

Standing Orders

Version 1 – Adopted at the Parish Council meeting dated 3 September 2014

Amendment No 1 - Adopted on 4 March 2015

Amendment No 2 – Adopted on 6 September 2017

Version 3 – (Incorporating Amendments to Version 1) adopted 6 September 2017

Version 4 – Revised and adopted 5 September 2018

Version 5- Revised and adopted 4th November 2020

PREAMBLE

These Standing Orders are based on the model provided by National Association of Local Councils (NALC) in November 2013. Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution of the Parish Council. The term “council” is deemed to refer to Wilby Parish Council throughout. The duties of the Proper Officer and Responsible Financial Officer set out in these Standing Orders will be fulfilled by the Clerk to the council. The term “He” is not gender specific and is taken to refer to males or females as appropriate.

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1. MEETINGS – GENERAL CONDITIONS

Schedule of meetings

1.1 The council shall hold each year an Annual Meeting in May and at least three other ordinary meetings on such dates and times and at such place as the council may direct. Additional meetings to deal with urgent business arising outside scheduled meetings (to deal with planning applications etc.) will be called as required.

1.2 The agenda and any supporting papers will be circulated by the Proper Officer to each member of the council by an appropriate method, namely by post to the member’s usual place of residence or where the member has given consent for the summons to be transmitted electronically to a particular address, by e-mail to that address, at least three clear days before the date of each meeting. The minimum three clear days does not include the day on which the notice was issued, the day of the meeting, Sundays or public

holidays or a day appointed for public thanksgiving or mourning. In addition, a copy of the agenda will be placed on the parish notice board and parish website.

Public access, press and media

1.3 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 all or part of the meeting shall be by resolution which shall give reasons for the public's exclusion, namely "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw".

1.4 At all meetings of the council, the Chairman may, at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting. This should be by resolution of the whole council

1.5 A person who speaks at a meeting shall direct his comments to the Chairman of the meeting and may remain seated at the discretion of the Chairman.

1.6 The Proper Officer, acting on behalf of and directed as necessary by the council, **shall afford to the press reasonable facilities for taking of their report of any proceedings at which they are entitled to be present.**

Reporting, recording restrictions

1.7 Unless it has been resolved to exclude members of the public (under the provisions of Standing Order 1.3) or separate arrangements have been made for the protection of children and vulnerable adults (as set out in Standing Order 1.8) , a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of the council or its committees or working groups but otherwise may:

- a. film, photograph or make an audio recording of a meeting (eg using a mobile phone, tablet, filming for a TV broadcast, recording for a radio broadcast);
- b. use any other means for enabling people not present at a meeting to see or hear proceedings as it takes place or later (eg live streaming);
- c. report or comment on the proceedings in writing during or after a meeting or oral report or comment after the meeting (eg blogging, posting comments on Facebook or tweeting).

1.8 At the start of a meeting, the Chairman may remind everyone in attendance that, subject to the specific exclusions described, they may be filmed, recorded, photographed or otherwise reported about.

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A separate area in the meeting venue is to be made available for those members of the public present who object to being filmed, recorded, photographed or otherwise reported about, including children and vulnerable adults where the responsible adult has not given consent for them to be filmed, recorded, photographed or otherwise reported upon. Where the meeting is open to the public, except where special arrangements have been made to protect children and vulnerable adults, persons participating in the meeting may be filmed, recorded, photographed or otherwise reported upon regardless of whether they are sitting in a designated section or not.

Chairman

1.9 The Chairman of the council, if present, shall preside at the meeting, failing which the Vice-Chairman, if present shall preside. If both are absent from the meeting a councillor, chosen by those members present at the meeting shall preside. 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 or the person acting as Chairman of the meeting.

Members

1.10 The size of the council will be determined from time to time but will normally comprise seven members including the Chairman. The council is an elected body in the first tier of local government and an ordinary election occurs every four years although there may be an election when a seat falls vacant at other times. Members are elected in an uncontested election where the number of candidates is less than the number of vacancies on the council. Vacancies on the council between elections can be filled, if no poll is claimed, through co-option. The procedure to be followed to fill casual vacancies is as follows:

