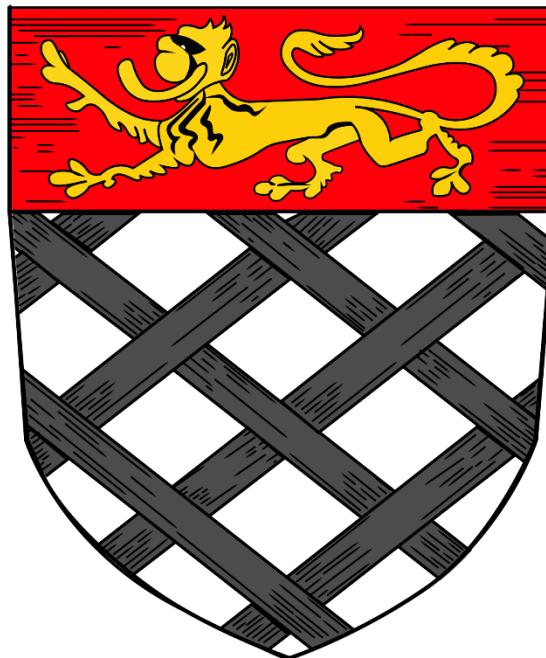


**MEPPERSHALL  
PARISH COUNCIL**



**STANDING  
ORDERS**

*As adopted at a meeting of Meppershall Parish Council on 12<sup>th</sup> May 2025*

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## DOCUMENT CONTROL

<b>Organisation</b>	Meppershall Parish Council
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<b>Revision No.</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Change Description</b>
1.0	Clerk	13.06.16	Re-formatting and minor amendments to 2015 version (no version number)
2.0	Clerk	12.02.18	Minor changes
3.0	Clerk	13.05.19	Minor changes
4.0	Clerk	11.05.20	Re-write according to NALC model and inclusion of modification to meetings
4.1	Clerk	10.05.21	Removal of modification to meetings post 7 <sup>th</sup> May 21
4.2	Clerk	09.05.22	Financial controls and procurement amended as per NALC Legal Topic Note (LTN) 87,
5.0	Full Council	15.05.23	Removal of 5.10 restricting chairman to 3 consecutive years.

6.0	Full Council	13.05.2024	Financial controls and procurement amended as per NALC Legal Topic Note (LTN) 87.
7.0	Full Council	12.05.2024	NALC update to model standing orders 03.2025

## INTRODUCTION

- a. This document sets out the Standing Orders for Meppershall Parish Council (the Council).
- b. The next higher tier of local government to Meppershall Parish Council is Central Bedfordshire Council (CBC), which is a Unitary Authority.
- c. Once adopted, these standing orders shall be binding on each member of the Council.
- d. The Council shall consist of the Chairman and 9 other parish councillors and shall have all such functions as are vested in a parish council by virtue of the Local Government Act 1972, as amended or otherwise.
- e. The council shall employ a Clerk, who shall act as both the Proper Officer and the Responsible Financial Officer

## 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 of the meeting.
- 1.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 1.3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 1.4. 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.
- 1.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 1.6. 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.
- 1.7. 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.
- 1.8. 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.
- 1.9. 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.
- 1.10. Subject to standing order 1.12, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 1.11. 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.
- 1.12. A councillor may not move more than one amendment to an original or substantive motion.
- 1.13. The mover of an amendment has no right of reply at the end of debate on it.

- 1.14. 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 1.15. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - 1.15.1. to speak on an amendment moved by another councillor;
  - 1.15.2. to move or speak on another amendment if the motion has been amended since he last spoke;
  - 1.15.3. to make a point of order;
  - 1.15.4. to give a personal explanation; or
  - 1.15.5. to exercise a right of reply.
- 1.16. During the debate on 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 by.
- 1.17. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 1.18. When a motion is under debate, no other motion shall be moved except:
  - 1.18.1. to amend the motion;
  - 1.18.2. to proceed to the next business;
  - 1.18.3. to adjourn the debate;
  - 1.18.4. to put the motion to a vote;
  - 1.18.5. to ask a person to be no longer heard or to leave the meeting;
  - 1.18.6. to refer a motion to a committee or sub-committee for consideration;
  - 1.18.7. to exclude the public and press;
  - 1.18.8. to adjourn the meeting; or
  - 1.18.9. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- 1.19. 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.
- 1.20. Excluding motions moved under standing order 1.19, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- 2.1. No person 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.
- 2.2. A councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with standing order 2.3.
- 2.3. 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.
- 2.4. If a resolution made under standing order 2.3 is ignored, 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.

