

WHETSTONE PARISH COUNCIL STANDING ORDERS

1. Meetings

a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct or as provided for elsewhere.

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.

2. The Statutory Annual Meeting

a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the Members elected take office and**

b) **In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**

3. **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

4. Chairman of the Meeting

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, they shall be the Clerk or nominated officer:-

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

To sign notices or other documents on behalf of the Council.

To receive copies of byelaws made by another local authority.

To certify copies of byelaws made by the Council.

To sign and issue the summons to attend meetings of the Council.

To keep proper records for all Council meetings.

To sign orders and contracts on behalf of the Council.

To grant dispensations to allow members participation, or to participate further in any discussion of a matter at meetings and / or to participate in any vote, or further vote, taken on a matter at meetings (as per section 31(4) of the Localism Act 2011).

A legal deed shall not be executed on behalf of the Council unless authorised by a resolution. **Subject to the preceding standing order being in place, any two Members may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

In the absence of the Clerk, assistance from the LRALC and NALC would be requested to source available Clerking capacity.

6. **Quorum of the Council**

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

7. If a quorum is not present or if during a meeting the number of Members present (not counting those debarred by reasons of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
8. Except where ordered by the Council, the quorum of a working party or committees shall be one-half of its members.

9. **Voting**

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

If a member so requires, the Clerk shall record the name of that member who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.

11. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

12. Order of Business

At each Annual Parish Council Meeting the first business shall be:-

- a) To elect a Chairman of the Council**
- b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received**
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reasons of insufficient nominations**
- d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- e) To elect a Vice-Chairman of the Council.
- f) To appoint representatives to outside bodies.
- g) To appoint committees and working parties.
- h) To consider the payment of any subscriptions falling to be paid annually.
- i) To inspect any deeds and trust investments in the custody of the Council as required;

And shall thereafter follow the order set out in the Standing Order 15

- 13. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
14. In every year, not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 39 must be read in conjunction with this requirement.
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency shall be as follows:-
 - a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
 - b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
 - c) To deal with business expressly required by statute to be done.
 - d) To dispose of business, if any, remaining from the last meeting.
 - e) To receive such communications as the person presiding may wish to lay before the Council.
 - f) To answer questions from Members.

- g) To receive and consider reports and minutes of committees or working parties.
- h) To receive and consider resolutions or recommendations in the order in which they have been notified.
- i) If necessary, to authorise the signing of orders for payment.

16. **Urgent Business**

A motion to vary the order of business on the grounds of urgency:

- a) 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
- b) Shall be put to the vote without discussion.

17. **Resolutions Moved On Notice**

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 Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.

- 18. The Clerk shall date every notice of resolution or recommendation when received by them, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 19. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 21. If the subject matter of a resolution comes within the province of a committee or working party of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or working party or to such other committee or working party as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

23. Executive Powers in the case of an emergency shall be dealt with by way of consultation between the Clerk and the Chairman of Council or Vice-Chairman in the absence of the Chairman and the Chairman of the relevant working party.
24. The Clerk shall have delegated power to initiate legal proceedings and incur expenditure in the event of an illegal encampment being established.

25. **Resolutions Moved Without Notice**

Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairman of the meeting.
 - b) To correct the Minutes.
 - c) To approve the Minutes.
 - d) To alter the order of business.
 - e) To proceed to the next business.
 - f) To close or adjourn the debate.
 - g) To refer a matter to a committee or a working party.
 - h) To appoint a committee, working party or any members thereof.
 - i) To adopt a report.
 - j) To amend a motion
 - k) To give leave to withdraw a resolution or amendment.
 - l) To extend the time limit for speeches.
 - m) To exclude the press and public. (See Order 63 below)
 - n) To silence or eject from the meeting a member named for misconduct. (See Order 34 below)
 - o) To give the consent of the Council where such consent is required by these Standing Orders.
 - p) To suspend any Standing Order. (see Order 73 below)
 - q) To adjourn the meeting or to close the meeting.
26. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
27. Every question shall be put and answered without discussion.
28. A person to whom a question has been put may decline to answer.
29. **Rules of Debate**

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.

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialed by the Chairman.

30. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) An amendment shall be either:-
- i) To leave out words.
 - ii) To leave out words and insert others
 - iii) To insert or add words.
- e) An amendment shall not have the effect of negating the resolution before the Council.
- f) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution, and shall become the resolution upon which any further amendment may be moved.
- g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- h) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- i) A motion or amendment may be withdrawn by the proposer with the consent of the council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- j) When a resolution is under debate no other resolution shall be moved except the following:
- i. To amend the resolution.
 - ii. To proceed to the next business.
 - iii. To adjourn the debate.
 - iv. That the question be now put.
 - v. That a member named be not further heard.
 - vi. That a member named leave the meeting.
 - vii. That the resolution be referred to a working party.
 - viii. To exclude the public and press.
 - ix. To adjourn the meeting.
31. A member shall remain seated when speaking unless requested to stand by the Chairman.
32. a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

- b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

33. **Closure**

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

34. **Disorderly Conduct**

All members must observe the Code of Conduct which was adopted by the Council in April 2022.

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.

If person(s) disregards the request of the Chairman of the meeting to moderate or improve their conduct, any Member 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.

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 suspending or closing the meeting.

