

STANDING ORDERS 2018

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1. 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 be proposed by a special motion; the written notice by at least 4 councillors to be given to the Proper Officer in accordance with Standing Order 4.
- c The Proper Officer shall provide a copy of the Council's Standing Orders to all councillors on their election to office, and on adoption of updates.
- d The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

2. MEETINGS GENERALLY

- 2.1. **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.**
- 2.2. **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.**
- 2.3. **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.**
- 2.4. **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.**
- 2.5. 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.
- 2.6. The period of time designated for public participation at a meeting in accordance with Standing Order 2.5 shall not exceed 10 minutes unless directed by the chairman of the meeting.
- 2.7. Subject to Standing Order 2.6, a member of the public shall not speak for more than 2 minutes.

- 2.8. In accordance with Standing Order 2.5, 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.
- 2.9. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- 2.10. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- 2.11. 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.
- 2.12. **Subject to Standing Order 2.14, 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.**
- 2.13. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- 2.14. **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.**
- 2.15. **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).**
- 2.16. **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.**
- 2.17. **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.**
- 2.18. **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 3.6 and 3.7 for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.**

2.19. **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.**

- a Such a request for a recorded vote shall be made before moving on to the next item of business on the agenda;
- b When a recorded vote is requested, the Proper Officer will call out each members name, alphabetically, for the member to reply.

2.20. The minutes of a meeting shall include an accurate record of the following:

- a. the time and place of the meeting;
- b. the names of councillors who are present and the names of councillors who have sent apologies;
- c. interests that have been declared by councillors and non-councillors with voting rights;
- d. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- e. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- f. if there was a public participation session; and
- g. the resolutions made.

2.21. **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.**

2.22. **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.** In the case of Lydiard Millicent Parish Council the quorum is 4.

2.23. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Any remaining business on the agenda for the meeting shall be adjourned to another meeting.

2.24. A meeting shall not exceed a period of 2 hours.

3. ORDINARY COUNCIL MEETINGS

3.1. **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.**

3.2. **In an election year Councillors must sign their Acceptance of Office Declarations prior to the first meeting (see 3.1 above), unless specific**

permission has been granted by the Council for an individual member to sign at a later date.

- 3.3. 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.**
- 3.4. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- 3.5. 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.**
- 3.6. 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.**
- 3.7. 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.**
- 3.8. 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.**
- 3.9. 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.**
- 3.10. 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.**
- 3.11. Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
 - a. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - b. Review of the terms of reference for Working Groups;
 - c. Appointment of members to Working Groups;
 - d. Review of representation on or work with external bodies and arrangements for reporting back;
- 3.12. The Council will review all policies, procedures and assets as required. Details are attached at Appendix 1.

4. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- 4.1. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- 4.2. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 4.3. The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 4.2, correct obvious grammatical or typographical errors in the wording of the motion.
- 4.4. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 4.2 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 8 clear days before the meeting.
- 4.5. 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.
- 4.6. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 4.7. Motions received shall be recorded and numbered in the order that they are received.
- 4.8. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

5. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- 5.1. The following motions may be moved at a meeting without written notice to the Proper Officer:
 - a. to correct an inaccuracy in the draft minutes of a meeting;
 - b. to move to a vote;
 - c. to defer consideration of a motion;
 - d. to refer a motion to a particular Working Group for additional information;
 - e. to appoint a person to preside at a meeting;
 - f. to change the order of business on the agenda;
 - g. to proceed to the next business on the agenda;
 - h. to require additional written information;

- i. to extend the time limits for speaking;
- j. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- k. to not hear further from a councillor or a member of the public;
- l. to exclude a councillor or member of the public for disorderly conduct;
- m. to temporarily suspend the meeting;
- n. to suspend a particular Standing Order (unless it reflects mandatory statutory or legal requirements);
- o. to adjourn the meeting; or
- p. to close the meeting.

6. RULES OF DEBATE AT MEETINGS

- 6.1. 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.
- 6.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 6.3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 6.4. 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.
- 6.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 6.6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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 of the meeting.
- 6.10. Subject to Standing Order 6.11, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 6.11. 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.

- 6.12. A councillor may not move more than one amendment to an original or substantive motion.
- 6.13. The mover of an amendment has no right of reply at the end of debate on it.
- 6.14. 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 6.15. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- a. to speak on an amendment moved by another councillor;
 - b. to move or speak on another amendment if the motion has been amended since he last spoke;
 - c. to make a point of order;
 - d. to give a personal explanation; or
 - e. to exercise a right of reply.
- 6.16. During the debate on 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.
- 6.17. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 6.18. When a motion is under debate, no other motion shall be moved except:
- a. to amend the motion;
 - b. to proceed to the next item of business;
 - c. to adjourn the debate;
 - d. to put the motion to a vote;
 - e. to ask a person to be no longer heard or to leave the meeting;
 - f. to refer a motion to a Working Group to provide additional information;
 - g. to exclude the public and press;
 - h. to adjourn the meeting; or
 - i. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory or legal requirements.
- 6.19. 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.
- 6.20. Excluding motions moved under Standing Order 6.18, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

7. DISORDERLY CONDUCT AT MEETINGS

- 7.1. 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.
- 7.2. 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.
- 7.3. If a resolution made under Standing Order 7.2 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.