- a. The Proper Officer must inform the Returning Officer in writing of the circumstances whereby the vacancy has arisen. A Notice of Vacancy must be publicly displayed to enable a request for election to be made to the Returning Officer within 14 days following publication of the Notice. To trigger an election, at least ten electors either individually or collectively must request the casual vacancy be filled by an election. If such a demand is received an election will be arranged by the Returning Officer within 60 days of the publication of the Notice of Vacancy. If no request for an election is received, the Notice of Vacancy expires after 14 days and the Returning Officer will advise the council accordingly. The council may then co-opt a new Councillor to fill the vacancy.
- b. Persons desirous of joining the council will be invited to write to the Clerk giving details of their background, experience of similar representative work, and an indication of why they wish to join the council and the contribution in particular they would bring to the community. In addition applicants must affirm their eligibility by means of nationality (a UK, EU or Commonwealth citizen,) by place of residence (a registered elector, or a resident (owner or tenant) for 12 months before the co-option or if working in the parish, they have resided in the parish or within 3 miles of it) and by age (aged over 18).
- c. Eligible applicants will be invited individually to the next scheduled meeting of the council at which they will interviewed individually by councillors to assess their suitability to join the council.
- d. There is an expectation that individuals wishing to join the council will have attended meetings of the council beforehand as a member of the general public thereby demonstrating their interest and commitment. In this event council will move to decide on co-option at the meeting concerned.

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Where the applicant has not previously attended a meeting of the council, a decision on co-option will be deferred until the following scheduled meeting of the council. This is to enable the applicant to view at first hand the council's business and to establish their continued willingness to become a councillor.

- e. The decision to co-opt an applicant will be made by a clear majority vote within the council.
- f. The council's initial interview and subsequent debate and vote on the co-option must be conducted in public. The applicant, as a member of the public, is entitled to be present during the proceedings but can be offered the opportunity to withdraw if preferred.
- g. On co-option the new Councillor will complete a Declaration of Acceptance of Office form and must complete a Register of Interests form.
- h. Exceptions to the procedure outlined above apply where the casual vacancy occurs as a result of the death of a councillor (whereby the process of election/co-option is delayed for a reasonable period) and if a vacancy arises leading to the council becoming inquorate whereby different rules apply to be notified at the time.

Quorum

1.11 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. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed and any remaining business on the agenda adjourned to another meeting

Voting

1.12 The following conditions will govern voting at meetings:

- a. **Subject to the meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- b. **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- c. **Voting 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 the question.** Such a request shall be made before moving to the next item of business on the agenda
- d. **A councillor 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.**

Minutes

1.13 The minutes of meetings of the council will be taken by the Proper Officer, or in his absence a person designated by the Chairman of the meeting. The minutes must include the time and place of the meeting and the names of the councillors present and absent. They should also include where appropriate the

number of members of the public attending, interests declared by councillors and dispensations given, matters raised by the public, motions considered and resolutions passed. Such minutes will be prepared in draft and proofread by the Chairman of the meeting preparatory to their circulation by the Proper Officer to council for its approval at the following meeting of council. The accuracy of the draft minutes including any amendment(s) made to them shall be confirmed by resolution, signed by the Chairman of the meeting and will stand as an accurate record of the meeting to which the minutes relate. 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. Subject to the publication of draft minutes 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.

Previous resolutions

1.14 A decision (whether affirmative or negative) of the council shall not be reversed within six months except either by a special motion, which requires written notice by at least three members of the council, or by a motion moved arising from the report or recommendation of a Committee, Sub-committee or Advisory Group.

1.15 When a special resolution or any other motion moved under the provisions of Standing Order 1.13 has been disposed of, no similar motion may be moved within a further six months.

Liaison with County and District Councillors

1.16 A notice of meeting shall be sent together with an invitation to attend by the Proper Officer to the County, or District councillor for the appropriate division or ward.

1.17 Unless the council otherwise orders, a copy of each letter ordered to be sent to the County Council or District Council should be sent to the County Councillor for the division or to the District Councillor for the ward as the case may require.

2 THE STATUTORY ANNUAL MEETING

General

2.1 In an election year the statutory Annual Meeting of the council shall be held on or within 14 days following the day on which the councillors elected take office. In a year which is not an election year, it shall be held on such day in May as the council may direct.

2.2 The first business of the Annual Meeting will be to elect a Chairman and Vice-Chairman of the council. The Chairman of the council, unless he has resigned or become disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected. [Comment. Remainder of this sentence should be omitted as it does not make sense although it appears in NALC model ie at the next Annual Meeting of the council.] The Vice-Chairman, unless he resigns or is disqualified, shall hold office until immediately after the election of the Chairman at the next Annual Meeting of the council.

