

# DEERHURST PARISH COUNCIL

## STANDING ORDERS

*A copy of these and the Model Standing Orders (England) that include legal and statutory requirements will be given to all Councillors when they first attain office and will be updated as required.*

*Legal and statutory requirements are shown in **bold text**; other adopted model standing orders are shown in normal text; and amendments or additional parish standing orders are shown in italic text.*

### 1. MEETINGS GENERALLY

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

*All meetings of the Council shall be held at Apperley Village Hall on the **second** Wednesday of the month, beginning at 7.15 pm, unless otherwise notified. No meeting shall last more than **one** hours and 30 minutes and any business not transacted within that time shall be held over to the next meeting. However, by agreement, the meeting can be extended for a further 15 minutes.*

- b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **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. 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.
- e. The period of time designated for public participation at a meeting in accordance with standing order 1(d) shall not exceed *ten* minutes unless directed by the Chairman of the meeting.
- f. **Subject to standing order 1(g), 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.**
- g. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- h. **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.**
- i. **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).**

## DEERHURST PARISH COUNCIL

### STANDING ORDERS

- j. **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.**
- k. **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.**
- l. **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 their casting vote whether or not they gave an original vote.**
- m. **Voting on a question shall be by a show of hands *OR* by a signed ballot if two or more councillors wish it. 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.**
- n. The minutes of the meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors;
  - iv. the grant of dispensations (if any) to councillors;
  - v. whether a councillor left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- o. **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- p. **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.**
- q. **If a meeting is or becomes inquorate no business shall be transacted.**

## 2. COMMITTEES AND SUB-COMMITTEES

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

## DEERHURST PARISH COUNCIL

### STANDING ORDERS

#### 3. ORDINARY COUNCIL MEETINGS

*See also Standing Order 1.*

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c. The annual meeting of the Council shall take place at **6.45 pm**.
- d. In addition to the annual meeting of the Council, *the Council will meet on the second Wednesday of every month apart from August and December unless otherwise notified.*
- e. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.
- f. The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g. The Vice-Chairman of the Council, if there is one, unless they resign or become 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, they shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.
- j. *The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.*
- k. 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:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. *Appointment of wardens, working groups and representatives.*

#### 4. EXTRAORDINARY MEETINGS

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

## DEERHURST PARISH COUNCIL

### STANDING ORDERS

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

#### 5. MANAGEMENT OF INFORMATION

*See also standing order 11.*

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

#### 6. AGENDA/MINUTES

- a. *Any Councillor wishing to have a subject put onto the agenda should pass the relevant information to the Clerk at least 10 days before the meeting.*
- b. *Matters received within the week before a meeting can be added to the agenda at the discretion of the council. However, decisions, which would incur expense, cannot be taken unless the matter has been notified on the agenda.*
- c. *Unless the Council decides otherwise, the order of business shall be as presented in the Agenda, which will have been drawn up by the Clerk in consultation with the Chairman.*
- d. *Discussion papers or reports, not circulated prior to the meeting, should be restricted to one side of A4. Enough copies should also be supplied for the Clerk and all members of the Council.*
- e. *Any matters declared to be "confidential" must not be discussed outside the Council.*
- f. **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.**
- g. **There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.**
- h. **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.**

## DEERHURST PARISH COUNCIL

### STANDING ORDERS

- i. **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.**
- j. Subject to the publication of draft minutes in accordance with standing order 6(i) and standing order 11(a) 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.
- k. *All Council documents shall be open for inspection by any Councillor and, if feasible, copies supplied on request. Parishioners may view agendas and minutes on the noticeboard at the top of Sawpit Lane, Apperley, or on the Community website.*

### 7. CODE OF CONDUCT AND DISPENSATIONS

- a. All Councillors shall observe the code of conduct adopted by the Council.
- b. Unless they have been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c. Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d. **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.
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f. **A dispensation may be granted in accordance with standing order 7(d) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

### 8. CODE OF CONDUCT COMPLAINTS

- a. **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

### 9. PROPER OFFICER

- a. The Proper Officer shall be the Clerk, *who is also the Responsible Financial Officer.*
- b. The Proper Officer shall:

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## DEERHURST PARISH COUNCIL

### STANDING ORDERS

- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
  - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
  - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 1(b) for the meaning of clear days for a meeting of a full council.

- ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iii. **facilitate inspection of the minute book by local government electors;**
- iv. **receive and retain copies of byelaws made by other local authorities;**
- v. hold acceptance of office forms from councillors;
- vi. hold a copy of every councillor's register of interests;
- vii. *receive and record declarations of members' [financial] interests;*
- viii. 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;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (*if there is one*);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. 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);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the Council 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;
- xv. *sign notices and other documents on behalf of the Council;*
- xvi. *be authorised to agree to spend up to £100 in the case of emergency repairs, maintenance matters and the purchasing of stationery items subject to the agreement of the Chairman or Vice-Chairman (if there is one).*

## 10. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council's financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

## DEERHURST PARISH COUNCIL

### STANDING ORDERS

- b. *Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.*
- c. *The Council's financial regulations may provide for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a sub-committee or to an employee.*
- d. *Orders for the payment of money shall be authorised by resolution of the Council and signed by two Councillors.*
- e. *The Councillors authorise the Clerk to make payments and bank transfers via electronic banking.*
- g. **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 10(h) 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.**
- h. **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.**
- i. **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.**

#### 11. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 12.*

- a. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **[If gross annual income or expenditure (whichever is higher) does not exceed £25,000] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

**[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.**

## DEERHURST PARISH COUNCIL

### STANDING ORDERS

#### 12. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

*See also Standing Order 5.*

- a. **The Council may appoint a Data Protection Officer.**
- b. **The Council shall have policies and procedures in place to respond to an individual exercising *their* statutory rights concerning his personal data.**
- c. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. **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.**
- e. **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.**
- f. **The Council shall maintain a written record of its processing activities.**

#### 13. EXECUTION AND SEALING OF LEGAL DEEDS

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to standing order 13(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

*(The above is applicable to a Council without a common seal.)*

#### 14. PLANNING

- a. *The Clerk shall record the date on which each planning application is received; the name of the applicant; the place to which it relates; and the nature and a summary of the application.*
- b. *The Planning Sub-Committee shall be appointed by the Council and consist of at least four Councillors and the Clerk. The Clerk shall act as the Site Inspection Co-ordinator.*
- c. *If possible, the Clerk shall obtain an extension from the Tewkesbury Borough Council to enable any decisions taken by the Planning Sub-Committee to be ratified at a full Parish Council meeting.*
- d. *If necessary, the Planning Sub-Committee shall meet prior to the monthly Parish Council meeting at times to comply with the deadline set by the Tewkesbury Borough Council or other bodies who require comments or observations from the Parish Council.*
- e. *If necessary to meet the deadline, the Clerk will submit any decisions, comments or observations made by the Planning Sub-Committee to Tewkesbury Borough Council. Such decisions, comments or observations shall be included in the agenda for the next monthly Council meeting.*
- f. *Decisions of the Planning Sub-Committee should be taken as read in order to reduce time at the Council meeting. Where the subject is potentially controversial, the Planning Sub-Committee can recommend that the final decision be taken at the Council meeting.*



## DEERHURST PARISH COUNCIL

### STANDING ORDERS

#### 15. MISCELLANEOUS

- a. *Any part of these standing orders, except those in **bold text**, may be suspended by the Council. Resolutions to add, vary or revoke a Standing Order must be notified on the Agenda.*
- b. *Every resolution or recommendation of the council shall be relevant to some subject over which the council has power or which directly affects the Parish.*
- c. *A decision of the Council shall not be reversed within six months except by a vote of five Councillors following a specific proposal included on the Agenda.*
- d. *Councillors may ask the Chairman or the Clerk any questions relating to the business under discussion.*
- e. *Councillors should address the Chairman, whose ruling on points of order or the admissibility of a personal explanation shall be final.*
- f. *No member of the Council shall issue orders, instructions or directions write letters or inspect property etc., on behalf of the Council, unless specifically authorised to do so.*
- g. *A Councillor who for whatever reason wishes to tender their resignation shall do so in writing, addressed to the Chairman with a copy to the Clerk. The resignation will be reported by the Clerk at the next meeting of the Council. Acceptance of resignations, or otherwise, shall not be the subject of debate within the Council.*
- h. *The Council shall deal with any complaints against it, its officers or members as recommended in legal topic note LTN09: issued by NALC (2007).*
- i. *Any questions relating to the appointment, conduct, dismissal, salary or conditions of service of any member of the Council or anyone employed by the Council shall not be discussed until it has been decided whether or not the public should be excluded and the subject deemed "confidential".*
- j. *The Council shall review annually the pay and conditions of service of any employee in the light of current employment law and NALC guidance.*

**bold** = all statutory requirements from the Model Standing Orders (MSO)

normal = optional requirements from the MSO

*italic* = other requirements that do not appear in the MSO that must have been either: (a) deleted from previous versions of the MSO; or (b) added by the Parish Council