



## LISS PARISH COUNCIL STANDING ORDERS

(Provisions in **bold** type reflect statutory requirements.)

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## **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 or the agreement 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 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.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 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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. The Chairman may request for an amendment to be expressed in writing.
- 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 1.11 below, 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 without the chairman's permission.
- 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. Where an amendment is carried against the wishes of the mover of the original motion, the mover of that amendment shall have a right of reply on subsequent amendments and at the end of the debate on the substantive motion.
- 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 after he has spoken;
  - 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. A personal explanation shall be confined to a material part of a previous speech by him/her in the same debate, which may have been misunderstood.
- 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 extend the time limits for speaking;
  - 1.18.6. to ask a person to be no longer heard or to leave the meeting;

- 1.18.7. to exclude a Councillor or member of the public from the room where the meeting is being held, for disorderly conduct;
  - 1.18.8. to defer consideration of the matter under debate;
  - 1.18.9. to refer a motion to a committee or sub-committee for consideration;
  - 1.18.10. to require a written report
  - 1.18.11. to exclude the public and press;
  - 1.18.12. to adjourn the meeting;
  - 1.18.13. to suspend the meeting temporarily;
  - 1.18.14. to appoint a person to preside at a meeting;
  - 1.18.15. to close the meeting; or
  - 1.18.16. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- 1.19. The following may be moved without notice:
- 1.19.1. to correct an inaccuracy in the draft minutes
  - 1.19.2. to appoint a committee, sub-committee, working party or advisory group
- 1.20. 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.
- 1.21. Excluding motions moved under Standing Order 1.18, 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 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. 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.
- 2.3. If a resolution made under Standing Order 2.2 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**

- Full Council meetings ●
- Committee Meetings ●
- Sub-Committee Meetings ●

- 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. ● **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- 3.4. ●● **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.**
- 3.5. 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.

- 3.6. The period of time designated for public participation at a meeting in accordance with Standing Order 3.5 shall not exceed 20 minutes unless directed by the chairman of the meeting.
- 3.7. Subject to Standing Order 3.6, a member of the public shall not speak for more than three minutes.
- 3.8. In accordance with Standing Order 3.5, 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.
- 3.9. A person shall raise his 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.
- 3.10. 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.** A person who attends a meeting and reports on that meeting must comply with LPC’s Policy on Filming, Audio-Recording, Photographing and Reporting of Council Meetings.
- 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 (if there is one).**
- 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 there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- 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.**  
See Standing Orders 5.10 and 5.11 for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.
- 3.19. ● **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.
- 3.20. The minutes of a meeting shall include an accurate record of the following:
- 3.20.1. the time and place of the meeting;
- 3.20.2. the names of councillors who are present and the names of councillors who are absent;
- 3.20.3. the names of councillors arriving late or leaving early or absent themselves

- 3.20.4. for part of the meeting;
- 3.20.4. interests that have been declared by councillors and non-councillors with voting rights;
- 3.20.5. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- 3.20.6. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- 3.20.7. if there was a public participation session; and
- 3.20.8. the resolutions made.
- 3.21. If a Councillor is absent for six months or more, the Councillor will cease to hold office unless:
  - 3.21.1. he has submitted reasons for his continued absence which are accepted by the Council before the expiration of those six months
  - 3.21.2. any reason submitted and the Council's decision shall be recorded in the minutes
- 3.22. ●●● **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.**
- 3.23. ● **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 4.4.9 for the quorum of a committee or sub-committee meeting.
- 3.24. ●●● **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.
- 3.25. A meeting shall not exceed a period of two hours including any period of adjournment unless a majority of members vote to sit for a further period not exceeding half an hour.
- 3.26. The decision of the chairman of a meeting on any question of interpretation of Standing Orders or the conduct of business shall be final. This provision may not be suspended.

