

STANDING ORDERS

Created by Resolution of Council on 9th November 2011 as amended and re-adopted May 2018 (v2.0).

1. PROPER OFFICER

The Proper Officer of the Parish Council (the Council) shall be the Clerk or in the clerk's absence, such person as appointed by the Council to undertake the role in their absence.

The Proper Officer shall carry out the statutory functions required. Including:

- 1.1. Sign and serve on councillors a summons confirming the date, time, venue and agenda of a meeting of the Council at least 3 working days before the meeting.
- 1.2. Give public notice of meetings
- 1.3. Receive and retain copies of byelaws made by other local authorities
- 1.4. Receive and retain declarations of acceptance of office from councillors
- 1.5. Keep proper records required before and after meetings
- 1.6. Retain a copy of every councillor's register of interests
- 1.7. Make documents available for inspection (including requests made under the Freedom of Information Act 2000)
- 1.8. Receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.
- 1.9. Arrange for legal deeds to be signed and witnessed.
- 1.10. Arrange for prompt authorisation, approval and instruction regarding any payments to be made by the council in accordance with the council's financial regulations.
- 1.11. Manage the storage of and access to information held by the council in paper or electronic form.
- 1.12. Refer a planning application received by the Council to the selected representative on the committee within 2 working days of receipt.
- 1.13. To facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- 1.14. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- 1.15. Ensure compliance with the General Data Protection Regulations 2018
- 1.16. Ensure compliance with The Local Government Transparency Code

The Proper Officer shall give a copy of these standing orders, the Financial Regulations and the Code of Conduct to a councillor upon delivery of their declaration of acceptance of office.

2. ORDINARY COUNCIL MEETINGS

Meetings of the full Council shall normally be held at the Village Hall starting at 19:45 with a fifteen-minute public forum. Meetings should normally close by 22:00.

Sutton Benger Parish Council – Standing Orders

A summons giving at least three working days' notice of meetings is to be given by the Clerk. This will be delivered to the usual residence of each councillor or via email (minute ref: 060⁽¹⁴⁻¹⁵⁾).

There will be at least seven meetings per year, including the Annual Parish Meeting (April) and the Annual Meeting (May)

Meetings shall be open to the general public (see section 16)

3. EXTRAORDINARY MEETINGS

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

If the Chairman refuses to call an extraordinary meeting within 7 days of having been requested to do so, two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

4. COMMITTEES

The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 7 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.

The committees' terms of reference are to examine issues within their remit and report to the council with recommendations. Reports from committees will be standing items on the agenda of Council meetings.

The Council may at its Annual Meeting appoint the standing committees listed below. The Chairman of the Parish Council may not be the chair of a committee.

Personnel – Chairman plus 1 member. The personnel sub-committee will ensure that all matters relating to the employment of staff are properly dealt with and provide a line manager for the Clerk.

The council may at any other time appoint such other ad hoc committees as are necessary.

5. CHAIRMAN OF MEETING

The Chairman normally presides at meetings but if he/she and the vice-chairman are absent a chairman for the meeting should be appointed from those members present.

6. QUORUM

Four councillors or one-third of the total membership, whichever is the greater, shall constitute a quorum. No business may be transacted at an inquorate meeting.

7. VOTING

Each councillor, including the Chairman, has one vote. Councillors shall vote by show of hands. When the voting at a meeting of the parish council is equal, the chairman, or the person presiding in their place, has a second or casting vote.

At the request of a councillor and before moving on to the next business, the clerk shall record the names to show whether members voted for or against a question. In the case of an equality of votes, the Chairman may exercise a casting vote.

8. ORDER OF BUSINESS

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

In a year, which is not an election year, the annual meeting of the Council shall be held in May.

The election of the Chairman shall be the first business completed at the annual meeting.

Following the election of a Chairman the order of business shall be:

- In an election year – ensure that all councillors make their declaration of acceptance of office.
- In an election year - to fill, by co-option, any vacancies left unfilled at the election by reason of insufficient nominations.

