

LEA PARISH COUNCIL

Standing orders

Adopted 4th May 2021

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(Standing Orders in **bold** type are law)

1.Council Meetings

a) Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.

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

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

d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

e) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. They may also make representations of concern that come under the remit of the Council.

f) The period of time designated for public participation at a meeting in accordance with Standing Order 1e above shall not exceed 15 minutes unless directed by the Chairman of the meeting.

g) In accordance with Standing Order 1e above, 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.

h) Subject to standing order 1(e), 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.

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

j) 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.

k) A motion to vary the order of business on the grounds of urgency may be proposed by the Chairman or by any councillor and, if proposed by the Chairman may be put to the vote without being seconded, and shall be put to the vote without discussion.

l) At all meetings of the Council, the Chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meetings in relation to the business to be transacted at that meeting.

m) Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to, or before, the Chairman of the Council may in his absence be done by, to, or before, the Vice-Chairman of the Council (if there is one).

n) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman (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.

o) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

p) Councillors shall address the Chairman. If two or more councillors wish to speak, the Chairman shall decide who to call upon.

q) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.

r) The 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.

s) Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

t) 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.

u) 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 three.

v) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed . The business on the agenda for the meeting shall be adjourned to another meeting.

w) Meetings shall not exceed a period of 2 hours unless moved by a councillor and put to a vote.

2.Statutory Annual Parish 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 councillors elected take office.

b) In a year that is not an election year the annual meeting of the Council shall be held on such day in May as the Council decides.

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

d) The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.

e) 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.

f) 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.

g) 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

h) 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.

i) Following the election of the Chairman and Vice-Chairman of the Council at the annual meeting of the council, the business shall include:

i. 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.

- ii. Elect a Chair following which the Chairperson will take the Chair and make the Declaration of Acceptance of Office.
- iii. Elect a Vice-Chair.
- iv. All elected Councillors to sign Declaration of Acceptance of Office of Councillor.
- v. Election of Committees and other appointments.
- vi. Review and adopt Governance Documentation, Code of Conduct. Standing Orders and Finance Regulations.
- vii. Review and confirm arrangements for insurance cover in respect of all insurable risks and Asset Register.

3. Ordinary Meetings

a) 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.

b) Ordinary full Council meetings shall normally be held on a Monday approximately every six weeks.

4. Extraordinary Meetings

a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

b) 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.

c) The Chairman of a committee, or a sub-committee, may convene an extraordinary meeting of the committee at any time.

5. Resolutions

- a) Except as provided by these Standing Orders, no resolution may be moved at a meeting unless the business item to which it applies is on the agenda for the meeting.
- b) Once the chairman of the meeting is satisfied that a motion has been sufficiently debated to arrive at a substantive motion and is proposed and seconded it shall be put to a vote.
- c) No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- d) When a motion moved under Standing Order 5c has been disposed of, no similar motion may be moved within a further six months.
- e) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer or by a motion moved in pursuance of the recommendation of a committee.

6. Minutes

- a) The draft minutes of a preceding meeting should be sent to councillors as soon as possible after the meeting. The draft minutes should be displayed on the notice boards and website annotated “DRAFT” .
- b) If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- c) 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 5c above.

d) 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.

e) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes of the meeting for which approved minutes exist shall be replaced by the approved minutes.

f) The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. A concise summary of the business, actions agreed and resolutions made.

7. Committees

a) Unless the Council determines otherwise, a committee may appoint a subcommittee whose terms of reference and members shall be determined by the committee.

b) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

c) Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

- d) The Council may at its Annual Parish Council Meeting appoint standing committees and may at any other times appoint such other committees as are necessary.
- e) It shall not appoint any member of a committee so as to hold office later than the next Annual Parish Council Meeting.
- f) Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual Parish Council Meeting.
- g) The Council shall determine and approve the terms of reference of committees.
- h) The Council may dissolve a committee or alter the membership of a committee.
- i) Members of committees entitled to vote, shall vote by show of hands, or, if at least two members request, by signed ballot. Any member may request a recorded vote.
- j) The Chairman of a committee shall in the case of an equality of votes have a second or casting vote.
- k) Three councillors shall constitute a quorum at meetings of a Committee.**

8. Working Groups

Council may appoint working groups for purposes to be specified by the Council. They can have any number of councillors and non-councillors and work in an advisory role. Reports and recommendations to be submitted to Council.