2.3 In an election year, if the current Chairman has not been re-elected as a member of the council, he shall preside at the meeting until a successor has been elected. The current Chairman shall not have an

original vote in respect of the election of the new Chairman but must give a casting vote in the case of an equality of votes.

2.4 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 is elected, and may exercise an original vote in respect of the election of the new Chairman and must give a casting vote in the case of an equality of votes.

Order of Business

2.5 The Annual Meeting is the inaugural meeting of the council and affords an opportunity to review its structures (committees etc.), policies and procedures and to appoint, as appropriate, council representatives to outside bodies. The draft agenda will be prepared by the Proper Officer and considered by council, to ensure that the business proposed is appropriate to the time available and meets statutory requirements, before it is issued.

2.6 The agenda must include the undernoted statutory items (shown in bold type) and may include the other items listed unless these are deferred to a future meeting:

- a. **Election of a Chairman and Vice-Chairman of the council.**
- b. **In an election year, delivery by the Chairman of the council and councillors of their acceptance of office forms unless the council resolves to do this at a later date. In a year which is not an election year, delivery by the Chair of his acceptance of office form unless the council resolves for this to be done at a later date.**
- c. To fill any vacancies on the council.
- d. Approval of the minutes of the last meeting of the council.
- e. A review of the terms of reference for committees, and advisory groups including delegated powers and the appointment of new committees, advisory groups etc.
- f. A review of the council's policies including Standing Orders, Financial Standing Orders, Freedom of Information, Data protection, and Records Management and such other policies in being.
- g. The appointment of representatives to outside bodies, such as the Suffolk Association of Local Councils, Wilby Village Hall Committee and to nominate representatives of the parish council as Tree Warden and such other posts deemed as appropriate by the council.
- h. Consideration of the payment of any subscriptions falling to be paid annually.
- i. The inspection of any deeds and trust investments in the custody of the council as required.
- j. The determination of the council's schedule of meetings where this has not already been decided.

3 ORDINARY MEETINGS

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3.1 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertakings to observe the council's Code of Conduct as required by law to be made or, if not then received, to decide when they shall be received.

3.2 After the first business has been completed, the order of business, unless the council decides otherwise shall normally include the following:

- a. To consider the minutes of the previous meeting as to their accuracy and after such consideration to approve the signature of the minutes by the Chairman of the meeting as a correct record.
- b. To deal with business expressly required by statute to be done.
- c. To dispose of business, if any, remaining from the last meeting.
- d. To receive such communications as the person presiding may wish to lay before the Council.
- e. To receive and consider reports and minutes of committees, advisory groups and any reports from officers of the Council.
- f. To receive and consider motions in the order in which they have been notified.
- g. To authorise the signing of orders for payment.
- h. Review of the Council's employment policies and procedures;
- i. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the General Power of Competence.

4 EXTRAORDINARY MEETINGS

4.1 The Chairman of the council may convene an extraordinary meeting of the council at any time. If the Chairman of the council does not or refuses to 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 must be signed by the two councillors.

5 COMMITTEES, SUB COMMITTEES AND ADVISORY GROUPS

5.1 The Council may appoint Committees and Advisory Groups as may be necessary, determining their terms of reference, composition and where appropriate delegated powers. Advisory Groups may take the form of bodies advising council on specific matters or Working Groups tasked with resolving a particular issue on behalf of council.

5.2 Committees may appoint Sub-committees for purposes specified by, and consistent with the remit of, the parent Committee. Committees and Sub-committees will be chaired and conducted consistent with the rules governing the operation of the council eg appointment of Chairman, rules of debate, voting conventions, code of conduct, interests of members etc. The quorum for such Committees, Sub-committees and Advisory Groups shall be no less than three or half the members whichever is the greater.

5.3 The Chairman and Vice-Chairman, ex-officio, shall be members of every committee but need not necessarily attend.

5.4 Members of a Committee, Sub-Committee and Advisory Group may be non-councillors unless it is a body that regulates and controls the finances of the council.

5.5 Unless they have delegated powers, Committees, Sub-committees and Advisory Groups will refer their decisions and recommendations for ratification by council.

6 APPOINTMENTS

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

6.2 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Proper Officer shall report to the council or to the appropriate committee any such disclosure. The Proper Officer shall make known the purpose of this Standing Order to every candidate.

7 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE

7.1 A motion shall relate to the meeting at which it is tabled and 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 responsibility or its residents.