In any other year - to ensure that declarations of acceptance of office are current:

- To confirm the accuracy of the minutes of the previous meeting of the council. The Chairman will sign the approved record.
- To review council policies.
- To conduct such business as has been lawfully notified in the summons.

A motion to vary the order of business on the ground of urgency may be proposed by the Chairman or by any member.

9. MOTIONS MOVED WITHOUT NOTICE

Motions dealing with the following matters may be moved without notice:

- To appoint a Chairman of the meeting.
- To correct the Minutes.
- To approve the Minutes.
- To alter the order of business.
- To refer a matter to a committee.
- To appoint a committee or any members thereof.
- To give leave to withdraw a motion or an amendment.
- To exclude the public
- To adjourn the meeting.

10. RULES OF DEBATE

All discussion should be directed through the chairman and councillors should respect each other's views.

A motion or amendment shall not be discussed unless it has been notified in the summons or proposed and seconded.

All councillors shall observe the code of conduct adopted by the council, a copy of which is to be provided to each new member on their signing the acceptance of office.

Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may make representations, answer questions and give evidence relating to the business but must leave the room when the vote is taken.

11. MINUTES

The Clerk shall take the minutes and circulate a draft no later than 14 days following the meeting. Any amendments should be returned no later than 5 days before the date of the meeting at which they will be approved.

12. Management of Information

See also standing order 17.

- 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.**
- 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.**

13. FINANCIAL MATTERS – refer to the *Financial Regulations*

14. EXECUTION AND SEALING OF LEGAL DEEDS

A legal deed shall not be executed on behalf of the council unless it has been authorised by a resolution.

15. LIAISON OFFICERS

Individual councillors will be appointed as liaison officers to the below. Their role is to co-ordinate on issues within their remit. Reports from these officers will be standing items on the agenda of Council meetings:

- Planning (All Councillors to vote at the Parish Council Meeting or Extraordinary Meeting of the Council if called).
- Highways/Transport
- Police liaison/Neighbourhood Watch
- Rights of Way
- Finance / Community Fund
- Emergency Planning
- Communications (website and press)
- Personnel
- School Liaison
- Village Hall
- Chippenham Area Board

Liaison with other agencies may be set up as and when required.

16. INSPECTION OF DOCUMENTS

Councillors may inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

All Minutes kept by the Council and by any sub-committee or liaison officer shall be open for the inspection of any member of the Council and members of the public. An appropriate charge will be made.

17. Responsibilities to provide information

See also standing order 18.

- 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 Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

18. Responsibilities under data protection legislation

See also standing order 12.

- a. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b. The Council shall have a written policy in place for responding to and managing a personal data breach.
- c. 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.
- d. The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date.
- e. The Council shall maintain a written record of its processing activities.

19. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

The public shall be admitted to all meetings of the Council and its committees and sub-committees. They may be temporarily excluded by means of the following motion:

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

(Notes: The special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion motion is passed).

Any registered local government elector within the Parish may ask a question or make a statement about any matter relating solely to any function of the Council during the public forum session. They may not speak during the main council meeting unless invited to do so by the chairman with the agreement of the members.

The Chairman will decide how the question will be answered either by a verbal reply at the meeting, a written response after the meeting or that the question will not be answered.

In order to ensure the efficient conduct of the meeting no more than fifteen minutes will be allocated for questions and statements.

The Clerk shall afford to the public and press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

The Openness of Local Government Bodies Regulations 2014 provides that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of the Council or its committees but otherwise may:

Sutton Benger Parish Council – Standing Orders

- a) Film, photograph or make an audio recording of a meeting;
- b) Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c) Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

If a member of the public or press undertaking these activities act in a disruptive manner may, after warning, be excluded from the meeting.

20. LIAISON WITH UNITARY COUNCILLORS

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Unitary Council representing our electoral ward.

21. CODE OF CONDUCT ON COMPLAINTS

The Council shall deal with complaints of maladministration committed by the Council or by any officer or member in the manner recommended the National Association of Local Councils.

22. VARIATION REVOCATION AND SUSPENSION OF STANDING ORDERS

Any or every part of the Standing Orders may be suspended by motion in relation to any specific item of business.

Standing Orders will only be permanently amended by resolution of the Council.