



Eccleshall

Parish Council

STANDING ORDERS – APPROVED JAN 2019 (reviewed June 2020)

1. RULES OF DEBATE

- a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c) A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f) If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g) An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h) A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i) If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j) Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k) One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l) A councillor may not move more than one amendment to an original or substantive motion.
- m) The mover of an amendment has no right of reply at the end of debate on it.

- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o) Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - I. to speak on an amendment moved by another councillor;
 - II. to move or speak on another amendment if the motion has been amended since he last spoke;
 - III. to make a point of order;
 - IV. to give a personal explanation; or
 - V. in exercise of a right of reply.
- p) During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q) A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r) When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s) Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t) Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chairman of the meeting.

2. 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) to 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 be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made under standing order 2(b) 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.

3. MEETINGS IN GENERAL

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a) Meetings of the Council shall be held at The Community Centre, Eccleshall at 19.30 hours unless the Council decides otherwise at a previous Meeting and shall terminate not later than 21.30 hours, unless it is decided to continue by vote.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) During the adjournment of the Council meeting for Public Participation any Councillor or member of the public may make representations, answer questions or give evidence relating to items of local interest or the business itemised on the agenda, subject to the Chairman being advised of the topic prior to the commencement of the meeting. A time limit of 3 minutes will be allowed for each speaker.
- g) The period of time designated for public participation at a meeting in accordance with standing order 3(f) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- h) Subject to standing order 3(g), a member of the public shall not speak for more than 3 minutes.

- i) In accordance with standing order 3(f), 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.
- j) A person shall raise his hand when requesting to speak and may stand or be seated to speak.
- k) A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- l) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- m) Subject to standing order 3(n), 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.
- n) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- o) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- p) 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).
- q) The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (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.
- r) 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.
- s) 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.
- *See standing orders 8(i) and (j) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- t) 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.

- u) 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. the resolutions made.
- v) 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.
- w) 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 five.

See standing order 4(j) for the quorum of a committee or sub-committee meeting.

- x) 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.

4. COMMITTEES AND SUB-COMMITTEES

- a) The Council may at the Annual Meeting appoint standing committees and may at any time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
 - Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and
 - May at any time dissolve or alter the membership of a 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) The Chairman or Vice-Chairman of the Council shall be members of every committee.

- d) The Planning Committee shall be empowered to respond to planning applications and related matters providing that it is quorate.
- e) Any meeting of the Planning Committee, which is not preceded by a Council Meeting, may be adjourned for up to 15 minutes at the commencement of the meeting, to allow members of the public, or councillors, to speak for a maximum of 3 minutes each.
- f) Committees and sub-committees may make recommendations to the Council but are not empowered to make decisions, other than in cases where a decision is deemed a matter of urgency, and such action should be reported to the next meeting of the Council for ratification.
- g) Every committee shall at its first Meeting before proceeding to any other business, elect a Chairman, and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
- h) The Chairman of a committee or the Chairman of the Council may summon a meeting at any time. A meeting shall also be summoned on the requisition in writing of not less than a third of the members of the committee. The summons shall set out the business to be considered and members of the committee must have at least seven days notice of the Meeting.
- i) Every committee may appoint sub-committees whose terms of reference and members shall be determined by the committee.
- j) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members, with the exception of the planning committee, the quorum of which shall be five members.
- k) The standing orders on the rules of debate (except those parts relating to speaking more than once) and the standing order on interests of members in contracts and other matters shall apply to committee and sub-committee Meetings.

5. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- a) A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.
- b) Any member shall, unless the Council otherwise orders, be entitled to be present as an observer at the Meeting of any committee or sub-committee of which he is not a member.

6. ORDINARY 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 on the third Wednesday in May.
- c) The annual meeting will commence at 7.30pm.
- d) In addition to the annual meeting of the council three other statutory meetings shall be held on the third Wednesday in the months of July, October and February.
- e) Six additional meetings shall be held on the third Wednesday in the months of March, April, June, September, November and January.
- f) The election of the Chairman and Vice-Chairman of the council shall be the first business completed at the annual meeting of the Council.
- g) 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.
- h) The Vice-Chairman of the Council, 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.
- i) 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 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.
- j) 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 meeting until a successor 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 must give a casting vote in the case of an equality of votes.
- k) Following the election of the Chairman and Vice-Chairman of the Council at the annual meeting the order of business shall be as follows:-
 - 1) In an election year delivery by Councillors of their declarations of 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.
 - 2) Confirmation of the accuracy of the minutes of the last meeting of the council.