7.2 Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the agenda by the Proper Officer or the mover has given notice in writing of its terms and has delivered the notice to the Proper Officer at least seven clear days before the next meeting of the council. The Proper Officer shall record any such motion received and include it in the summons for the meeting concerned unless the proposer(s) have stated in writing that it is intended to move the motion at a later meeting or that it is withdrawn.

8 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

8.1 Resolutions dealing with the following matters may be moved without written notice to the Proper Officer:

- a. To correct an inaccuracy in the draft minutes of a meeting.
- b. To move to a vote.
- c. To defer consideration of a motion.
- d. To refer a motion to a particular committee, sub-committee., or advisory group.
- e. To appoint a Chairman of the meeting.
- f. To alter the order of business on the agenda.
- g. To proceed to the next business on the agenda.
- h. To require a written report.
- i. To appoint a Committee or Advisory Group or any members thereof.

- j. To extend the time limits for speaking.
- k. To exclude the press and public in respect of confidential or sensitive information which is prejudicial to the public interest
- l. To exclude a councillor or member of the public for disorderly conduct.
- m. To temporarily suspend the meeting.
- n. To suspend any Standing Order (unless it reflects mandatory statutory requirements).
- o. To adjourn the meeting.
- p. To close the meeting.

9 RULES OF DEBATE

9.1 Council will, where applicable, comply with the rules of debate set out at Annex A to these orders.

10 CODE OF CONDUCT

Compliance

10.1 Members of council are required to abide by the Suffolk Code of Conduct adopted by council at its meeting on 1 July 2012 and any subsequent versions or amendments thereto adopted by council. A copy of the Code is to be made available to members on appointment by the Proper Officer.

Confidential or sensitive information

10.2 No member of the council or of any committee, sub-committee or advisory group shall disclose to any person not a member of the council, its committees or advisory groups any business declared to be confidential or sensitive because it would not be in the public interest to do so. Any member in breach of the provisions of this Standing Order shall be removed from any committee, sub-committee or advisory group of the council by the council and the Chairman of the council will consider whether further action is required relative to the council itself.

10.3 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose confidential or sensitive information whose disclosure would not be in the public interest.

Code of Conduct on Complaints

10.4 Upon notification by the District Council that it is dealing with a complaint **that a councillor or non-councillor with voting rights has breached the council's Code of Conduct**, the Proper Officer shall report this to the council. **The council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

10.5 Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the council of this fact, and the Chairman shall nominate another person to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take. The council may:

- a. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law.

- b. Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter

Disorderly Conduct

10.6 No person(s) shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored the Chairman of the meeting shall request such person(s) to moderate or improve their conduct. If person(s) 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion. If such a resolution is ignored then the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

Unauthorised Activities/Restrictions on Councillors' Activities

10.7 No member of the council or of any committee or sub-committee shall in the name of or on behalf of the Council:

- a. Inspect any lands or premises which the council has a right or duty to inspect; or
- b. Issue orders, instructions or directions unless authorised to do so by the council or the relevant committee or sub-committee; or
- c. canvass members of the council or of any committee, directly or indirectly, in support of any candidate for any appointment under the council. Any such action will disqualify the candidate for such an appointment. The Proper Officer shall advise every candidate of this restriction.
- d. solicit for any person any appointment under the council or recommend any person for such appointment or for promotion; however, members may provide a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.

Register of Interests

10.8 On election to the council, members must within 28 days complete a Register of Interests Form listing Disclosable Pecuniary Interests and Local Non-Disclosable Pecuniary Interests as defined in the Suffolk Code of Conduct adopted by council. Similarly members must declare such interest as soon as it becomes apparent updating their register within 28 days of its occurrence.

10.9 The Proper Officer is to coordinate the completion of the Registers of Interests, submitting completed forms and any amendments thereto to the relevant Monitoring Officer. The completed Register of Interests will be available for inspection in the offices of the District Council and will be accessible through the Parish Council's web-site by means of a link to the District Council.

10.10 Sensitive interests will be handled as allowed for in the Suffolk Code of Conduct

10.11 Any gifts or hospitality of £25 or over must be declared as Local Non-Pecuniary Interests to the Proper Officer and included in the member's Register of Interests.

Declaration of Interests

10.12 Members are to declare any pecuniary or non-pecuniary interest in any business of the council at the start of the meeting concerned, such declarations being recorded by the Clerk. Subject to any dispensation granted (see Standing Order 10.16), where a Disclosable Pecuniary Interest has been declared the member may not participate in the business item or vote and must leave the room for the duration of the item. Where a local non-pecuniary interest has been declared the member may participate fully in the discussion and vote on the item concerned.

