

STANDING ORDERS FOR WEMBDON PARISH COUNCIL

1 Meetings

- a. Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b. When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- c. 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.**
- d. Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e. The period of time [which is at the Chairman's discretion] OR [which is designated for public participation in accordance with standing order 1(d) above] shall not exceed (15) minutes.
- f. Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than (3) minutes.
- g. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h. In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i. A brief summary record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j. Any person speaking at a meeting shall address his comments to the Chairman.

- k. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- l. Subject to standing orders, which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- m. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, 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.**
- n. Subject to model standing order 1 (x) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- o. The Chairman 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 also standing orders 2 (h) and (i) below.)**
- p. Unless standing orders provide otherwise, voting on any 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 the vote is taken and before moving on to the next item of business on the agenda.**
- q. The minutes of a meeting shall record the names of councillors present and absent.**
- r. If a Councillor fails to attend a meeting for a consecutive period of 6 months from the date of his/her last attendance that Councillor shall lose their place on the Council unless by resolution of the Council the member's absence is approved and that resolution needs to be passed before the expiry of the 6 month period. (Section 85, 1972 Local Government Act.
- s. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- t. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be**

disclosed by a Councillor at a meeting shall be recorded in the minutes. *(See also standing order 4 below.)*

- u. **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 3.**
- v. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be [transacted at a following meeting] [automatically delegated to the Clerk in consultation with such members as may be available, unless specifically prohibited].

2 Ordinary Council meetings

See also standing order 1 above

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b. **In a year, which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.**
- 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 directs.**
- e. **The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting 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 any, 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 meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the**

Council but must give a casting vote in the case of an equality of votes.

- 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 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 must give a casting vote in the case of an equality of votes.**
- j. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office, and any resolution to extend the statutory time limit for delivery.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Appointment of any committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - iv. Arrangements for the review and adoption of appropriate standing orders and financial regulations.
 - v. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead, normally the 2nd Monday in each month with the exception of August when there is no meeting.
- k. In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Chairman of Council, cancel any meeting of Council, a committee or a sub-committee and shall give immediate notice of such cancellation to as many members of council as is practicable.

3 Proper Officer

- a. The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b. The Council's Proper Officer shall do the following.

- i. **[Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.]**
- ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) (i) above.**
- iv. Make available for inspection the minutes of meetings.
- v. **Receive and retain copies of byelaws made by other local authorities.**
- vi. **Receive and retain declarations of acceptance of office from councillors.**
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for legal deeds [to be sealed using the Council's common seal] OR [to be signed by 2 councillors] and witnessed (*See also model standing orders 10(a) and (b).*)
- xiii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Retain custody of the seal of the Council (if any), which shall not be used without a resolution to that effect.
- xv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xvi. Declare any casual vacancy arising in the office of councillor following resignation, ceasing to be qualified, disqualification or loss of office due to failure to attend; and then to carry out the necessary steps to proceed towards the filling of the vacancy as appropriate.
- xvii. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.

xviii. Refer all planning applications received by the Council to the planning sub-committee promptly so that the time limits indicated on each application are adhered to.

4 Code of conduct

See also model standing orders 1(d)–(i) above

- a. All councillors shall observe the code of conduct adopted by the Council.**

If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 4(c) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

- b. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

5 Minutes

- a. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- i. “The Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

- e. Upon a resolution, which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

6 Disorderly conduct

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chairman, there has been a breach of standing order 6(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c. If a resolution made in accordance with standing order 6(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

7 Rescission of previous resolutions

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least (3) councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further 6 months.

8 Voting on appointments

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

9 Expenditure

- a. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b. The Council's financial regulations shall be reviewed once a year.**
- c. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of**

the Council's functions to be delegated to a committee, sub-committee or to an employee.

10 Execution and sealing of legal deeds

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution
- b. In accordance with a resolution made under standing order 10(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

11 Committees *See also standing order 1 above*

The Council may, at its annual meeting, appoint a staffing committee and other standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 11(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.
- vii. The Chairman and Vice Chairman of Council may elect to be a voting member of any committee or sub-committee other than the Staffing Committee.

12 Sub-committees
See also standing order 1 above

Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

13 Extraordinary meetings

See also standing order 1 above

- a. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

14 Advisory committees

See also standing order 1 above

- a. The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

15 Accounts and Financial Statement

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b. The Responsible Financial Officer shall supply to each councillor before each meeting a current statement summarising the Council's receipts and payments and the balances held. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Accounting Statements of the Council (which are subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

16 Estimates/precepts

- a. The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

17 Inspection of documents

Subject to standing orders to the contrary or in respect of matters, which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

18 Unauthorised activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

19 Confidential business

- a. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b. A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

20 Power of well-being

- a. **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b. **The Council's period of eligibility begins on the date that the resolution under standing order 20(a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 20(b) above.**

21 Matters affecting council employees

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or [the staffing

committee] has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above. It shall also consider whether other councillors shall be excluded to ensure proper process in any Appeal.

- b. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of [the staffing committee] or, in his absence, the Vice-Chairman of [the staffing committee] of any absence occasioned by illness or urgency and that person shall report such absence to [the staffing committee] at its next meeting.
- c. The Chairman of [the staffing committee] or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the staffing committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the staffing committee or in his absence, the Vice-Chairman of the staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the staffing committee.
- e. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by Clerk relates to the Chairman or Vice-Chairman of the staffing committee, this shall be communicated to another member of the staffing committee, which shall be reported back and progressed by resolution of the staffing committee.
- f. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i. Only persons with line management responsibilities shall have access to employee records referred to in standing orders 21(g) and (h) above if so justified.
- j. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 21(g) and (h) above shall be provided only to the Clerk and/or the Chairman of the Council or of the staffing committee.

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(ix) above.

23 Relations with the press/media

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

24 Liaison 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 councillor of the District and County or Unitary Council representing its electoral ward.
- b. Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council councillor representing its electoral ward.

25 Financial matters

- 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:
 - b. the accounting records and systems of internal control;
 - c. the assessment and management of financial risks faced by the Council;
 - d. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - e. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;

- f. procurement policies (subject to standing order 25(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £10,000.
- g. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in standing order 25(c) below.**
- h. Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;
 - j. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - k. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - l. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - m. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
 - n. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- o. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**
- p. Orders for the payment of money shall be authorised by resolution of the Council and signed by three members or two members and the Clerk.

26 Allegations of breaches of the code of conduct

- a. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall notify the chairman of the Council and refer the matter to the Local Standards Committee for Sedgemoor.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall refer the matter to the Local Standards Committee for Sedgemoor.
- c. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council shall take all steps considered necessary, to maintain confidentiality.
- d. References in standing order 26 to a notification shall be taken to refer to a communication of any kind, which relates to a breach or an alleged breach of the code of conduct by a councillor.

27 Canvassing of and recommendations by Councillors

- a. Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b. A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

28 Variation, revocation and suspension of standing orders

- a. Any or every part of the standing orders, except those, which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

29 Standing orders to be given to councillors

- a. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.
- c. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

ADOPTED BY WEMBDON PARISH COUNCIL – 17 NOVEMBER 2014

Notes:

- 1. Local Government Act 1972 section 270 includes the following definitions and interpretations that are relevant.

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday.

“Easter break” means the periods beginning with the Thursday before and ending with the Tuesday after Easter Day.

2. The option at 3 (a) (i) shown in strikethrough font, for electronic service of Notices, is open to challenge at Audit and is currently not recommended for adoption. A test case or legislation is required to clarify the position.
3. Text in **bold** may not be suspended as these are statutory in origin.