35. **Right of Reply**

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

36. **Alteration of Resolution**

A member may, with the consent of his seconder, move amendments to his own resolution.

37. **Rescission of Previous Resolution**

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 3 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee or working party.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

38. **Voting on Appointments**

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

39. **Discussions and Resolutions Affecting Employees of the Council**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary, or conditions of service, of any person employed by the Council, it shall not be considered until the Council has decided whether the press and public shall be excluded. (See Standing Order No. 63)

40. **Resolution on Expenditure**

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance, Resources & Policy Working Party (FRPWP) or of another working party) and which, if carried, would in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any working party, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any working party affected by it shall consider whether it desires to report thereon (and the FRPWP shall report on the financial aspect of the matters).

41. **Expenditure**

Orders for the payment of money shall be authorised by resolution of the Council and signed by an officer and two approved signatories.

42. **Committees and Working Parties**

The Council may at its Annual Meeting appoint standing committees and working parties and may at any other time appoint such other committees or working parties as are necessary, but subject to any statutory provision in that behalf:-

- a) Shall not appoint any member of a committee or working party so as to hold office later than the next Annual Meeting.
- b) May appoint persons other than members of the Council to any committee or working party, and
- c) May, subject to the provisions of Standing Order 37 above at any time dissolve or alter the membership of a committee or working party.

43. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee or working party.

44. Every committee or working party shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman whom shall hold office until the next Annual Meeting of the Council and shall settle its programme of meetings for the year.

45. **Special Meeting**

The Chairman of a committee or working party or the Chairman of the Council may summon an additional meeting of that committee or working party at any time. An additional meeting shall be summoned on the requisition in writing, giving 7 days notice in writing, of not less than a quarter of the members of the committee or working party. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. **Working Parties**

- 1) The Council may create working parties whose name and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each working party of any terms of reference of the working party.
- 3) A working party may make recommendations and give notice thereof to Council.

47. **Voting In Committees and Working Parties**

Members of committees and working parties entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

48. 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/her/their casting vote whether or not he/she/they gave an original vote.

49. **Presence of Non-Members of Committees or Working Parties at Committees/Working Party Meetings**

A member who has proposed a resolution, which has been referred to any committee or working party of which he is not a member, may explain his resolution to the Committee or working party but shall not vote.

50. **Accounts and Accounting Statement**

1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

2) 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 payment shall be authorized by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.

3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

51. A Financial Statement prepared on the appropriate accounting basis (receipts and payment, or income and expenditure) for a year to 31st March shall be presented to each member.

The Statement of Accounts of the Council (which has been subject to both internal and external audit) shall be presented to Council for formal approval before the end of September.

52. **Estimates/Precepts**

1) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.

2) Any committee or working party desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year.

53. Interests

All members adhere to and abide by the code of conduct as above. The council operates using the codes criteria. See appendix 1

54. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

55. The Clerk will hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

56. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Orders 53, 54 and 55 shall apply as appropriate.

57. Canvassing of and Recommendations By Members

1) Canvassing of members of the Council or of any committee or working party, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

2) A member of the Council or of any committee or working party shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

58. Standing Order Nos. 56 & 57 shall apply to tenders as if the person making the tender were a candidate for an appointment.

59. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee or working party, and if copies are available shall, on request, be supplied for the like purpose with a copy.

60. **All minutes kept by the Council and by any committee or working party shall be open for the inspection of any member of the Council.**

61. **Unauthorised Activities**

No member of the Council or of any committee or working party shall in the name of or on behalf of the Council: -

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions.
Unless authorized to do so by the Council or the relevant committee or working party.

62. **Admission of The Public and Press to Meetings**

The public and press shall be admitted to all meetings of the Council and its committees and working parties, which may, however, temporarily exclude the public and press by means of the following resolutions :-

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

63. The Council shall state the special reason for exclusion.

64. The Council has adopted a Public Speaking Protocol. Requests received by the protocol deadline, reported by the Clerk to the Parish Council with detail of the agenda item to which they relate, will be presented at the agenda item. The second part of the protocol allows the meeting to be suspended to allow members of the public to make representation about items that are not on the agenda (formerly Parishioners Time).

65. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

66. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

67. **Confidential Business**

1) No member of the Council or of any committee or working party shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or working party.

2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or working party of the Council by the Council.

68. **Liaison with County and District Members**

An Agenda for each meeting shall be sent, where practical, together with an invitation to attend, to the County or District Member for the appropriate division or ward.

69. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Member for the division or to the District Member for the ward as the case may require.

70. **Financial Matters**

The Council shall consider, approve, and then review annually Financial Regulations drawn up by the Responsible Financial Officer. These Regulations cover all Financial Matters on behalf of council.

71. **Code of Conduct on Complaints**

The Council shall deal with complaints of mal-administration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Boards (England) for consideration.

72. **Variation, Revocation and Suspension of Standing Orders**

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

73. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

74. **Management of information**

The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

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.

Members, staff, the Council's contractors, and agents shall not disclose confidential information or personal data without legal justification.

75. **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.

The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

76. **Responsibilities under data protection legislation**

The Council shall appoint a Data Protection Officer. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning personal data.

The Council shall have a written policy in place for responding to and managing a personal data breach. 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.

The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date. The Council shall maintain a written record of its processing activities.

77. **Standing Orders to be Given to Members**

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.