- 3) Receipt of the minutes of the last meeting of the council.
 - 4) To appoint Committees.
 - 5) To inspect any deeds and trust instruments in the custody of the Council.
 - 6) To consider insurances in force and make provision for any alterations required.
 - 7) To review the following
 - a) council complaints procedure
 - b) Standing orders and financial regulations
 - c) Publication Scheme
 - d) Policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.
- l) After the first business has been completed, the order of the business, unless the Council otherwise decides on the grounds of urgency, shall be as follows
- I. To adjourn the meeting for a period of no longer than 15 minutes at the commencement of the Meeting in order to receive questions / representations from Councillors or the general public present at the Meeting, concerning relevant items of business of the Council.
 - II. To deal with business expressly required by statute to be done.
 - III. To receive such communications as the person presiding may wish to lay before the Council.
 - IV. To answer questions.
 - V. To dispose of business if any remaining from the last Meeting
 - VI. To receive and consider reports and minutes from committees.
 - VII. To receive and consider reports from Officers of the Council,
 - VIII. To authorise the signing of orders for payment.
 - IX. To consider resolutions or recommendations in the order in which they have been notified.
 - X. Any other business specified in the summons.
- m) A motion to vary the order of business on the grounds of urgency
- 1) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
 - 2) Shall be put to the vote without discussion.

7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

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

8. PREVIOUS RESOLUTIONS

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except by special motion, which requires written notice by at least eight members of the Council to be given to the Proper Officer in accordance with standing order 12.
- b) When a special motion or any other motion moved pursuant to standing order 10(a) has been disposed of, no similar motion may be moved within a further six months.
- c) Sub-paragraphs 'a and b' of this standing order shall not apply to resolutions moved in pursuance of the report or recommendation of a committee or sub-committee.

9. VOTING ON APPOINTMENTS

- a) Where two or more persons have been nominated for any position to be filled by the Council the 'first past the post' system will be used by voting for one candidate only with a cross (X). The successful candidate being the one with the most votes.

10. MOTIONS REQUIRING WRITTEN NOTICE

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Proper Officer or the mover has given notice in writing of its terms and has delivered the notice to the Proper Officer at least ten clear days before next Meeting of the Council. Clear days do not include the day of the notice or the day of the meeting.
- b) The Proper Officer may, before including a motion on the agenda received in accordance with standing order 12(a), correct obvious grammatical or typographical errors in the wording of the motion.
- c) The Proper Officer shall insert in the summons for every Meeting all the notices of motion or recommendations properly given in the order in which they have been received, unless the member giving notice of motion has stated in writing the intention to move it at some later Meeting or to withdraw it.
- d) If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- e) Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.
- f) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as

the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- g) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- h) Motions received shall be recorded and numbered in the order that they are received.
- i) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

11. MOTIONS NOT REQUIRING WRITTEN NOTICE.

- a) Motions dealing with the following matters may be moved without written notice to the Proper Officer:-
 - i. To appoint a Chairman of a Meeting.
 - ii. To approve the absences of councillors
 - iii. To approve the accuracy of the minutes of the previous meeting
 - iv. To correct an inaccuracy in the minutes of the previous meeting
 - v. To dispose of business, if any, remaining from the last meeting
 - vi. To alter the order of business on the agenda for reasons of urgency or expediency
 - vii. To proceed to the next business on the agenda
 - viii. To close or adjourn a debate.
 - ix. To refer a matter to a committee.
 - x. To appoint a committee or any member thereof.
 - xi. To dissolve a committee or sub-committee
 - xii. To consider / adopt a report and/or recommendations from a committee or employee
 - xiii. To authorise the sealing of documents.
 - xiv. To amend a motion.
 - xv. To defer consideration of a motion.
 - xvi. To give leave to withdraw a resolution or an amendment.
 - xvii. To extend the time limit of speeches.
 - xviii. To exclude the public and press.
 - xix. To not hear further from as councillor or member of the public
 - xx. To exclude a councillor or members of the public for disorderly conduct.
 - xxi. To invite a member having an interest in the subject matter under debate to remain.
 - xxii. To give consent of the Council were such consent is required by these Standing Orders.
 - xxiii. To suspend any standing order except those which are mandatory by law.
 - xxiv. To temporarily suspend the meeting.
 - xxv. To adjourn the meeting
 - xxvi. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
 - xxvii. To answer questions from Councillors

