



PUCKLECHURCH PARISH COUNCIL



MODEL STANDING ORDERS 2018 (ENGLAND) UPDATED APRIL 2022

Pucklechurch parish council preferred terms are 'chair of council' and 'vice chair of council'. It has adopted this terminology for all non statutory standing orders

However legislative requirements dictate that 'chairman' and 'vice chairman' remain in use for all statutory standing orders.

Throughout these standing orders 'chairman' / 'chair of council' and 'vice chairman' / 'vice chair of council' are interchangeable and refer to the same positions.

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1. **COUNCILLORS**

- a. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct, Standing Orders and Financial Regulations of the Council. They will sign the Declaration of Acceptance of Office form in the presence of the Proper Officer of the Council, or of a Councillor who has been specifically designated by the Council for this purpose
- b. All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.
- c. The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity.
- d. All Councillors must adhere to legislation relating to Disclosable Pecuniary Interests (DPI's) in particular the requirements of the Localism Act 2011 (ss. 29 - 34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
- e. A Councillor has the right to attend every meeting but can be excluded for disruptive behaviour

2. **DISORDERLY CONDUCT AT MEETINGS**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of council of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the chair of council of the meeting to moderate or improve their conduct, any councillor or the chair of council 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 chair of council 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 GENERALLY**

- 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 speak at Council at the discretion of the Chair of council of the meeting for no longer than five minutes per person and at a prescribed point in the agenda (public participation),**
- f Members of the public may take no part in the meeting unless invited to do so by the chair of council.**
- g Questions asked by a member of the public during public participation session at a meeting shall not require a response or debate at that meeting.**
- h Subject to standing order 3(m), 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 Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- l 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.

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 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 5(h) and (i) for the different rules that apply in the election of the Chair of council of the Council at the annual meeting of the Council.

o 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.

p 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.**

q 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.

- r **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
- s **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.**
- t **As per the Openness of Local Government Bodies Regulations 2014 filming and recording is permitted as per the Council's filming and Recrding policy.**

4. 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.**

5. 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 Chairman and Vice-Chairman (if there is one) of the Council.**
- f **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.**

- g **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Review and adoption of appropriate standing orders and financial regulations;
 - iv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - v. Review of the Council's working groups, committees and sub committees if there are any;
 - vi. Review of the Council's and/or staff subscriptions and membership to other bodies;
 - vii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - viii. Review of inventory of land and other assets including buildings and office equipment;
 - ix. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection

legislation;

- x. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. **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 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.

7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within four months except where a special item is placed on the agenda bearing the names of at least two councillors and is considered and approved by the Council.

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**

- a A minute of the meeting will be kept by the Proper Officer of the Council or other nominated person in the Proper Officers absence.
- b The minutes of a meeting shall record the name of Councillors present, apologies for absence received and whether these apologies were accepted by the Council.
- c The minutes, which are circulated will be draft minutes until they are approved by the Council at their next meeting and signed by the person presiding at that meeting.

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 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.
- c **A dispensation may be granted in accordance with standing order 13(e) 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 him. Such action excludes disqualification or suspension from office.**

12. **PROPER OFFICER**

- a The Council may appoint a number of employees to assist in the performance of its duties. The Council will appoint a Clerk to the Council which will be on an employed basis,
- b The clerk will act as the Proper Officer of the Council and 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 Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**
 - v. hold acceptance of office forms from councillors and copies of councillor's register of interests;
 - vi. sign documents on behalf of the Council and issue agendas and notices of meetings.
 - vii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - viii. assist with responding to requests made under the freedom of information legislation and rights exercisable under data protection legislation in accordance with the Council's relevant policies and procedures and
 - ix. advise the bank of changes to bank mandates,

13. **RESPONSIBLE FINANCIAL OFFICER**

- a The Clerk will act as Responsible Financial Officer or be responsible for managing a finance officer and any other employee of the Council.

14. **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 keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, 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 **£30,000** 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. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

15. **HANDLING STAFF MATTERS**

- a All employees of the Council are covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters.
- b All employees will have a contract of employment stating the terms and conditions which s/he is employed. This will effectively be administered by the Chair of council or designated councillor acting with the authority of the Council..
- c Should the Clerk be indisposed and unable to perform their duties for whatever reason then the Council will make suitable arrangements for the Clerk's responsibilities to be acquitted, this could include the employment of a locum.
- d The Council has adopted the following policies which it adheres to:
 - a. Complaints procedures
 - b. Disciplinary
 - c. Grievance
 - d. Equality and diversity

16. **RESPONSIBILITIES TO PROVIDE INFORMATION**

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

17. **RESPONSIBILITIES UNDER 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 his personal data.**

- b **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- d **The Council shall ensure that information communicated in its privacy notice(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.**

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 **Subject to standing order 18(a) above , any two councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

19. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.

20. **PUBLIC CONSULTATION**

The Council will from time to time need to undertake public consultation on projects it is pursuing and will do so in accordance with the following checklist

Organisational Needs

- a. Is there a shared understanding of what you want to achieve through engagement?
- b. Are you clear about what information you are seeking and how you or the community will use it?
- c. Do you know who you need to engage with?
- d. Who will take responsibility for directing the engagement process/
- e. What is the projected timescale for engagement?

Public needs

- a) Has the decision already been taken? Is there really an opportunity for the public or stakeholders to influence the decision?
- b) Re you trying to ensure that what you are planning, commissioning or providing meets the public's needs and preferences?

- c) How are you going to explain to participants why they are being consulted and what their answers will be used for?
- d) Do you know how you will feed back to the community?
- e) Are you trying to give all stakeholders an understanding of what is negotiable and open to change and what is not? How will you set realistic expectations?
- f) Do you have relevant information on the engagement process that is readily accessible to all members of the community?

21. **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. Such decisions will be included in the minutes. The suspension will not be taken lightly and it will be time limited.
- b The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- c The decision of the chair of council of a meeting as to the application of standing orders at the meeting shall be final. In cases of doubt, the Council will seek the advice of the County Organisation which in this case is Avon Local Councils Association.