8. WORKING GROUPS

- 8.1. The Council may appoint Working Groups as may be necessary, and:
 - a. shall determine their terms of reference;
 - b. shall permit a Working Group to determine the number and time of its meetings;
 - c. shall, appoint and determine the terms of office of members of such a Working Group;
 - d. shall permit a Working Group to appoint its own chairman at its first meeting;
 - e. shall determine if the public may participate at a meeting of a Working Group;
 - f. may dissolve a Working Group.
- 8.2. Working Group Terms of Reference are annexed, and form part of these Standing Orders.

9. EXTRAORDINARY MEETINGS OF THE COUNCIL

- 9.1. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 9.2. **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.**

10. PREVIOUS RESOLUTIONS

- 10.1. A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 4 councillors to be given to the Proper Officer in accordance with Standing Order 4.
- 10.2. When a motion moved pursuant to Standing Order 10.1 has been disposed of, no similar motion may be moved for a further six months.

11. VOTING ON APPOINTMENTS

- 11.1. 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.
- 11.2. This process shall continue until a majority of votes is given in favour of one person.
- 11.3. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

12. MANAGEMENT OF INFORMATION

See also Standing Order 21 and 22.

- 12.1. **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.**
- 12.2. **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).**
- 12.3. **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.**
- 12.4. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

13. DRAFT MINUTES

- 13.1. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 13.2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 5.1a.
- 13.3. The accuracy of draft minutes, including any amendment(s) made to them, 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.
- 13.4. 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 Lydiard Millicent Parish Council held on [date] in respect of [min ref] 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.”

- 13.5. **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.**
- 13.6. Subject to the publication of draft minutes in accordance with Standing Order 13.5 and Standing Order 21.1 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 2.22.

- 14.1. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 14.2. Unless (s)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 (s)he has a disclosable pecuniary interest. (S)He may return to the meeting after it has considered the matter in which (s)he had the interest.

- 14.3. Unless (s)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 (s)he has another interest if so required by the Council's code of conduct. (S)He may return to the meeting after it has considered the matter in which (s)he had the interest.
- 14.4. **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.
- 14.5. A decision as to whether to grant a dispensation shall be made by the Full Council and that decision is final.
- 14.6. A dispensation request shall confirm:
- a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - c. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - d. an explanation as to why the dispensation is sought.
- 14.7. Subject to Standing Orders 14.4 and 14.6 a dispensation request shall be considered at the beginning of the meeting of the Council, for which the dispensation is required.
- 14.8. **A dispensation may be granted in accordance with Standing Order 14.5 if having regard to all relevant circumstances any of the following apply:**
- a. **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;**
 - b. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - c. **it is otherwise appropriate to grant a dispensation.**

15. CODE OF CONDUCT COMPLAINTS

- 15.1. Code of Conduct complaints will remain confidential until investigated and considered by the Monitoring Officer and his team.
- 15.2. Upon notification by the Unitary Council that a complaint has been received 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 12.4, liaise and co-operate with the Monitoring Officer.

- 15.3. Where the notification in Standing Order 15.2 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 by the Monitoring Officer and the Council has agreed what action, if any, to take in accordance with Standing Order 15.5
- 15.4. The Proper Officer may:
- a. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 15.5. **Upon notification by the 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/her. Such action excludes disqualification or suspension from office.**

16. PROPER OFFICER

- 16.1. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 16.2. The Proper Officer shall:
- a. **at least three clear days before a meeting of the council,**
 - 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).**
 - b. subject to Standing Order 4, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
 - c. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - d. **facilitate inspection of the minute book by local government electors;**
 - e. **receive and retain copies of byelaws made by other local authorities;**
 - f. hold acceptance of office forms from councillors;
 - g. hold a copy of every councillor's register of interests;

- h. 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;
- i. liaise as appropriate with the Council's Data Protection Officer; (if there is one).
- j. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- k. assist in the organisation of, storage of, access to, security of and destruction of 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);
- l. arrange for legal deeds to be executed; (*see also Standing Order 24*);
- m. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- n. refer a planning application received by the Council to the Chairman of the Planning Working Group, or in her/his absence, all members of the Planning Working Group within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- o. manage access to information about the Council via the publication scheme;
- p. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. (*see also Standing Order 24*).