## **3. MEETINGS GENERALLY**

- 3.1. 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.
- 3.2. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- 3.3. 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 part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- 3.4. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- 3.5. The period of time designated for public participation at a meeting in accordance with standing order 3.4 shall not exceed 15 minutes unless directed by the chairman of the meeting.
- 3.6. Subject to standing order 3.4, a member of the public is entitled to speak once only and shall not speak for more than 3 minutes unless directed by the chairman of the meeting.
- 3.7. In accordance with standing order 3.4, 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. If the issue is not on the agenda, it shall not be debated unless included in the agenda of a subsequent meeting.
- 3.8. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.

- 3.9. A councillor may seek an answer to a question concerning any business of the council provided 7 clear days' notice of the question has been given to the Proper Officer. 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.
- 3.10. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- 3.11. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 3.12. Subject to standing order 3.13, 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.
- 3.13. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 3.14. 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.
- 3.15. 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.
- 3.16. The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council if 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.
- 3.17. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- 3.18. 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.
- 3.19. See standing orders 5.8, 5.9 and 5.10 for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.
- 3.20. 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. Such a request shall be made before moving on to the next item of business on the agenda.
- 3.21. 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.

- 3.22. 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. See standing order 4.4.5 for the quorum of a committee.
- 3.23. 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.
- 3.24. A meeting shall not exceed a period of 3 hours but may be extended by a motion.
- 3.25. An invitation to attend a meeting of MPC shall be sent, together with the agenda, to the Ward Councillors of Central Bedfordshire representing Meppershall's electoral ward.

## 4. COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS

- 4.1. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- 4.2. The members of a committee, sub-committee or working group may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- 4.3. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- 4.4. The Council may appoint committees, sub-committees or working groups as may be necessary, and:
  - 4.4.1. shall determine their terms of reference;
  - 4.4.2. may permit a committee, sub-committee or working group to determine the number, time and dates of their meetings;
  - 4.4.3. shall, subject to standing orders 4.2 and 4.3, appoint and determine the terms of office of members (or their substitutes) of such a committee or working group;
  - 4.4.4. shall, appoint a Spokesman to the committee or working group;
  - 4.4.5. shall determine the place, notice requirements and quorum for a meeting of a committee, in both cases, shall be no less than three;
  - 4.4.6. shall determine if the public may participate at a meeting of a committee, sub-committee or working group that they are permitted to attend;
  - 4.4.7. shall determine if the public and press are permitted to attend the meetings of a sub-committee or working group and also the advance public notice requirements, if any, required for their meetings; and
  - 4.4.8. may dissolve a committee, sub-committee or working group.
- 4.5. The duty and function of an appointed Spokesman is to lead a committee or working group and report back to the full Council at the first available meeting on findings and recommendations on matters within its sphere of operations.
- 4.6. If a Spokesman is in communication with any outside organisation and through any medium, it must be clearly stated and understood that the points made and expressed

are those of the Parish Council, are made at the Parish Council's request and are not the personal opinions of the Spokesman. If in any doubt the substance of the communication should be referred to the Clerk/Proper Officer of the Council.

## 5. ORDINARY COUNCIL MEETINGS (inc. ANNUAL MEETINGS)

- 5.1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- 5.2. In a year which is not an election year, the annual meeting of the Council shall be held on the second Monday in May, or as MPC may direct.
- 5.3. If no other time is fixed, the annual meeting of the Council shall take place at 7:45pm.
- 5.4. 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.
- 5.5. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.
- 5.6. 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.
- 5.7. The Vice-Chairman of the Council, if there is one, 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.
- 5.8. 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 annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.
- 5.9. 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 annual 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.
- 5.10. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business shall include:
  - 5.10.1. In an election year, delivery by the Chairman of the Council, Vice-Chairman and councillors of their acceptance of office forms. In a year which is not an election year, delivery by the Chairman of the Council and Vice-Chairman of their acceptance of office form;
  - 5.10.2. (In an election year only) Upon receipt of his/her declaration of acceptance of office, the Proper Officer shall provide each councillor with a copy of MPC's Standing Orders, Code of Conduct and other appropriate documentation.
  - 5.10.3. Confirmation of the accuracy of the minutes of the last meeting of the Council;