- b) If a motion falls within the terms of reference of a committee a referral of the same may be made to such committee provided that the Chairman may direct for it to be dealt with for reasons of urgency or expedience.

12. MANGEMENT OF INFORMATION

See also standing order 25.

- 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.

13. MINUTES

- a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct any inaccuracy in the minutes shall be raised in accordance with standing order (13)(a)(iv) above.
- c) 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.
- d) If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- e) 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.
- f) Subject to the publication of draft minutes in accordance with standing order 15(e) and standing order 25(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(v).

- a) All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b) Unless he has been granted 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 he has been granted 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 the Proper Officer OR 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 16(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required OR 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 16(e) above if having regard to all relevant circumstances the following applies:
 - 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 or
 - 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.

15. CODE OF CONDUCT ON 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 14, report this to the Council.
- b) Where the notification in standing order 17(a) 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 determined and the Council has agreed what action, if any, to take in accordance with standing order 17(d).
- 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.

16. PROPER OFFICER

- a) The Council's Proper Officer shall be the Clerk
- b) The Council's Proper Officer shall do the following:-
 - i. 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.

- ii. 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).
See standing order 3(c) for the meaning of clear days for a meeting of the full council and standing order 3(d) for the meaning of clear days for a meeting of a committee.
- iii. Convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office
- iv. Make available for inspection the minutes of meetings
- v. Receive and retain copies of byelaws made by other local authorities
- vi. Receive and retain declarations of acceptance of office from Councillors
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings
- ix. 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.
- x. Liaise, as appropriate, with the Council's Data Protection Officer (if there is one).
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to 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 for legal deeds to be signed by 2 Councillors and witnessed.
- xiv. Arrange for prompt authorisation, approval and instruction regarding any payments to be made by the council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the council in a book for such purpose
- xvi. Refer a planning application received by the council to the Chairman or Vice-Chairman of the Planning Committee within 2 working days of receipt
- xvii. In order to facilitate the consideration of planning applications and submission of comments within the time limits allowed, the Clerk, as Proper Officer, is authorised to submit an appropriate response to the Borough between regular meetings of the Council, following consultation with the Chairman or Vice-Chairman of the Planning Committee and as many Councillors as are available. Should an application be potentially contentious then an emergency meeting of the Planning Committee will be called.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xix. Manage access to information about the council via the publication scheme.

17. RESPONSIBLE FINANCIAL OFFICER

- 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.

18. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b) Except as provided in sub-paragraph 'c' of this standing order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- c) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payments shall be authorised by the Planning committee and retrospectively approved at the next council meeting, OR by the Chairman or Vice-Chairman of the Council.
- d) All payments ratified under sub-paragraph 'c' of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- e) The Responsible Financial Officer shall supply to the Policy and Resources Committee at each meeting a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- f) 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 receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- g) The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft of the annual governance and accountability return shall be presented to all councillors prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

19. EXPENDITURE

- a) Orders for payment of money shall be authorised by resolution by the Council and signed by two authorised signatories.
- b) The Council's financial regulations shall be reviewed by the Policy and Resources committee as necessary.
- c) In accordance with the council's financial regulations the Proper Officer is authorised to incur expenditure if required as a matter of urgency.

