

# **Scagglethorpe Parish Council**

## **STANDING ORDERS**

**Version 1.2      August 2021**

Last Reviewed August 2023

### **1. INTRODUCTION**

- 1.1      These Standing Orders govern the conduct of Council meetings and a limited number of other council matters. Though compliant with current legislation, their simplified text reflects the fact that the operations of Scagglethorpe Parish Council and conduct of meetings are relatively informal compared to parish or town councils with larger budgets.
- 1.2      All or part of a standing order relating to an agenda item at a meeting may be suspended by resolution at that meeting, except one that incorporates mandatory legal requirements. The decision of the meeting chairman as to the application of standing orders at the meeting will be final.

### **2. MEETINGS GENERALLY**

- 2.1      No business may be transacted at a meeting of the Parish Council unless at least three Councillors are present, which constitutes a quorum.
- 2.2      If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- 2.3      Meetings of committees appointed by the Parish Council do not require presence of a fixed number of Councillors to be quorate.
- 2.4      Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- 2.5      At ordinary and extra-ordinary meetings of the Parish Council, members of the public may not make representations, answer questions and give evidence at a meeting which they are entitled to attend unless invited to do so by the Chairman.
- 2.6      At the Annual Parish Meeting, members of the public who are parish electors may speak on any subject named on the

- agenda.
- 2.7 A question raised by a member of the public shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- 2.8 A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- 2.9 A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- 2.10 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 2.11 The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- 2.12 The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, a councillor as chosen by the councillors present at the meeting may preside.
- 2.13 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors.
- 2.14 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.
- 2.15 Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.
- 2.16 A councillor who has a disclosable pecuniary interest or another interest in a matter being considered at a meeting may not vote on the matter and must vacate the meeting on the request of the chairman.
- 2.17 The minutes of a meeting shall include an accurate record of the following:
- the time and place of the meeting;
  - the names of councillors who are present and the names of councillors who are absent;
  - interests that have been declared by councillors
  - the grant of dispensations (if any) to councillors

- whether a councillor left the meeting when matters that they held interests in were being considered
- if there was a public participation session
- the resolutions made.

### **3. ORDINARY COUNCIL MEETINGS**

- 3.1 The first meeting of the Parish Council in May each year, will be deemed the "Annual Meeting" of the Parish Council.
- 3.2 In an election year, the first meeting of the Council shall be held on or within 14 days following the day on which the councillors are elected take office. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- 3.3 The first business conducted at the annual meeting of the Council shall be the election of the Chairman of the Council.
- 3.4 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. In an election year, if the previous chairman has not been re-elected, then the meeting can appoint any councillor to preside in the first instance.
- 3.5 Following the election of the Chairman of the Council at the annual meeting, the business shall include:
  - 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
  - Confirmation of the accuracy of the minutes of the last meeting of the Council
- 3.6 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.

### **4. EXTRAORDINARY MEETINGS OF THE COUNCIL**

- 4.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 4.2 If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the

Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

## **5. RULES OF DEBATE AT MEETINGS**

- 5.1 Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 5.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 5.3 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 5.4 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting
- 5.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion
- 5.6 If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved
- 5.7 A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting
- 5.8 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 of the meeting
- 5.9 Only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting
- 5.10 One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 5.11 A councillor may not move more than one amendment to an original or substantive motion.
- 5.12 Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

## **6. CODE OF CONDUCT AND DISPENSATIONS**

- 6.1 Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he had the interest.
- 6.2 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.
- 6.3 A decision as to whether to grant a dispensation shall be made by the other councillors present at the meeting and that decision is final.
- 6.4 A dispensation may be granted if, having regard to all relevant circumstances either of the following apply:
- 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
  - granting the dispensation is in the interests of persons living in the Council's area

## **7. DRAFT MINUTES**

- 7.1 If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 7.2 There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- 7.3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 7.4 If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- "The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

## **8. MANAGEMENT OF INFORMATION**

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

## **9. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- 9.1 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 9.2 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 9.3 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.
- 9.4 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.

## **10. PROPER OFFICER**

- 10.1 The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 10.2 The Proper Officer shall:
  - at least three clear days before a meeting of the council or a sub-committee, serve on councillors by delivery or post at their residences or by email authenticated in such

manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda 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).
- 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;
- receive and retain copies of byelaws made by other local authorities;
- hold acceptance of office forms from councillors;
- hold a copy of every councillor's register of interests;
- assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 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

## **11. SPECIFIC AGENDA ITEMS**

11.1 There are a number of important topics that should be discussed by the Council at least annually. They are listed here with the a suggested Ordinary Council meeting date at which is an appropriate time to hold the discussion.

- Insurance – February
- Playground Inspection Report - February
- Approval of Clerks wages and expenses – May
- Annual Audit Report – May
- Tree Inspection report - August
- Standing orders and Data Protection Regulations – August
- Risk assessment – November
- Asset Register Review - November
- Precept for following Year - November

## **12. MANAGEMENT OF FINANCES**

- 12.1 The Clerk will normally undertake the work of the Responsible Financial Officer, but if the Clerk is absent, then the Parish Council may appoint a replacement.
- 12.2 The RFO will control incoming and outgoing payments and pay all regular bills presented to the council in a timely manner.
- 12.3 Items or services to be purchased on behalf of the council should be costed and then approved by three or more councillors before purchasing. Alternative suppliers should be considered where possible, but it is not a requirement to buy at lowest price available.
- 12.4 The RFO is mandated to purchase items up to a value of £50.00 in any one transaction without prior approval of the Parish Council.