- 5.10.4. Receive and note minutes of and/or to determine recommendations made by Working Groups<sup>1</sup>
- 5.10.5. Review of delegation arrangements to appoint a representative of MPC on: The Board of Governors for Meppershall C of E Academy; The Village Hall Management Committee and other external bodies, and arrangements for reporting back.
- 5.10.6. Appointment of any new committees and working groups
- 5.10.7. Review of the terms of reference for committees and working groups;
- 5.10.8. Appoint Spokesman and members committees and working groups in accordance with standing order 4;
- 5.10.9. Review and adoption of appropriate standing orders and financial regulations;
- 5.10.10. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- 5.10.11. 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;
- 5.10.12. Review of inventory of land and other assets including buildings and office equipment;
- 5.10.13. Confirmation of arrangements for insurance cover in respect of all insurable risks (unless renewal falls later in the year);
- 5.10.14. Review of the Council's and/or staff subscriptions to other bodies (unless part of budgeting process);
- 5.10.15. Review of the Council's complaints procedure;
- 5.10.16. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
- 5.10.17. Review of the Council's policy for dealing with the press/media;
- 5.10.18. Review of the Council's employment policies and procedures (unless dealt with by the personnel committee);
- 5.10.19. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- 5.10.20. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council (unless previously determined).

## 6. EXTRAORDINARY MEETINGS

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

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<sup>1</sup> References to Working Groups for MPC shall be a reference to a standing body of one, or more members, without executive powers, with a spokesperson elected at the Annual Meeting. Working Group meetings will be conducted as directed by the spokesperson.

- 6.2. 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 2 councillors, any 2 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 2 councillors.
- 6.3. The Spokesman of a committee, sub-committee or working group may convene an extraordinary meeting of the committee at any time.
- 6.4. If the chairman of a committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee any 2 members of the committee may convene an extraordinary meeting of the committee

## **7. RECISSION OF PREVIOUS RESOLUTIONS**

- 7.1. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the report or recommendation of a working group.
- 7.2. When a motion moved pursuant to standing order 7.1 has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

- 8.1. Where more than two 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. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

## **9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- 9.1. 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 or its residents.
- 9.2. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 9.3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9.2, correct obvious grammatical or typographical errors in the wording of the motion.

- 9.4. If the Proper Officer considers the wording of a motion received in accordance with standing order 9.2 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
- 9.5. 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 in the agenda or rejected.
- 9.6. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 9.7. Motions received shall be recorded and numbered in the order that they are received.
- 9.8. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- 10.1. The following motions may be moved at a meeting without written notice to the Proper Officer:
  - 10.1.1. to correct an inaccuracy in the draft minutes of a meeting;
  - 10.1.2. to approve the absences of councillors;
  - 10.1.3. to move to a vote;
  - 10.1.4. to defer consideration of a motion;
  - 10.1.5. to refer a motion to a particular committee, working group or employee;
  - 10.1.6. to amend a motion relevant to the original or substantive motion under considerations which shall not have the effect of nullifying it;
  - 10.1.7. to appoint a person to preside at a meeting;
  - 10.1.8. to change the order of business on the agenda;
  - 10.1.9. to proceed to the next business on the agenda;
  - 10.1.10. to require a written report;
  - 10.1.11. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
  - 10.1.12. to appoint a committee or working group and their members (including substitutes);
  - 10.1.13. to dissolve a committee or working group;
  - 10.1.14. to note the minutes of a meeting of a committee or working group;
  - 10.1.15. to consider reports and/or recommendations made by a committee, working group or employee;
  - 10.1.16. to authorise the payment of monies up to £1,000.00 per single payment;
  - 10.1.17. to extend the time limits for speaking;
  - 10.1.18. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;

- 10.1.19. to answer questions from councillors;
- 10.1.20. to not hear further from a councillor or a member of the public and close off adjourn debate;
- 10.1.21. to exclude a councillor or member of the public for disorderly conduct;
- 10.1.22. to temporarily suspend the meeting;
- 10.1.23. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- 10.1.24. to adjourn the meeting; or
- 10.1.25. to close the meeting.

