

STANDING ORDERS RELATING TO MEETINGS AND PROCEEDINGS OF THE COUNCIL

Definitions:

In these standing orders, unless otherwise stated, the following terms have the meaning assigned to them:

Proper Officer – the Clerk

‘Responsible Financial Officer’ (RFO) – the Clerk

‘committee’ – a committee of the Council

‘employee’ – a person of paid office under the council

‘council’ – Evenwood & Barony Parish Council

‘meeting’ – meeting of the Council

‘member’ – Councillor

‘number of members’ – relating to Evenwood & Barony Parish Council

‘person presiding’ – the person entitled or appointed to preside at any meeting

‘sub committee’ – a sub committee of the Council

Standing Order 1 – Meetings Section 1

- a) Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol
- b) When calculating the 3 clear days of a meeting to Councillors and the public on which notice was issued, a Sunday and any Bank Holiday should not count.
- c) Subject to Standing Orders that state otherwise, anything authorised or required to be done by the Chair, may in his/her absence be done by the Vice Chair.
- d) The Chairman shall preside at the meeting. In his/her absence the Vice Chair will preside. If both the Chair and Vice Chair are absent from the meeting, a Councillor as chosen by the members present at the meeting will preside at the meeting.
- e) 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 vote whether or not he gave an original vote.
- f) Unless standing orders show otherwise, voting should be by a show of hands. At the request of a Councillor, the voting on any question shall be

recorded, so as to show how each Councillor voted. Such a request shall be made before moving on to the next item on the agenda.

- g) The minutes of each meeting shall record the names of Councillors present and absent.
- h) If prior to the meeting a Councillor has submitted reasons for the absence at the meeting which is then approved by a resolution, then such resolution shall be recorded in the minutes of the meeting at which approval was given.
- i) The Code of Conduct adopted by the Council shall apply in respect of the entire meeting.
- j) Any interest arising from the Code of Conduct in respect of business on the agenda should be declared and recorded.
- k) No business can be transacted unless one third of the whole number of members of the Council (whether vacant or filled) are present. In no case shall the quorum of a meeting be less than 3.
- l) If a meeting is or become inquorate no business shall be transacted and the meeting shall be adjourned. Outstanding business of the meeting shall be transacted at the following meeting.
- j) Should a member wish to leave any meeting before the close of that meeting, they can only do so with the express agreement of the Chair.
- k) Apologies for absence from any meeting of the Council must be submitted to the Clerk prior to the commencement of the meeting.
- l) Exclusion of the press and public. Meetings of the Council will be open to the public and the press unless, and only by resolution, an item is considered that publicity would prejudice the public interest by reason of the confidential nature of the business to be discussed or some other reason stated in the resolution and arising out of the business to be transacted. The power to exclude is not exercisable generally but only for a particular occasion. In addition the Clerk, when setting the agenda for a meeting can, in consultation with the Chair, record an item on the agenda 'exclusion of the press and public' if the matter to be discussed are of such a nature that it warrants this action. Items that may be considered would be employment issues (Council employees), legal issues involving the Council, terms of tenders, contract negotiations and early stages of disputes.

Public and press

- a) Meetings shall be open to the public, unless their presence is prejudicial to the public interest by reason of confidentiality regarding the business to be transacted or for any other reason. Public exclusion from part or all of a meeting shall be by resolution which shall give the reasons for the public's exclusion.

b) Subject to the terms of the standing orders adopted by the Council, members of the public are permitted to make representation in respect of any item on the agenda during the allocated public participation slot. Members of the public present will not be allowed, or brought in to make representations by members, during any other agenda item.

c) The period of time designated for public participation should not exceed 15 minutes, unless, at the Chair's discretion, further time is permitted.

d) In accordance with standing order Section 2 (b) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response of debate.

e) In accordance with Section 2 (b) above, the Chair may direct that a response to a question posed by a member of the public be referred to the Clerk for a written or oral response or to a Councillor for oral response.

f) Members of the public will not be able to raise any item which is not on the agenda or which has not been brought to the attention of the Clerk. An item raised which is not on the agenda, should be, with approval of the Chair, be included on a following agenda.

g) Residents will conduct themselves in a respectful and considerate manner at all times and in return will expect to be shown respect and consideration from members of the Council.

h) Should a person fail to conform to the above order then they will be asked to leave the meeting.

i) Any person speaking at the meeting should address their comments to the Chair.

j) Only one person is permitted to speak at a time and the Chair shall direct the order of speaking.

k) Should a group of residents be present to discuss the same issue, the Chair will direct them to appoint a spokesperson.

l) At the Annual Parish Meeting members of the public will have the opportunity to make representations during Questions and Answer sessions. However, should a member of the public wish to speak at the Annual Parish meeting at any other time they may do so with the consent of the Chair.

m) A record of public participation session at a meeting shall be included in the minutes of that meeting.

n) Members of the public or press may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of a parish council or its committees but otherwise may:

- i) film, photograph or make an audio recording of a meeting;
 - ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place;
 - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting
- (Openness of Local Government Bodies Regulations 2014)

Standing Order 2 – Annual Council Meetings:

- a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b) In a year which is not an election year, the annual meeting of the Council shall be held in May.
- c) If no time is fixed, the meeting shall not take place before 6.00pm.
- d) The election of the Chair and Vice Chair shall be the first item of business completed at the annual meeting of the Council.
- e) The Chair and Vice Chair of the Council, unless they resign or become disqualified, shall continue in office until their successor is elected at the next annual meeting of the Council.

