

WYBUNBURY PARISH COUNCIL STANDING ORDERS

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**WYBUNBURY PARISH COUNCIL
STANDING ORDERS**

These Standing Orders were approved by Wybunbury Parish Council at its meeting held on the 9th September 2024.

INTRODUCTION

These Standing Orders are based on model Standing Orders published by the National Association of Local Council (NALC) in 2018. They supersede any previous versions. Standing Orders are the written rules of a Local Council and are essential to regulate the proceedings of a meeting.

A Council may also use Standing Orders to confirm or refer to various internal organisational and administrative arrangements. The Standing Orders of a Council are not the same as the policies of a Council but Standing Orders may refer to them.

Local Councils operate within a wide statutory framework. The statutory requirements to which a Council is subject apply whether or not they are incorporated in a Council's Standing Orders. These Standing Orders do not include Financial Regulations. Financial Regulations are Standing Orders to regulate and control the financial affairs and accounting procedures of a Local Council. The Financial Regulations, as opposed to the Standing Orders of a Council, include most of the requirements relevant to the Council's Responsible Financial Officer.

(Wybunbury Parish Council has also approved its revised Financial Regulations at its meeting held on 11th September 2024).

Drafting notes

Standing Orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Standing Orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all Standing Orders will generally be suitable for councils.

For convenience, the word "councillor" is used in Standing Orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

1. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a shall not exceed 15 minutes unless directed by the chair of the meeting, and for general matters shall be considered under 'Public Forum'.
- g Each individual member of the public shall not speak for more than 5 minutes.
- h **A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- i **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- j **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- k **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- l **The Chair of the Council, if present, shall preside at a meeting. If the**

Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

- m 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.**
- n 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.**
- o 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 their right to participate and vote on that matter.**
- p If a meeting is or becomes inquorate no business shall be transacted**

2. COMMITTEES AND SUB-COMMITTEES

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint committees as may be necessary, and:
 - i. shall determine their terms of reference and membership;**
 - ii. shall determine the number and time of the committee up until the date of the next annual meeting of the Council;**
 - iii. shall permit a committee, to appoint its own chair at its first meeting;**
 - iv. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;**
 - v. shall determine if the public may participate at a meeting of a committee;**
 - vi. shall determine if the public and press are permitted to attend the meetings;**
 - vii. may dissolve a committee.****

3. 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 councillors elected take office.**
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e The first business conducted at the annual meeting of the Council shall be the election**

of the Chair and Vice-Chair (if there is one) of the Council.

- f The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- j Following the election of the Chair of the Council and Deputy Chair of the Council at the annual meeting, the business shall include:

In an election year, delivery by the Chair 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 Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date.

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

- a The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

5. URGENT BUSINESS

In the event of any matter arising which requires the attention of the Council prior to the date of the next ordinary meeting of the Council the Clerk will consult with the Chair and Deputy Chair, and such other members as appropriate and/or practicable to determine the appropriate course of action, which may be any of the following:

- a) to call a special meeting of the Council to consider the matter;
- b) to call a special meeting of any appropriate committee whose terms and conditions may be appropriate;

- c) to delegate the power to respond on behalf of the Council to the Clerk in consultation with the Chair and Deputy Chair, and such other members as the Clerk and Chair/ Deputy Chair may deem appropriate;
- d) to determine that the matter does not require a response prior to the next meeting of the Council.

Any actions taken under this Standing Order shall be reported to the next meeting of the Council.

Note: In the absence or non-availability of the Chair, the Deputy Chair shall act; in the absence or non-availability of the Deputy Chair, the Clerk shall consult as deemed appropriate by the Chair. In the absence of both, the Clerk shall consult as widely as practicable with other members of the Council.

Exceptional circumstances

In the event of exceptional circumstances under which the Council is unable to meet, or it is considered inappropriate for the Council to meet (e.g. during epidemics when health advice is to avoid or minimise gatherings), the Clerk shall be authorised to deal with any necessary business of the Council under the provisions set out in relation to paragraph c of Urgent Business (as above). The Clerk will endeavour to notify all members of such business and to invite comment.

If provided for by legislation the Council may choose to meet remotely, “virtually” or by electronic means as Council or as a Committee of the Council.

6. DISORDERLY CONDUCT

- a No member shall at a meeting disregard the ruling of the Chair, wilfully obstruct business, behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- b If, in the opinion of the Chair, a member has broken the provisions of paragraph ‘a’, the Chair shall express that opinion to the Council; and any member may then propose that the member be no longer heard or removed from the meeting, and the proposal, if seconded, shall be adopted without discussion.
- c If the Chair feels it is necessary, he may adjourn the meeting until order is resumed.

7. VOTING ON APPOINTMENTS

Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

8. MANAGEMENT OF INFORMATION

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

9. DRAFT MINUTES

Full Council meetings
 Committee meetings
 Sub-committee meetings



- a **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.**

10. CODE OF CONDUCT AND DISPENSATIONS

- a **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.**
- b **A dispensation may be granted 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.**

11. CODE OF CONDUCT COMPLAINTS

- a **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 them. Such action excludes disqualification or suspension from office.**

12. PROPER OFFICER

- a The Proper Officer shall be the Clerk.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **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**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii. **convene a meeting of the Council for the election of a new Chair of the Council,**

occasioned by a casual vacancy in the office;

- iii. facilitate inspection of the minute book by local government electors;
- iv. receive and retain copies of byelaws made by other local authorities;

13. FINANCIAL CONTROLS AND PROCUREMENT

- a. 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 referred to in standing order 13(b) is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).
- b. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC’s procurement guidance contains further details.

14. HANDLING STAFF MATTERS

- a. The Council’s most senior member of staff shall contact the Chair of Council or in their absence, the Deputy Chair of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- b. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

15. RESPONSIBILITIES TO PROVIDE INFORMATION

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.

- a. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**
- b. *[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

16. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

- a. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their 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(s) 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.**

17. RELATIONS WITH THE PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled by the Clerk who will liaise with the Chair of the Parish Council.

18. EXECUTION AND SEALING OF LEGAL DEEDS

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

The above is applicable to a Council without a common seal.