10.2. If a motion falls within the terms of reference of a committee, working group, or within the delegated powers conferred on an employee, a referral of the same may be made to such committee, working 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.

## **11. MANAGEMENT OF INFORMATION & CONFIDENTIALITY**

See also standing order 20.

- 11.1. 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.
- 11.2. 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 (e.g. the Limitation Act 1980).
- 11.3. 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.
- 11.4. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the council, and request a copy for the same purpose.
- 11.5. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- 11.6. A Councillor in breach of the provisions of Standing Order 11.4 above may be removed from a committee, sub-committee or working group by a resolution.

## **12. MINUTES**

- 12.1. The minutes of a meeting shall include an accurate record of the following:
  - 12.1.1. the time and place of the meeting;

- 12.1.2. the names of councillors who are present and the names of councillors who are absent;
- 12.1.3. interests that have been declared by councillors and non-councillors with voting rights;
- 12.1.4. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- 12.1.5. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- 12.1.6. if there was a public participation session; and
- 12.1.7. the resolutions made.

- 12.2. Draft minutes should be circulated to councillors within two weeks of the last meeting, or as soon as reasonably possible.
- 12.3. 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.
- 12.4. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10.1.1.
- 12.5. 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.
- 12.6. 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 MPC 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.”
- 12.7. Subject to the standing order 20.1 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.

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

See also standing order 3.21

- 13.1. All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 13.2. A disclosable pecuniary interest disclosed by a Councillor at a meeting shall be recorded in the minutes.

- 13.3. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 13.4. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest, if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- 13.5. 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.
- 13.6. A decision as to whether to grant a dispensation shall be made by the Proper Officer or full council and that decision is final.
- 13.7. A dispensation request shall confirm:
  - 13.7.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - 13.7.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - 13.7.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - 13.7.4. an explanation as to why the dispensation is sought.
- 13.8. Subject to standing orders 13.5 and 13.7, 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 of the Council, or committee, sub-committee or working group for which the dispensation is required.
- 13.9. A dispensation may be granted in accordance with standing order 13.6 if having regard to all relevant circumstances any of the following apply:
  - 13.9.1. 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;
  - 13.9.2. granting the dispensation is in the interests of persons living in the Council's area; or
  - 13.9.3. it is otherwise appropriate to grant a dispensation.

## **14. CODE OF CONDUCT COMPLAINTS**

- 14.1. Upon notification by the Unitary 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, subject to standing order 11, report this to the Council.

14.2. Where the notification in standing order 14.1 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member 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 in accordance with standing order 14.4.

14.3. The Council may:

- 14.3.1. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
- 14.3.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

14.4. Upon notification by the 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.

## 15. PROPER OFFICER

15.1. 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.

15.2. The Proper Officer shall:

- 15.2.1. at least 3 clear days<sup>2</sup> before a meeting of the council or committee,
  - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
  - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- 15.2.2. subject to standing order 9, include on 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;
- 15.2.3. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- 15.2.4. facilitate inspection of the minute book by local government electors;
- 15.2.5. receive and retain copies of byelaws made by other local authorities;
- 15.2.6. hold acceptance of office forms from councillors;
- 15.2.7. hold a copy of every councillor's register of interests;

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<sup>2</sup> The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

- 15.2.8. keep proper records required before and after meetings.
- 15.2.9. 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;
- 15.2.10. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- 15.2.11. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 15.2.12. 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);
- 15.2.13. cause the council to review and adopt appropriate policies and procedures.
- 15.2.14. arrange for legal deeds to be executed; (see also standing order 23);
- 15.2.15. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 15.2.16. record every planning application notified to the Council and the Council's response to the local planning authority;
- 15.2.17. Refer a planning application received from the planning authority to the Chairman or in their absence the Vice-Chairman and the Spokesman of the Planning Working Group - within 2 working days of receipt or as soon as is feasible to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of MPC unless delegated powers have been given to the Clerk.
- 15.2.18. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders unless such actions are delegated to another with the approval of MPC.
- 15.2.19. Cause the council to review the inventory of land and assets including buildings and office equipment.
- 15.2.20. Cause the council to review and confirm arrangements for insurance cover in respect of all insured risks.
- 15.2.21. manage access to information about the Council via the publication scheme; and