#### **4. Committees and Sub-Committees**

- 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 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 standing committees or other committees as may be necessary, and:
  - 4.4.1. shall determine their terms of reference;
  - 4.4.2. any sub-committee or advisory committee or working group comprising a majority of non-councillors shall not have delegated powers;
  - 4.4.3. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - 4.4.4. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - 4.4.5. shall, subject to Standing Orders 4.2 and 4.3, appoint and determine the terms of office of members of such a committee, subcommittee, advisory group or working group;
  - 4.4.6. may, subject to Standing Orders 4.2 and 4.3, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the

- committee confirm to the Proper Officer no later than the day before the meeting that they are unable to attend;
- 4.4.7. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - 4.4.8. shall permit a committee, other than a standing committee, subcommittee, working group or advisory group to appoint its own chairman at the first meeting of the committee and at each first meeting after the annual council meeting, provided that no member holds chairmanships of more than two committees;
  - 4.4.9. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - 4.4.10. shall determine if the public may participate at a meeting of a committee;
  - 4.4.11. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - 4.4.12. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend;
  - 4.4.13. may dissolve a committee or a sub-committee;
  - 4.4.14. may determine whether longer notice than the statutory minimum notice set out in Standing Order 16 below, is required; and
  - 4.4.15. shall consider and determine any recommendation to terminate an arrangement for co-option of a particular member.
- 4.5. With the exception of the Staff Committee members of the Council not appointed to a committee or sub-committee may attend and, with the permission of the Chairman, participate in discussion on any item but may not vote.
- 4.6. The Chairman and Vice Chairman of the Council, ex-officio, shall be voting members of every committee and of every sub-committee unless they signify that they do not wish to serve.
- 4.7. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council. Non-councillors may take a full part in the discussions of a committee but may not vote.
- 4.8. With the exception of the Staff Committee members of the Council not appointed to a committee or sub-committee may attend and, with the permission of the Chairman, participate in discussion on any item but may not vote.
- 4.9. Unless the Council determines otherwise, all the members of an advisory committee or its sub-committees or of a working group or its sub-groups may be non-councillors.

## **5. Ordinary Council 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 such day in May as the Council decides.**
- 5.3. If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.**
- 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 annual Parish meeting shall take place on the third Wednesday in March unless the Council agrees otherwise.
- 5.6. Prior to the first meeting following the election or co-option of a Councillor, that Councillor must deliver to the Proper Officer their acceptance of office forms.
- 5.7. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.** No member shall hold the office of Chairman for more than four consecutive years.
- 5.8. 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.**
- 5.9. 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.

- 5.10. 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.
- 5.11. 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.
- 5.12. Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- 5.12.1. **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;**
  - 5.12.2. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - 5.12.3. Receipt of the minutes of the last meeting of a committee;
  - 5.12.4. Consideration of the recommendations made by a committee;
  - 5.12.5. Appointment of members to existing committees;
  - 5.12.6. Appointment of any new committees, sub-committees, advisory committees or working groups in accordance with Standing Order 4 and appoint members to those new committees and groups;
  - 5.12.7. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
  - 5.12.8. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council in accordance with Standing Order 6 below
  - 5.12.9. To agree which of the Council's procedures policies and arrangements shall be reviewed in the forthcoming year by the Review Committee. This may include any of the following:-
    - 5.12.9.1. review of delegation arrangements to committees, sub-committees, staff and other local authorities.
    - 5.12.9.2. review of the terms of reference for committees;
    - 5.12.9.3. review and adoption of appropriate standing orders and financial regulations;
    - 5.12.9.4. review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
    - 5.12.9.5. 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;
    - 5.12.9.6. review of inventory of land and other assets including buildings and office equipment;
    - 5.12.9.7. confirmation of arrangements for insurance cover in respect of all insurable risks;
    - 5.12.9.8. review of the Council's and/or staff subscriptions to other bodies;
    - 5.12.9.9. review of the Council's complaints procedure;
    - 5.12.9.10. 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 12, 21 and 22);
    - 5.12.9.11. review of the Council's policy for dealing with the press/media;
    - 5.12.9.12. review of representation on or work with external bodies and

- arrangements for reporting back;
- 5.12.9.13. review of the Council's employment policies and procedures; and
- 5.12.9.14. to consider the payment of any subscriptions falling to be paid annually.

