

# WEST HORSLEY PARISH COUNCIL

# Standing Orders

**Last reviewed/updated June 2018**

Note: anything highlighted in **BOLD TEXT** is a statutory requirement.

Anything in plain text is contained in the Model Standing Orders (as amended) and the Model Financial Regulations but is not mandatory or statutory requirement.

Anything shown in *Italic Text* is specific to West Horsley 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 **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 or 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 are permitted to 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) above shall not exceed 30 minutes unless directed by the Chairman of the meeting.
- f Subject to standing order 1(e) above, a member of the public shall not speak for more than 5 minutes.
- g In accordance with standing order 1(d) above, 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.
- h A person shall raise his hand when requesting to speak. The Chairman may at any time permit an individual to be seated when speaking.
- i Any person speaking at a meeting shall address his comments to the Chairman.
- j 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.
- k Subject to standing order 1(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later 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.  
A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees without permission
- l **The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- m **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.**
- n **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.**
- o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors with voting rights present and voting.**
- p **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 (i) and (j) below.)**
- q **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 moving on to the next item of business on the agenda.
- r **The minutes of a meeting shall include an accurate record of the following:**  
**l) the time & place of the meeting**

- li) the names of councillors present and absent.
- lii) interests that have been declared by councillors with voting rights
- lv) The grant of dispensations (if any) to councillors with voting rights
- v) Whether a councillor or noncouncillor with voting rights left the meeting when matters that they had interests in were being considered
- vi) If there was a public participation session; and
- vii) The resolutions made

- 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 orders 7 and 8 below.*)
- u **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.**
- v **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.**
- w **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.
- x Meetings shall not exceed a period of 3 hours.

## 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 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The election of the Chairman and Vice-Chairman 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 shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**

- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the business shall include:.
- i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Appointment of members to existing committees.
  - vi. Appointment of any new committees in accordance with standing order 15 Review and adoption of appropriate standing orders and financial regulations.
  - vii. Review of arrangements, including legal arrangements , with other local authorities, not for profit bodies and businesses and review of contributions made to expenditure incurred by other local authorities.
  - viii. Review of representation on or work with external bodies and arrangements for reporting back.
  - ix. 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:
  - x. Review of inventory of land and assets including buildings and office equipment.
  - xi. Review and confirmation of arrangements for insurance cover in respect of all insurable risks.
  - xii. Review of the Council's and/or employees' memberships of other bodies.
  - xiii. Establishing or reviewing the Council's complaints procedure.
  - xiv. Establishing or reviewing the Council's policies and practices in respect of its obligations under freedom of information and data protection legislation
  - xv. Establishing or reviewing the Council's policy for dealing with the press/media
  - xv. Review of the Council's employment policies and procedures
  - xvi. Review of the Council's expenditure incurred under s137 of the Local Government Act 1972 or the general power of competence.
  - xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 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.
- b The Council's Proper Officer shall do the following.
  - i. **At least three clear days before a meeting of the council, a committee and a sub-committee:**
    - **serve on councillors by delivery or post at their residence 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, date, venue 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 1b for the meaning of clear days for a meeting of a full council and standing order 1c for the meaning of clear days for a meeting of a committee.*

- ii. Subject to standing orders 4, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
- iii. **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, 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 from councillors.
- vi. Retain a copy of every councillor's register of interests
- vii. Assist with responding to requests made under the Freedom of Information legislation, in accordance with and subject to the Council's procedures relating to the same.
- viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- ix. 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).
- x. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14*)
- xi. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xii. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xiv. Manage access to information about the Council via the publication scheme.

#### **4 Motions for a meeting that require written notice to be given to the proper officer**

- a 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 of its residents
- b No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting. Clear days do not include the notice day or the day of the meeting.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 5 clear days before the meeting.
- e 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 or rejected in the agenda.
- f Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.

- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for the rejection.
- i Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## 5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To correct an inaccuracy in the draft minutes of a meeting.
  - iii. To dispose of business, if any, remaining from the last meeting.
  - iv. To move to a vote
  - v. To defer consideration of a motion
  - vi. To refer a motion to a particular committee or sub committee
  - vii. To require a written report
  - viii. To alter the order of business on the agenda for reasons of urgency or expedience.
  - ix. To proceed to the next business on the agenda.
  - x. To close or adjourn debate.
  - xi. To refer by formal delegation a matter to a committee or to a sub-committee *or an task group* or an employee.
  - xii. To appoint a committee or sub-committee *or an task group* or any councillors (including substitutes) thereto.
  - xiii. To receive nominations to a committee or sub-committee *or an task group*.
  - xiv. To dissolve a committee or sub-committee.
  - xv. To note the minutes of a meeting of a committee or sub-committee.
  - xvi. To consider a report and/or recommendations made by a committee or a sub- committee *or atask group* or an employee.
  - xvii. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xviii. To authorise legal deeds signed by two councillors and witnessed.  
(See *standing orders 14(a) and (b) below.*)
  - xix. To authorise the payment of monies up to £ 250.00.
  - xx. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xxi. To extend the time limit for speeches.
  - xxii. To exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest
  - xxiii. To not hear further from a Councillor or a member of the public
  - xxiv. To give the consent of the Council if such consent is required by standing orders.
  - xxv. **To suspend any standing order except those which are mandatory by law.**
  - xxvi. To temporarily suspend the meeting

- xxvii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxviii. To answer questions from councillors.
- xxix. To close the meeting
- b If a motion falls within the terms of reference of a committee or sub-committee *or an task group* or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee *or an task group* or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion (including an amendment) shall not be considered unless it has been proposed and seconded.
- c A motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder and the meeting
- f An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- g 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.
- h Subject to standing order 1h below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman.
- i One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j If there is more than one amendment to the original or substantive motion, the amendments shall be moved in the order directed by the Chairman of the meeting.
- k A councillor may not move more than one amendment to an original or substantive motion
- l If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- m If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- n The mover of an amendment has no right of reply at the end of debate on it
- o Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion 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.
- p Unless permitted by the Chairman of the meeting, a councillor may speak once in the debate on a motion except:
- q l) to speak on an amendment moved by another councillor

- r ii) to move or speak on another amendment if the motion has been amended since he last spoke
- s iii) to make a point of order;
- t iv) to give a personal explanation; or
- u v) to exercise a right of reply
- v During the debate of 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 irregularity in the meeting he is concerned by.
- w A point of order shall be decided by the Chairman and his decision shall be final.
- x With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- y When a motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a *task group* for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- z Before an original or substantive motion is put to the vote, the Chairman of the meeting shall first be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right to reply.
- aa Excluding motions moved under standing order 1z, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting

## 7 Code of conduct and dispensations

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

- a All councillors shall observe the code of conduct adopted by the Council.
- b Councillors have a responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its Councillors and co-opted members in accordance with the following principles:
  - **Selflessness.** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
  - **Integrity.** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
  - **Objectivity.** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.



- **Accountability;** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
  - **Openness.** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
  - **Honesty.** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
  - **Leadership** Holders of public office should promote and support these principles by leadership and example.
- c As a Councillor or co-opted member of the Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromised your honesty or objectivity. Equally you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity.
- d Every member of the Council must declare any relevant pecuniary interests, called in the Localism Act 2011 “disclosable interest”, he or she may have.

Disclosable pecuniary interests are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI2012/1464) and are as follows

A “disclosable pecuniary interest” is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that other person has the interest:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (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 which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31 (7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

“meeting” means any meeting of:-

- (a) the Council;
  - (b) the Executive of the Council;
  - (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned committees.
- e Councillors with a disclosable pecuniary interest must declare this, the member must leave the room for the duration of/and not take any part, or further part in the discussion or voting on the matter in question, unless he has been granted a dispensation. He may return to the meeting after it has considered the matter in which he had the interest.
- f **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.
- g A decision as to whether to grant a dispensation shall be made (by the Proper Officer) OR (by a meeting of the council, or committee or sub committee for which the dispensation is required) and that decision is final.
- h A dispensation request shall confirm:
  - i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates
  - ii) whether the dispensation is required to participate at a meeting in a discussion only

- or a discussion and a vote
    - iii) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
    - iv) an explanation as to why the dispensation is sought
- i Subject to standing orders 7f and h, a dispensation request shall be considered (by the Proper Officer before the meeting, or, if this is not possible, at the start of the meeting for which the dispensation is required) OR (at the beginning of the meeting of the Council, or committee or sub committee for which the dispensation is required).
- j A dispensation may be granted in accordance with standing order 13g 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 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days' notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

## 9 Draft Minutes

- a If 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. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- 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:
 

"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.
- f **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.**
- g Subject to the publication of draft minutes in accordance with standing order 9f and standing order 26 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.

