about to be transacted, it is advisable in the public interest, that the press and public be temporarily excluded and they are instructed to withdraw.”

b) The Council shall state the confidential reason for exclusion.

29. At all meetings, the Chair may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting for the purpose of allowing any member of the public to address the meeting, give evidence or answer questions in relation to the business to be transacted at that meeting.

CONFIDENTIAL BUSINESS

30. 1) Members shall not disclose information given in confidence or which they believe or ought to be aware of a confidential nature.

2) Any member in breach of the provisions of paragraph (1) of this Standing Order may be removed from the meeting by resolution of the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

31. A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County and District Councillor, for the appropriate division or ward.

FINANCIAL MATTERS

32. 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:-

a) The accounting records and systems of internal control.

b) The assessment and management of financial risks faced by the Council.

c) The work of the Internal Auditor and the receipt of reports from the Internal Auditor which shall be required at least annually.

d) The financial reporting requirements of members and local electors

e) Procurement policies (subject to standing order 32b) including the setting of values for different procedures, where the contract has an estimated value of less than £50,000.00.

Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000.00 shall be procured on the basis of a formal tender as summarised below.

Any formal tender process shall comprise the following steps:

a) A public notice of intention to place a contract to be placed in a local newspaper.

b) A specification of the goods, materials, services and the execution of works shall be drawn up.

- c) Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time.
- d) Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council.
- e) Tenders are then to be assessed and reported to the appropriate meeting.

The Council is not bound to accept the lowest tender, estimate or quote.

CODE OF CONDUCT ON COMPLAINTS

33. The Council shall deal with complaints of maladministration allegedly committed by the Council, or by any office or member in such manner as adopted by the Council, except for those complaints which should be properly directed to the appropriate Body for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

34. 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.

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

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 35. a) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of his declaration of acceptance of office.
- b) The Chair's decision as to the application of standing orders at meetings shall be final.

MANAGEMENT OF INFORMATION

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

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

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

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

RESPONSIBILITIES TO PROVIDE INFORMATION

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

- b) The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- a) The Council shall appoint a Data Protection Officer.
- b) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c) The Council shall have a written policy in place for responding to and managing a personal data breach.
- d) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e) The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date.
- f) The Council shall maintain a written record of its processing activities.

STANDING ORDERS GENERALLY

- a) 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.
- b) A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least four Councillors to be given to the Proper Officer.
- c) The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d) The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.