## **6. Other Council Meetings**

- 6.1. Ordinary meetings of the Council should normally be held on the third Monday of each month at 7.30pm. There will normally be no meeting in August.
- 6.2. The order of business for Council meetings, unless the Council otherwise decides shall be as set out below:-
  - 6.2.1. apologies for absence by councillors
  - 6.2.2. declarations of interest by councillors
  - 6.2.3. to confirm the accuracy of the minutes of the last meeting of the Council and to authorise the Chairman to sign them, if appropriate, as amended
  - 6.2.4. to receive such communication as the Chairman of the meeting may wish to lay before the Council
  - 6.2.5. to receive reports from County Councillors and District Councillors
  - 6.2.6. to deal with business expressly required by statute to be done
  - 6.2.7. to dispose of outstanding business and matters arising from the last meeting
  - 6.2.8. to answer pre-notified questions from councillors
  - 6.2.9. to authorise the signing of orders for payment
  - 6.2.10. to consider correspondence addressed to the Council
  - 6.2.11. to consider motions in the order in which they have been notified
  - 6.2.12. to consider any issues or recommendations arising from minutes of committees (whether draft or confirmed)
  - 6.2.13. to receive reports on matters of concern from councillors
  - 6.2.14. to receive reports from representatives of or councillors attending meetings of outside bodies
  - 6.2.15. to authorise the sealing of documents

## **7. Extraordinary Meetings of the Council, Committees and Sub-Committees**

- 7.1. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 7.2. **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.**
- 7.3. The chairman of a committee, sub-committee, advisory committee or working group may convene an extraordinary meeting of that body at any time.
- 7.4. If the chairman of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by three members of the committee or the sub-committee, any three members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.
- 7.5. An extraordinary meeting of a committee, sub-committee, advisory committee or working group may also be convened by the members of that body if not less than one half of the members of that body make a request in writing to the Clerk.

## **8. Previous Resolutions**

- 8.1. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer in accordance with Standing Order 10, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 8.2. When a motion moved pursuant to Standing Order 8.1 has been disposed of, no similar motion may be moved for a further six months.



## **9. Voting On Appointments**

- 9.1. 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.

## **10. Motions at a Meeting Requiring Written Notice to the Proper Officer**

- 10.1. 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.
- 10.2. Subject to Standing Order 1.18 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 four clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 10.3. The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 10.2, correct obvious grammatical or typographical errors in the wording of the motion, but shall not alter the meaning of the proposed motion without the proposer's consent.
- 10.4. If the Proper Officer considers the wording of a motion received in accordance with Standing Order 10.2 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 four clear days before the meeting.
- 10.5. 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.
- 10.6. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 10.7. Motions received shall be recorded and numbered in the order that they are received.
- 10.8. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- 10.9. A motion shall not be reconsidered within six months except either by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer in accordance with this Standing Order, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 10.10. When a motion moved pursuant to Standing Order 10.2 above has been disposed of, no similar motion in respect of that item of business may be moved within a further six months.