9. Proper Officer

- a) The Proper Officer shall be either (i) the clerk or (ii) a councillor nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b) The proper officer shall:

i. At least three clear days before a meeting of the Council, a committee or a sub-committee,

a. 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

b. 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).

ii. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.

iii. Facilitate inspection of the minute book by local government electors;

iv. Receive and retain copies of byelaws made by other local authorities.

v. Send an invitation and agenda to attend a meeting of the Council to the Ward Councillor and, when as appropriate any County Councillors representing the area.

vi. Hold Acceptance of Office forms from councillors.

vii. Hold a copy of every councillors Register of Interests.

viii. 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.

ix. Liaise, as appropriate, with the Council's Data Protection Officer (if there is one)

x. Keep proper records for all Council meetings.

xi. Receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.

xii. 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).

xiii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.

- xiv. Arrange for legal deeds to be executed.
- xv. Refer planning applications to the Chair and nominated councillor for action. Once agreement of the decision, based on the policies in the Lea Neighbourhood Plan and associated documents, has been reached by councillors a response to be sent to the Planning Case Officer.
- xvi. Manage access to information about the Council via the publication scheme.

10. Disorderly Conduct

a) 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) moderate or improve their conduct.

b) 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c) If a resolution made under Standing Order 10b above 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.

11. Code of Conduct and Dispensations

a) All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the council.

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

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

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

e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.

f) A dispensation request shall confirm:

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

g) Subject to Standing Orders 11d and 11f above, dispensation requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.

h) A dispensation may be granted in accordance with Standing Order 11e above if having regard to all relevant circumstances any the following apply:

- i. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
- ii. Granting the dispensation is in the interests of persons living in the Council's area, or,**
- iii. It is otherwise appropriate to grant a dispensation.**

12. Code of Conduct Complaints

- a) Upon notification by the District 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 16 below, report this to the Council.
- b) Where the notification in Standing Order 12a above 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 to assume the duties of the Proper Officer in relation to the complaint until it has been independently determined and the council has agreed what action, if any, to take in accordance with Standing Order 12d below.
- c) 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.
- d) Upon notification by the District or 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.**

13. Confidential Business

- a) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

14.Handling Staff Matters

- a) A matter personal to a member of staff that is being considered by a meeting of the Council or a committee is subject to Standing Order 15 below.
- b) 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.

15.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.**

16. 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.**

17.Responsibilities under the 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(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.**

18.Relations with Press and Media

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.

19.Accounts and Financial Statements

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

b) "Proper practices" in Standing Orders refer to the most recent version of "Governance and Accountability for smaller local authorities in England – a Practitioners' Guide" .

c) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.

d) The Responsible Financial Officer shall supply to each councillor prior to each Full Council meeting:

- i. The council's income and expenditure since the last Council meeting,
- ii. The council's aggregate income and expenditure for the year to date,
- iii. The balances held at the end of the period being reported, and
- iv. A comparison with the budget for the financial year, highlighting any actual or potential overspends shall be carried out every 3-4 months.

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

- i. Each councillor with a statement summarising the Council's income and expenditure for the last month and the year to date, for information; and
- ii. To the Council the accounting statements for the year in the form of the relevant section of the Annual Governance and Accountability (AGAR) return, as required by proper practices, for consideration and approval.

f) The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the council (income and expenditure) for a year to 31 March.

g) A completed draft AGAR return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The AGAR, which is subject to external audit and including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

20.Financial Regulations and Contracts

a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. Such Regulations shall include detailed arrangements for the following:

- i. The keeping of accounting records and systems of internal control.
- ii . The assessment and management of financial risks faced by the Council.
- iii.. The work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor shall be at least annually.
- iv. The inspection and copying by councillors and local electors of the Council’ s accounts and/or orders of payments.
- v. Whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

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

c) 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 20(f) 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).

d) 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 online on Contractors' website 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.

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

f) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract (or other thresholds determined by Page 15 of 15 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.

g) 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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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.

21. Execution and Sealing of Legal Documents

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

b) Subject to standing order 21(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signature.

22. 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 2 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 chairman of a meeting as to the application of standing orders at the meeting shall be final.

Based on National Association of Local Councils Model Standing Orders 2018 Revised 2020 (England)

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