Standing Order 3 – Other Meetings

- a) An Annual Parish Meeting shall be held each May prior to the Annual General Meeting of the Council, unless otherwise agreed by the full Council.
- b) Sub committee meetings will be held in accordance with arrangements made at the Annual General Meeting.
- c) The Chair of the Council may at any time call an extraordinary meeting of the Council.
- d) The appropriate number of members may call an extraordinary meeting of the Council provided a requisition for such a meeting has been signed by the appropriate number of members and presented to the Chair.
- e) The appropriate number of members will be that which is required to form a quorum (not less than 3).

Standing Order 4 – Minutes of Meetings

- a) The person presiding will ask that the minutes be approved

- b) No discussion will take place on the minutes except the accuracy of the minutes.
- c) The minutes will be numbered consecutively and signed by the presiding Chair.

Standing Order 5 – Motions and Amendments

- a) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- b) Only one amendment can be moved and discussed at a time.
- c) No further amendment may be moved until the amendment under discussion has been disposed of.
- d) If an amendment is not carried other amendments may be moved to the original motion.

Standing Order 6 – Proper Officer

- a) The Council's Proper Officer shall be the Clerk of the Council
- b) The Council's Proper Officer shall have the responsibility for the following:
 - Sign and serve on Councillors a summons confirming the date, time and venue for a meeting
 - Sign and serve on Councillor's an agenda for a meeting with three clear days as outlined in Standing Order 1
 - Delivery of above shall be by hand, post or electronically
 - Give public notice of the time, date and venue and agenda of a meeting
 - Make available for inspection the minutes of meetings (once approved)
 - Receive and retain declarations of acceptance of office forms from Councillors
 - Retain Councillors register of interests
 - Process all requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
 - Conduct all administrative tasks in accordance with the Person Specification and Job Description approved by the Council

Standing Order 7 – Code of Conduct (England)

- a) All Councillors shall observe the Code of Conduct adopted by the Council

b) Councillors with a pecuniary interest in relation to any item of business being transacted at a meeting shall leave the room before the item, and shall not speak on the business even in public participation

c) Councillors with a personal/prejudicial interest in relation to any item of business being transacted at a meeting may

- make representations
- answer questions
- give evidence in relation to the business being transacted

But must leave the room where business is being transacted thereafter.

Code of Conduct Complaints:

d) Upon notification by the County 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 7a, report this to the Council.

e) Where the notification in standing orders relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member or nominated 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 7(d).

The Council may:

- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

Upon notification by the County 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.

Standing Order 8 – Rescission of previous resolutions

a) A resolution whether affirmative or negative of the Council shall not be reversed within 6 months except by a special motion notice in writing and signed by at least 3 Councillors of the Council.

b) When a special motion or any motion moved in pursuant of Standing Order 8 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

Standing Order 9 – Committees

- a) The Council may, at its annual meeting, appoint standing committees and may at any time appoint such other committees as is necessary, and
- may permit committees to determine the dates of their meetings
 - shall appoint and determine the term office of councillors of such committees
 - shall work within the standing orders adopted by the Council
 - will report back to the full Council at least quarterly or at any other time should the committee notify the Clerk that they require an issue to be placed on the agenda.

Standing Order 10 – Financial Regulations

- a) All expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations
- b) The Council's Financial Regulations shall be reviewed annually
- c) The RFO shall supply each Councillor as soon as practicable after 31 March in each year a statement summarising the Council's receipts and payments and comparisons with the previous years budget
- d) The RFO shall present the Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement to the Council for formal approval before 30 June each year.
- e) The RFO will produce a monthly invoice sheet covering all financial transactions and forecast which will be published on the council website monthly.

Standing Order 11 – Financial Matters/Controls

- a) The Council shall consider and approve financial regulations drawn up by the RFO which shall include:
- the accounting records and systems of internal control
 - the assessments of financial risks faced by the Council
 - the review of the effectiveness of the internal audit
- b) Any proposed contract for the supply of goods, materials, services or the executions of works with an estimated value of in excess of £5000 shall be procured on the basis of a formal tender

Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or

the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. 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;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- c) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

Standing Order 12 – Unauthorised Activities

- a) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub committee: issue orders, instructions or directions about any Council business.

Standing Order 13 – General Power of Competence

- a) Before exercising the power, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria to qualify as an eligible Parish Council
- b) The Council's period of eligibility begins on the date that the resolution under Standing Order 13 (a) above was made and expires on the day before the annual meeting of the Council that take place in the year of ordinary elections

c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purposes of completing any activity undertaken in the exercise of the power to promote well being which has not completed.

Standing Order 14 – Matters Affecting Council Employees

a) If a meeting considers any matter personal to a Council employee, it shall only be considered with the exclusion of press and public

Standing Order 15 – Freedom of Information Act

a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under FOI Act 2000

Standing Order 16 – Variation, revocation and suspension of standing orders

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

Standing Order 17 - Correspondence (received unsigned, generic, action groups & petitions)

a) Correspondence, petition, statements or otherwise received by electronic means or letter but unsigned or only marked from any kind of action group is noted but does not receive a full response unless an individual named person (contact) is given

Standing Order 18 – Standing Orders to be given to Councillors

a) The Clerk shall provide a copy of the Council's standing orders to a Councillor upon delivery of his/her declaration of acceptance of office.

Standing Order 19 – Management of Information

- 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.

Standing Order 20 - RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

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

Standing Order 21 - RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).
See also standing order 19.

- 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(s) is in an easily accessible and available form and kept up to date.

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

Adopted/amended Sept 2012/13
Amended January 2015
Amended November 2017 (order 17)
Amended June 2018