

**EAST HAGBOURNE PARISH COUNCIL
STANDING ORDERS**

ADOPTED 22 MARCH 2012

updated 1st November 2018

updated 14th May 2020

Explanatory Note:

Paragraphs shown in **bold** text are statutory requirements and are mandatory in law.

NOTE: The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which came into effect in April 2020 override applicable statutory orders while in place.

Amendment log:

05 April 2012: Spelling error in 1(s) corrected.

26 July 2016: Paragraph 1(j) updated in line with legislation

Paragraph 7(i)(b) added to clarify procedural rules for announcement of committee meetings.

4 May 2017 Paragraph 7(iii) amended to clarify that Advisory and Working Groups should keep minutes of their activities.

1st November 2018 Updated to reflect 2018 NALC Model.

Paragraph 1(t) added, 1(v) amended. Minor changes to Sections 2, 3. Updates to 4(ii), 6(v) and to Section 7. New Section 8 added on management of information. Changes to make the document gender neutral.

14th May 2020 Note added to reflect the New Government Legislation relating to Coronavirus.

NOTE:

The word chairman is used throughout this document without prejudice to whether the current incumbent is male or female.

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1 General Provisions for Meetings

- (i) **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**
- (ii) Meetings shall be held at a place, date and time fixed by the Council. Notice of the time and place of meetings must be fixed in a conspicuous place in the parish at least 3 clear days before the meeting.
- (iii) **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- (iv) **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.**
- (v) 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, at the discretion of the Chairman.
- (vi) The period of time which is designated for public participation in accordance with standing order 1(iv) above shall not exceed 30 minutes.
- (vii) In accordance with standing order 1(iv) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- (viii) Any person speaking at a meeting shall address his/her comments to the Chairman.
- (ix) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- (x) **Orally reporting or commenting about a meeting as it takes place by a person present at the meeting of the Council or its committees is not permitted, but otherwise a person may:**
 - a) **Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
 - b) **Use any means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, including filming, photography or making an audio recording of the meeting.**
- (xi) **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.**
- (xii) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his/her absence be done by, to or before the Vice-Chairman (if any).**
- (xiii) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent**

from a meeting, the Vice-Chairman, 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.

- (xiv) **Subject to standing order 1(xxi) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- (xv) **The Chairman 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 s/he gave an original vote.**
- (xvi) **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.
- (xvii) The minutes of a meeting shall record the names of councillors present and absent
- (xviii) The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting
- (xix) An 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.
- (xx) **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/her right to participate and vote on that matter.**
- (xxi) **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 3.**
- (xxii) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Any outstanding business of a meeting so adjourned shall be conducted at a following meeting.

2 Conduct of Parish Council Meetings

(i) Holding 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 a Council shall be held on 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 6pm.
- 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.

(ii) Extraordinary Meetings

- a** The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b** Any 2 members may submit a written request signed by them to the Chairman to call an extraordinary meeting. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those 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, and shall specify the business proposed to be transacted at the meeting (the agenda).**

(iii) Order of Business for Ordinary Meetings

Business will usually be dealt with in the following order.

- a** Attendance, apologies and declarations of interest
- b** Public forum and questions, including reports from District and County Councillors.
- c** Confirmation of minutes from the last meeting
- d** Another agenda business

(iv) Order of Business for Annual Parish Council Meetings

- a** The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- b** The Chairman of the Council, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting and

until his/her successor is elected at the next annual meeting of the Council.

- c The Vice-Chairman of the Council, if any, unless s/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.**
- d In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, s/he shall preside at the 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 must give a casting vote in the case of an equality of votes.**
- e In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chairman of the Council has been elected. S/he may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- f Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.**
 - 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/her acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council
 - iii. Review of nominations and terms of reference to committees, working groups and non-Council bodies.
 - iv. Review and adoption of appropriate standing orders and financial regulations
 - v. Review of inventory of land and assets including buildings and office equipment.
 - vi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - vii. Review of the Council's and/or employees' memberships of other bodies.
 - viii. Setting the dates, times and place of ordinary meetings of the full Council for

the year ahead.

ix. Other Council business.

(v) Rescission of Previous Resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 4 councillors 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 standing order 2(v)(a) above has been disposed of, no similar motion may be moved within a further 6 months.