## **11. Motions at a Meeting Not Requiring Written Notice to the Proper Officer**

- 11.1. The following motions may be moved at a meeting without written notice to the Proper Officer:
- 11.1.1. to correct an inaccuracy in the draft minutes of a meeting;
  - 11.1.2. to move to a vote;
  - 11.1.3. to defer consideration of a motion;
  - 11.1.4. to refer a motion to a particular committee or sub-committee;
  - 11.1.5. to appoint a person to preside at a meeting;
  - 11.1.6. to change the order of business on the agenda;
  - 11.1.7. to proceed to the next business on the agenda;
  - 11.1.8. to require a written report;
  - 11.1.9. to appoint a committee or sub-committee and their members;
  - 11.1.10. to extend the time limits for speaking;
  - 11.1.11. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;

- 11.1.12. to not hear further from a councillor or a member of the public;
- 11.1.13. to exclude a councillor or member of the public for disorderly conduct;
- 11.1.14. to suspend the meeting temporarily;
- 11.1.15. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- 11.1.16. to adjourn the meeting; or
- 11.1.17. to close the meeting.

## **12. Management of Information**

See also Standing Order 21.

- 12.1. 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.**
- 12.2. 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).**
- 12.3. 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.**
- 12.4. Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**
- 12.5. Unless marked “exempt” the agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise compromise information disclosure of which would not be in the public interest.
- 12.6. Councillors and staff shall not disclose information marked as “exempt”, “confidential” or “sensitive” on the agenda and disclosure of which would not be in the public interest, unless and until the meeting at which the information is to be discussed decide that the press and public need not be excluded during its consideration.
- 12.7. Councillors and staff who come into possession other than by receipt of an agenda and supporting papers of information which they know or ought reasonably to be aware is confidential or sensitive information, shall not disclose that information to any person or organisation outside the Council unless by direction of the Council or a court of law or organisation authorised to require its disclosure.

## **13. Draft Minutes**

Full Council meetings ●

Committee Meetings ●

Sub-Committee Meetings ●

- 13.1. Draft minutes of committees and sub-committees shall be circulated to councillors of the relevant committee or sub-committee for informal comment on their accuracy and shall then be submitted to the full Council for information and comment and consideration of any issue that requires the Council’s consent. The accuracy of the draft minutes shall be a matter for the following meeting of the relevant committee or sub-committee.
- 13.2. 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.
- 13.3. 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 11.1.1.
- 13.4. Draft minutes of committees and sub-committees shall be circulated to councillors of the relevant committee or sub-committee for informal comment on their accuracy and

shall then be submitted to the full Council for information and comment, and consideration of any issues that requires the Council's consent. The accuracy of the draft minutes shall be a matter for the following meeting of the relevant committee or sub-committee.

- 13.5. 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.
- 13.6. 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 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."
- 13.7. ●●● **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.**
- 13.8. Subject to the publication of draft minutes in accordance with Standing Order 13.7 and Standing Order 21.1 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.

#### **14. Code of Conduct and Dispensations**

See also Standing Order 3.22.

- 14.1. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 14.2. 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.
- 14.3. 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 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.
- 14.4. **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.
- 14.5. A decision as to whether to grant a dispensation shall be made by the Proper Officer before the meeting or by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- 14.6. A dispensation request shall confirm:
- 14.6.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - 14.6.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - 14.6.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - 14.6.4. an explanation as to why the dispensation is sought.
- 14.7. Subject to Standing Orders 14.4 and 14.6, a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- 14.8. **A dispensation may be granted in accordance with Standing Order 14.5 if having regard to all relevant circumstances any of the following apply:**
- 14.8.1. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting**

- 14.8.2. **transacting the business as to impede the transaction of the business;**
- 14.8.2. **granting the dispensation is in the interests of persons living in the Council's area; or**
- 14.8.3. **it is otherwise appropriate to grant a dispensation.**

## **15. Code of Conduct Complaints**

- 15.1. Upon notification by the District or 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 12, report this to the Council.
- 15.2. Where the notification in Standing Order 15.1 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 15.4.
- 15.3. The Council may:
  - 15.3.1. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - 15.3.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 15.4. **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## **16. Proper Officer**