## **16. RESPONSIBLE FINANCIAL OFFICER**

- 16.1. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 17. ACCOUNTS AND ACCOUNTING STATEMENTS

- 17.1. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 17.2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 17.3. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - 17.3.1. the Council's receipts and payments (or income and expenditure) for each quarter;
  - 17.3.2. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - 17.3.3. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 17.4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - 17.4.1. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - 17.4.2. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- 17.5. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.
- 17.6. The council shall approve a written budget and set the precept for the coming financial year at its meeting before the end of January.
- 17.7. Any committee, sub-committee, working group or councillor desiring to incur expenditure for inclusion in the budget of the next financial year shall give the RFO a written estimate of the expenditure requested no later than the December meeting of the full Council

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- 18.1. 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:
  - 18.1.1. the keeping of accounting records and systems of internal controls;
  - 18.1.2. the assessment and management of financial risks faced by the Council;
  - 18.1.3. 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;
  - 18.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - 18.1.5. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- 18.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 18.3. The councils' financial regulations may make provision for the authorisation of the payment of money in exercise of any of MPC's functions to be delegated to a committee, working group or to an employee.
- 18.4. 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:
  - 18.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up.
  - 18.4.2. 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.
  - 18.4.3. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
  - 18.4.4. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed.
  - 18.4.5. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
  - 18.4.6. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 18.5. Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules.

## **19. HANDLING STAFF MATTERS**

- 19.1. A matter personal to a member of staff that is being considered by a meeting of Council or the personnel committee is subject to standing order 11 and it shall not be considered until a decision has been made whether or not the press and public shall be excluded pursuant to standing order 3.3 above.
- 19.2. Subject to the Council's policy regarding absences from work, the Clerk shall notify the chairman, or, in their absence, the vice-chairman of any absence occasioned by illness or other reason and that person shall report such absence at the next meeting.
- 19.3. The chairman together with another member of the personnel committee shall annually conduct a review of the performance and annual appraisal of the work of the clerk and other employees and shall keep a written record of it. The reviews and appraisal shall be reported to and are subject to approval by resolution of the personnel committee.
- 19.4. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the personnel committee or appointed councillors.
- 19.5. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the chairman or vice-chairman this shall be communicated to another member of personnel committee which shall be reported back and progressed by resolution of personnel committee or appointed councillors.
- 19.6. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their illness, absence performance, capabilities, grievance or disciplinary matters. Written records relating to employees shall be kept securely. All paper records shall be secured under lock and electronic records shall be password protected.
- 19.7. In accordance with standing order 11.1, persons with line management responsibilities and members of the personnel committee shall have access to staff records referred to in standing order 19.6.

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- 20.1. 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.

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

See also standing order 11.

- 21.1. The Council may appoint a Data Protection Officer.
- 21.2. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 21.3. The Council shall have a written policy in place for responding to and managing a personal data breach.
- 21.4. 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.
- 21.5. 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.
- 21.6. The Council shall maintain a written record of its processing activities.

## **22. RELATIONS WITH THE PRESS / MEDIA**

- 22.1. Requests from the press or other media for an oral or written comment or statement from the Council shall be directed to the Chairman or, in their absence, the Vice Chairman.

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15.2.14

- 23.1. The council shall not have a common seal.
- 23.2. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 23.3. Subject to standing order 23.2, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **24. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- 24.1. Unless duly authorised no councillor shall:
  - 24.1.1. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - 24.1.2. issue orders, instructions or directions.
- 24.2. Canvassing councillors, 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.
- 24.3. A Councillor 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.
- 24.4. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **25. STANDING ORDER GENERALLY**

- 25.1. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 25.2. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9 and shall not be carried unless two thirds of the councillors at a meeting of MPC vote in favour of the same.
- 25.3. The Proper Officer shall provide a copy of the Council's standing orders to a newly elected councillor as soon as possible.
- 25.4. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.