3 Proper Officer

(i) The Council's Proper Officer shall be the clerk or such other person as may be appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence.

(ii) The Council's Proper Officer shall do the following.

- 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)**
- c** **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office, in accordance with standing order 3(ii)(a) above.**
- d** **Facilitate inspection of the minute book by local government electors**
- e** **Receive and retain copies of byelaws made by other local authorities.**
- f** Receive and retain declarations of acceptance of office from councillors.
- g** Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- h** Keep proper records required before and after meetings;
- i** Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- j** Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- k** Record every planning application notified to the Council and the Council's response to the local planning authority;
- l** Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Rules of Debate and Code of Conduct

(i) Rules of Debate

- a Any member may give to the Clerk written notice of a motion the member wishes to move at a meeting at least 5 clear days before the meeting (and sufficient to enable the motion to be included in the agenda)
- b Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- c A point of order shall be decided by the Chairman and his/her decision shall be final.
- d A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days' notice of the question has been given to the Proper Officer.

(ii) Code of Conduct

- a All councillors shall observe the code of conduct adopted by the Council.
- b Unless s/he has been granted a dispensation, a councillor with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.
- c **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.
- d **A dispensation may be granted in accordance with standing order 4(ii)(c) if having regard to all relevant circumstances any of 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.**
- e **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.

(iii) Disorderly Conduct

- a No councillor or other person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 4(iii)(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 4(iii)(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or s/he may adjourn the meeting.

(iv) Unauthorised Activities

- a Unless authorised by a resolution a member cannot individually exercise any function on behalf of the Council. A member must not issue any order relating to work being done for the Council or claim any right to enter any property on behalf of the Council.

(v) Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, 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 This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

(vi) Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.

5 Minutes

(i) Approval and Publication of Minutes

- a No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- b Minutes, including any amendment to correct their accuracy, 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.
- c The confirmed minutes shall be posted on the village web site before the next full meeting of the Council.

(ii) Inspection of Documents

- a 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, inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees, sub-committees and working groups shall be available for inspection by councillors.

6 Financial Matters

All financial activities of the Council shall conform to the financial regulations approved by the Council

(i) Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

(ii) Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 6(ii)(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

(iii) Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall present at each full Council meeting a summary of payments and receipts since the last meeting and the balances held.
- c The Responsible Financial Officer shall maintain a statement summarising the Council's receipts and payments for the year to date. This statement should include a comparison with the budget for the financial year.
- d A Financial Statement prepared on the income and expenditure basis for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

(iv) **Precept**

- a The Council shall approve written estimates for the coming financial year at a meeting no later than January each year.

(v) **Contracts**

- a Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of **£25,000** shall be procured on the basis of a formal tender.
- b 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 6(v)(c) 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).**
- c A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- d Where the value of a contract is likely to exceed £363,424 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**
- e Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

7 Committees and Working Groups

(i) Committees

- a 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 so as to hold office no later than the next annual meeting;
 - iv. may in accordance with standing orders, dissolve a committee at any time.
- 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 The provisions of items 1b, 1c and 1d shall apply to committees

(ii) Sub-Committees

- a **A committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee**
- b **Such sub-committees may only be appointed on the authority of a resolution of the full Council.**

(iii) Advisory Committees and Working Groups

- a The Council may appoint advisory committees or working groups comprised of a number of councillors and non-councillors.
- b Advisory Committees and Working Groups will keep minutes of their meetings
- 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**

8 Management of Information

- (i) **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.**
- (ii) **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).**
- (iii) **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.**
- (iv) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- (v) **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.**
- (vi) **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**
- (vii) **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.**
- (viii) **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- (ix) **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.**
- (x) **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.**
- (xi) **The Council shall maintain a written record of its processing activities.**

9 Power of Well-Being

- (i) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- (ii) The Council's period of eligibility begins on the date that the resolution under standing order 9 (i) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- (iii) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 9b above.

10 Liaison with District and County Councillors

- (i) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of South Oxfordshire District Council and Oxfordshire County Council representing East Hagbourne Parish.

11 Application of Standing Orders

- (i) 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.
- (ii) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.
- (iii) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his/her declaration of acceptance of office.
- (iv) The Chairman's decision as to the application of standing orders at meetings shall be final.