17. RESPONSIBLE FINANCIAL OFFICER

- 17.1. 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

- 18.1. "Proper practices" in Standing Orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 18.2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 18.3. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - a. the Council's receipts and payments (or income and expenditure) for each quarter;
 - b. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

- c. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 18.4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- a. 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
 - b. 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.
- 18.5. 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 annual governance and accountability return shall be presented to all councillors at least 14 days 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. FINANCIAL CONTROLS AND PROCUREMENT

- 19.1. 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:
- a. the keeping of accounting records and systems of internal controls;
 - b. the assessment and management of financial risks faced by the Council;
 - c. 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;
 - d. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - e. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- 19.2. Financial regulations shall be reviewed regularly and at least every four years for fitness of purpose.
- 19.3. **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 19.6 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.**

19.4. 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:

- a. a specification for the goods, materials, services or the execution of works shall be drawn up;
- b. 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;
- c. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- d. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- e. tenders shall be opened by the Proper Officer in the presence of at least two councillors after the deadline for submission of tenders has passed;
- f. tenders are to be reported to and considered by the appropriate meeting of the Council.

19.5. The Council, is not bound to accept the lowest value tender.

19.6. 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.

19.7. 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.

20. HANDLING STAFF MATTERS

20.1. A matter personal to a member of staff that is being considered by a meeting of the Council is subject to Standing Order 12.

20.2. 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 of absence

occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.

- 20.3. The chairman of the Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Parish Clerk/RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution of the Council.
- 20.4. 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 or in his absence, the vice-chairman 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.
- 20.5. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Parish Clerk relates to the chairman this shall be communicated to vice-chairman of the Council.
- 20.6. 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.
- 20.7. In accordance with Standing Order 12.1, persons with line management responsibilities shall have access to staff records referred to in Standing Order 20.6.

21. RESPONSIBILITIES TO PROVIDE INFORMATION

See also Standing Order 22.

- 21.1. **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.**
- 21.2. For Councils with a gross annual income or expenditure below £25,000 **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**
 - a. There is no legislation directing Parish Councils with income or expenditure between £25,000 and £200,000
 - b. Lydiard Millicent Parish Council income and expenditure is above £25,000
 - c. As there are no guidelines within legislation Lydiard Millicent Parish Council will publish information in accordance with Standing Order 21.2 above.
- 21.3. *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.**

22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exhaustive list).

- 22.1. The Council may appoint a Data Protection Officer.
- 22.2. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 22.3. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 22.4. **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.**
- 22.5. **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.**
- 22.6. **The Council shall maintain a written record of its processing activities.**

23. RELATIONS WITH THE PRESS/MEDIA

- 23.1. 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 in accordance with the Council's policy in respect of dealing with the press and/or other media.

24. EXECUTION AND SEALING OF LEGAL DEEDS

See also Standing Orders 16.2l and 16.2p.

- 24.1. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 24.2. **Subject to Standing Order 24.1, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

25. COMMUNICATING WITH UNITARY COUNCILLORS

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

26. RESTRICTIONS ON COUNCILLOR ACTIVITIES

26.1. Unless duly authorised, no councillor shall:

- a. inspect any land and/or premises which the Council has a right or duty to inspect; or
- b. issue orders, instructions or directions on behalf of the Council.

27. ADOPTION OF STANDING ORDERS

27.1. These Standing Orders were considered at meetings of the Parish Council in September and October 2018.

27.2. Amendments or changes to the Model Standing Orders are recorded in the Policies Working file.

27.3. Adoption is recorded at min ref 121/18.

27.4. Review of these Standing Orders shall be no later than November 2020.

Appendix 1

The Council will review all policies, procedures and assets as required. This document is to be read in conjunction with Standing Orders.

- 3.9 The following items will be included on Agendas throughout the year, when necessary for review.
- a. Review and adoption of Councils Standing Orders and Financial Regulations, every two years or sooner if major alterations are needed ;
 - b. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - c. 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;
 - d. Review of inventory of land and other assets including buildings and office equipment;
 - e. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - f. Review of the Council's and/or staff subscriptions to other bodies;
 - g. Review of the Council's complaints procedure;
 - h. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation;
 - i. Review of the Council's policy for dealing with the press/media, including website;
 - j. Review of the Council's employment policies and procedures;
 - k. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - l. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

Code of Conduct

Introduction

Pursuant to section 27 of the Localism Act 2011, Lydiard Millicent Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidating.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Adopted NALC version 5th July 2012, NALC subsequently issued another version in August of which this is.

Code of Conduct Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners

	is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member’s knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*’director’ includes a member of the committee of management of an industrial and provident society.

*’securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Code of Conduct Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office