Dispensations

10.13 A member may seek a dispensation to enable him to participate and vote in an item of business notwithstanding that he has a pecuniary interest in the item. **Application for any such dispensation must be submitted to the Proper Officer in writing** as soon as possible before the meeting, or failing that, before the start of the meeting for which the dispensation is required.

10.14 A dispensation request shall confirm:

- a. The nature of the pecuniary interest.
- b. An explanation as to why the dispensation is sought.
- c. Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
- d. The date of the meeting for which the dispensation is sought.

10.15 Dispensation requests will be considered by the Proper Officer before the meeting and a recommendation made to council. Council, having regard to the advice of the Proper Officer, will consider the application at its meeting, and decide whether to grant the application and whether the applicant should be allowed to participate in the discussion and/or vote, during which the member concerned must leave the room. Council's decision is final.

10.16 A dispensation may be granted where having regard to all the circumstances the following applies:

- a. **Without a dispensation the number of members 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; or**
- b. **The granting of a dispensation is in the interests of persons living in the council's area; or**
- c. **It would otherwise be appropriate to grant a dispensation.**

11 DUTIES OF THE PROPER OFFICER

11.1 The Proper Officer shall be the Clerk or another person nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent. The Proper Officer shall also be the Responsible Financial Officer of the council unless another person is nominated to fulfil this function when the Proper Officer is absent. The duties of the Proper Officer as Responsible Financial Officer are set out in the council's Financial Standing Orders.

11.2 The Proper Officer is the principal advisor to and executive of the council. In fulfilling this role, the Proper Officer has a duty to give clear advice to all members of council, notably including the Chairman, before decisions are reached, even when that advice may be unpalatable. The Proper Officer is responsible for implementing the decisions of council or conveying such decisions to those concerned.

11.3 The Proper Officer has a statutory duty to ensure that the council's decisions and actions are lawful, including the service or issue of all notices required by law. The Proper Officer is to ensure that legal, statutory and other provisions governing or affecting the running of the council are observed. These include health and safety matters affecting the Proper Officer, members and members of the public attending council meetings or activities.

11.4 The duties of the Proper Officer are principally associated with the meetings of the council, the handling of correspondence including planning applications, communication of the council's business and decisions, liaison with local authorities, District and County Councillors, the Suffolk Association of Local Authorities, Suffolk Police etc., record keeping and general administration. The detailed responsibilities of the Proper Officer are set out in the Job Description for the post forming part of the Contact of Employment with the council. Specific duties are identified within these Standing Orders.

11.5 The performance of the Proper Officer will be subject to annual review by a committee or working group established specifically for this purpose. The review, which will include the participation of the Proper Officer, will be chaired by the Chairman and will comply with good employment practice. The outcome of the review will be reported to council and will be used to inform any proposals relating to the terms and conditions, salary and remuneration of the Proper Officer. The review is to be conducted in time to enable the outcome to be reflected in the planning of the council's budget. [Comment. Alex please feel free to amend this drafting.]

11.6. The Proper Officer shall inform the Chairman with full details in the event of a formal or informal grievance arising. The Chairman will investigate the matter with a view to its resolution, unless the Chairman is the subject of the grievance, when the matter will be referred to the Vice-Chairman or a councillor not involved for investigation or to another council where this is deemed appropriate. The outcome of any such investigation will be considered at a special meeting of the council.

11.7 Complaints made by the Proper Officer shall be dealt with in accordance with Standing Order 12.

11.8 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).

11.9 Facilitate inspection of the minute book by local government electors.

12 MATTERS AFFECTING EMPLOYEES OF THE COUNCIL

12.1 Prior notice should be given, where possible, by any member wishing to raise any matter regarding the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the council. The Proper Officer is to be informed of any such question being raised. Any such matters should form a separate agenda item from which the public are to be excluded.

12.2 Any persons responsible for all or part of the management of council staff shall treat written records of all meetings relating to staff performance, capabilities, grievance or disciplinary matters as confidential. Such records are to be passed to the Proper Officer for secure storage.