## 10 Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If a standing order is ignored, the chairman shall request such person(s) to moderate or improve their conduct.
- b 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.
- c If a resolution made under standing order 10(b), is ignored, the chairman of the meeting may take such further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 11 Previous resolutions

- a A resolution of the Council shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 2 Councillors to be given to the Proper Officer in accordance with the standing orders, or by a motion moved in pursuance of the recommendation of a committee or sub committee.,
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12 Voting on appointments

- a 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.

## 13 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.**

## 14 Execution and sealing of legal deeds

*See also standing order 3bX above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

**In accordance with a resolution made under standing order 14(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.]**

## 15 Committees and Sub-Committees

*See also standing order 1 above*

- 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 noncouncillors 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 task committee and a sub-committee of

the task committee may be by non-councillors.

- d The Council may appoint standing committees or 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, subject to standing orders 4b and 4c, appoint and determine the term of office of councillor or non-councillor members of such a committee
  - iv. may, subject to standing orders 4b and 4c, 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 15(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 or sub committee at any time.

## **16 Extraordinary meetings of the Council, Committees and Sub-Committees**

*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 call an extraordinary meeting of the Council within 7 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, venue and agenda for such a meeting shall be signed by the two councillors.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not call an extraordinary meeting within 7 days of having been requested by two members of the committee or sub committee, any members of the committee or sub committee may convene an extraordinary meeting of a committee (or a sub-committee).

## **17 Task committees**

*See also standing order 1 above*

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

## **18 Accounts and Accounting Statements**

- a 'Proper practices' in standing orders refer to the most recent version of 'Governance and Accountability for Local Councils – A Practitioners' Guide'.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations, which shall be reviewed at least annually.
- c The Responsible Financial Officer shall supply to the Finance Task Group as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. 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 formal approval at a Parish Council meeting. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **19 Estimates/precepts**

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.

## **20 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.

## **21 Inspection of documents**

- a 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 *or an task group*, 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.

## **22 Restrictions on Councillor activities**

- a Unless duly authorised, no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **23 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.

## **24 Power of well-being (England)**

- 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 25 (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 25(b) above.**

## **25 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of any absence occasioned by illness or urgency.
- c The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of [the Clerk & RFO] and shall keep a written record of it. The review and/or appraisal shall be reported back
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by [the Clerk & RFO] relates to the Chairman or Vice-Chairman, this shall be communicated to another member of *the* Council which shall be reported back and progressed by resolution..
- 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 26(g) and (h) above if so justified.

## **26 Responsibilities to provide information**

*See also standing order 27*

- 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.**

## **27 Responsibilities under data protection legislation**

(Below is not an exhaustive list)

*See also standing order 33.*

- a **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- b **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

- d **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- e **The Council shall maintain a written record of its processing activities;**

## **28 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, its Councillors or staff 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.

## **29 Liaison with Borough and County Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the Borough and County representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the Borough or County shall be sent to the Borough or County councillor representing its electoral ward.

## **30 Financial Controls and Procurement**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent Internal Auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. Whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose;
- c **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 29f 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**
- d 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:
  - the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - i. a specification of the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm i) the Council's specification ii) the time, date and address for the submission of tenders iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process.



- iii. Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - iv. 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;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee or task group.
- e Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- f **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 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**
- g **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.**

## 31 Code of Conduct Complaints

- a On receipt of a notification from the Monitoring Officer at Guildford Borough Council (GBC) that there has been an alleged breach of the code of conduct the Proper Officer shall, subject to standing order 33, report this to the Council
- b Where the notification in 30a above, 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 nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The Council may:
  - i) provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter
- e **(England) Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## 32 Standing Orders generally

- 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 add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of as least two councillors.

- c 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.
- d The Chairman's decision as to the application of standing orders at meetings shall be final.
- e 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.

### **33 Management of Information**

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. GDPR 2018).
- 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.