20. FINANCIAL CONTROLS AND PROCUREMENT

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:-
 - i. The accounting records and systems of internal control
 - ii. The assessment and management of financial risks faced by the council
 - iii. The work of the internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. The inspection and copying by councillors and local electors of the Council's accounts and /or orders of payments; and
 - 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 18(d) 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) 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.

- e) 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 £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 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.
- f) Every contract shall comply with the council's financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to (i) to (vi) below
 - i. For the supply of gas , electricity, water, sewerage, and telephone services
 - ii. For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
 - iii. For work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
 - iv. For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council
 - v. For additional audit work of the External Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice-Chairman of Council).
 - vi. For goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- g) Where it is intended to enter into a contract exceeding £5,000 in value for the supply of goods and materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (f) the Clerk shall invite tenders from at least three firms to be taken from the approved list.
- h) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- i) Such invitation to tender shall state the general nature of the intended contract and the clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

- j) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- k) If less than three tenders are received for contracts above £5,000 or if all tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the work.
- l) Any invitation to tender issued under this regulation shall contain a statement to the effect of standing order 28.
- m) When it is to enter into a contract less than £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (f) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, the following regulation shall apply:-

All members and officers are responsible for obtaining value for money at all times. An Officer issuing an official order shall ensure as far as reasonable and practicable that the best terms available are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions as above.
- n) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

21. ESTIMATES AND PLANNING

- a) Any committee desiring to incur expenditure to be defrayed out of the Precept shall, not later than the first day in November each year give the Parish Clerk a written budget for the ensuing financial year.
- b) Together with the budget in sub-paragraph 'a' of this Standing Order shall be a forward plan showing proposed developments for at least the next year.
- c) The Council shall approve written estimates for the coming financial year at its Meeting in the month of January.

22. HANDLING STAFF MATTERS

- a) A matter personal to a member of staff that is being considered by a meeting of Council or the Staffing Committee is subject to standing order 14.
- b) Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Council or the Staffing Committee, or, if he is not available, the vice-chairman of the Council or the Staffing Committee of absence occasioned by illness or other reason and that

person shall report such absence to the Council at its next meeting.

- c) The chairman of the Council or the Staffing Committee shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Council or the Staffing Committee.
- d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Council or the Staffing Committee, or in his absence, the vice-chairman of the Council or Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council or the Staffing Committee
- e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council or the Staffing Committee.
- f) 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.

23. 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) A councillor may for the purpose of his duty as such (but not otherwise), 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.
- c) The Minutes, apart from Confidential Minutes, of the Council, shall be open to any member of the public, and for this purpose a copy of the Minutes shall be deposited in Eccleshall Library.

24. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 14.

- a) The Council may 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.

25. QUESTIONS

- a) A councillor may seek an answer to a question concerning any business of the council provided 3 clear days notice of the question has been given to the Proper Officer
- b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c) Every question shall be put and answered without discussion.

26. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing of councillors or the members of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such an appointment. The Parish Clerk shall make known the purport of this subparagraph of this standing order to every candidate.
- b) A councillor or a member of a committee or sub-committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character, for submission to the Council with an application for appointment.
- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.
- d) No member of the Council shall meet with a developer concerning any development which may affect the Parish unless the Clerk or another Councillor is also present.

27. CONFIDENTIAL BUSINESS

- a) No member of the Council, committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, committee or sub-committee, as the case may be.

28. EXECUTION 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 30(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.

29. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- a) A notice of Meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the Borough Councillors for the Parish.
- b) Provision shall be made in the Agenda of the Council allowing the Chairman of the Council to invite the County Councillor and Borough Councillors to report on any matters of interest to the Council.

30. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a) No member of the Council or any committee or sub-committee shall in the name of, or on behalf of the Council;-
 - Inspect any lands or premises which the Council has a right or duty to inspect or:-
 - Issue orders; unless authorised to do so by the Council or the relevant committee or sub-committee, except that the Parish Clerk, in consultation with the Chairman or Vice-Chairman of the Council be authorised to take any urgent executive action when it would be in the best interests of the Council so to act prior to a Council or committee Meeting, provided that such action be reported to the next Meeting of Council or relevant committee.

31. 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, vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory, statutory or legal requirements, shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

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