13 FINANCIAL MATTERS

13.1 Matters relating to the financial affairs of the council are to be covered in Financial Regulations having regard to advice provided by the National Association of Local Councils and other relevant bodies. Financial Regulations will cover such matters as the duties of the Responsible Financial Officer, accounts and financial statements, payments and receipts, preparation of and management of the council's budget, financial controls and procurement. Specific reference must be made to the procurement and award of contracts covered by the Public Contract Regulations 2015 which have an estimated value of £25,000, which must satisfy the requirements of the 2015 Regulations, which includes the use of the Contracts Finder website, the tendering process making reference to the terms laid down in the Bribery Act 2010 and which take account of designated EU thresholds. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise. 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 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.

- a. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 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.**
- b. **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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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.**

14 REQUESTS FOR INFORMATION

14.1 Requests for information held by the council shall be handled in accordance with the council's policy relative to the application of the Freedom of Information Act 2000 and the Data Protection Act 1998

14.2 Correspondence from and notices served by the Information Commissioner shall be referred by the Proper Officer to council.

14.3 Requests from the press or other media for an oral or written comment or statement from the council, its councillors or staff shall be handled in accordance with the council's policy on such matters. In principle, the Chairman will consult with councillors and the Proper Officer in determining the form of response and where a statement is agreed this will be delivered orally by the Chairman or in writing by the Proper Officer as appropriate.

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

14.5 All minutes kept by the council and by any committee shall be open for the inspection of any member of the council or the public.

15 SEALING OF DOCUMENTS

15.1 A legal deed shall not be sealed on behalf of the council unless its sealing has been authorised by a resolution.

15.2 Subject to Standing Order 15.1 above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

16 VARIATION, REVOCATION, SUSPENSION AND APPLICATION OF STANDING ORDERS

16.1 Any or every part of Standing Orders except those that incorporate a mandatory statutory requirement (printed in bold type) may be suspended by resolution in relation to any specific item of business.

16.2 A motion to add, vary or revoke one or more of the council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer before the agenda for the meeting concerned is issued.

16.3 A copy of these Standing Orders shall be made available to each member by the Proper Officer upon delivery to him of the member's declaration of acceptance of office and a written undertaking to comply with the Code of Conduct adopted by the council. Standing Orders will be accessible on the Parish Council's web site

16.4 The decision of the Chairman of the meeting as to the application of Standing Orders at the meeting shall be final.

17 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. 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.**

18 RESPONSIBILITIES TO PROVIDE INFORMATION

- 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. **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

19 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

- a **The Council shall appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising 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.**

The Council shall maintain a written record of its processing activities.

Annex A to Wilby Parish Council Standing Orders

1. RULES OF DEBATE AT MEETINGS

- 1.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman
- 1.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded. A motion on the agenda that is not moved by its proposer may be treated by the Chairman as withdrawn
- 1.3. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting
- 1.4. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion
- 1.5. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved
- 1.6. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman
- 1.7. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been proposed and seconded, the amendment shall be with the consent of the seconder and the meeting
- 1.8. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman
- 1.9. One or more amendments may be discussed together if the Chairman considers this expedient but each amendment will be voted on separately. However only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman
- 1.10. A councillor may not move more than one amendment to an original or substantive motion
- 1.11. The mover of an amendment has no right of reply at the end of debate on it
- 1.12. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the first substantive motion immediately before it is put to the vote
- 1.13. Unless permitted by the Chair, a councillor may speak once in the debate on a motion except:
 - 1.13.1. To speak to an amendment moved by another councillor
 - 1.13.2. To move or speak on another amendment if the motion has been amended since he last spoke
 - 1.13.3. To make a point of order
 - 1.13.4. To give a personal explanation; or
 - 1.13.5. In exercise of a right of reply
- 1.14. 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 other irregularity in the proceedings of the meeting he is concerned about
- 1.15. A point of order shall be decided by the Chair, whose decision is final
- 1.16. When a motion is under debate, no other motion shall be moved except:
 - 1.16.1. To amend the motion
 - 1.16.2. To proceed to the next business
 - 1.16.3. To adjourn the debate

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- 1.16.4. To put the motion to a vote
 - 1.16.5. To ask a person to be no longer heard or to leave the meeting
 - 1.16.6. To refer a motion to a committee or sub-committee for consideration
 - 1.16.7. To exclude the public and press
 - 1.16.8. To adjourn the meeting; or
 - 1.16.9. To suspend particular standing order(s) excepting those which reflect mandatory statutory requirements
- 1.17. Before an original or substantive motion is put to the vote, the Chairman shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised his right of reply
- 1.18. Excluding motions moved under Standing Order 1.16 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chairman