- 16.1. 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.
- 16.2. The Proper Officer shall:
  - 16.2.1. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - 16.2.1.1. **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**
    - 16.2.1.2. **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See Standing Order 3.2 for the meaning of clear days for a meeting of a full council and Standing Order 3.3 for the meaning of clear days for a meeting of a committee;
  - 16.2.2. subject to Standing Order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his withdrawal of it;
  - 16.2.3. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - 16.2.4. **facilitate inspection of the minute book by local government electors;**
  - 16.2.5. **receive and retain copies of byelaws made by other local authorities;**
  - 16.2.6. hold acceptance of office forms from councillors;
  - 16.2.7. hold a copy of every councillor's register of interests;
  - 16.2.8. 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;
  - 16.2.9. liaise, as appropriate, with the Council's Data Protection Officer;

- 16.2.10. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 16.2.11. 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);
- 16.2.12. arrange for legal deeds to be executed;  
(see also Standing Order 24);
- 16.2.13. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 16.2.14. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- 16.2.15. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;
- 16.2.16. manage access to information about the Council via the publication scheme; and
- 16.2.17. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
- 16.2.18. make available to the press and public all reports to be considered in public by the Council its committees and sub-committees
- 16.2.19. classify as "exempt" any report or minute or part thereof in respect of which in his opinion the Council committee or sub-committee is likely to exclude the press and public during its consideration
- 16.2.20. provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form.  
(see also Standing Order 24).
- 16.3. Additional items of business may be added by the Proper Officer at less and the requisite period of notice with the consent of the Chairman (in respect of Council meetings) or the relevant chairman (in the case of committees and sub-committees) and provided
  - 16.3.1. the agenda gives reason(s) why the item(s) could not have been considered at the previous meeting and
  - 16.3.2. why the item(s) could not wait until the next regular meeting or an extraordinary meeting convened for the purpose and
  - 16.3.3. asking for Councillor's agreement to consider the matter at less than the requisite notice.

## **17. Responsible Finance Officer**

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

## **18. Accounts and Accounting Statements**

- 18.1. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 18.2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 18.3. 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:
  - 18.3.1. the Council's receipts and payments (or income and expenditure) for each quarter;
  - 18.3.2. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - 18.3.3. 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.

- 18.4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- 18.4.1. 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
  - 18.4.2. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- 18.5. 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.
- 18.6. Orders for the payment of money which is provided for in the approved budget of the Council shall be signed by two members and the Proper Officer and subsequently authorised by resolution of the Council.
- 18.7. Orders for the payment of money which is not provided for in the approved budget shall be preceded by a resolution of the Council.

## **19. Financial Controls and Procurement**

- 19.1. 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:
- 19.1.1. the keeping of accounting records and systems of internal controls;
  - 19.1.2. the assessment and management of financial risks faced by the Council;
  - 19.1.3. 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;
  - 19.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - 19.1.5. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- 19.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 19.3. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in Standing Order 19.6 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 unless it proposed to use an existing list of approved suppliers (framework agreement).**
- 19.4. 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:
- 19.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - 19.4.2. 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;
  - 19.4.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

- 19.4.4. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 19.4.5. 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;
- 19.4.6. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- 19.5. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 19.6. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- 19.7. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **20. Handling Staff Matters**

- 20.1. A matter personal to a member of staff that is being considered by a meeting of the Council or the Staff Committee is subject to Standing Order 12.
- 20.2. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Staff Committee or, if he is not available, the vice-chairman (if there is one) of the Staff Committee of absence occasioned by illness or other reason and that person shall report such absence to the Staff Committee at its next meeting.
- 20.3. The chairman of the Staff Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of each member of staff's job title. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staff Committee.
- 20.4. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Staff Committee or in his absence, the vice-chairman of the Staff Committee in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Staff Committee.
- 20.5. 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 of the Staff Committee, this shall be communicated to another member of the Staff Committee, which shall be reported back and progressed by resolution of the Staff Committee.
- 20.6. 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 performance, capabilities, grievance or disciplinary matters.
- 20.7. In accordance with Standing Order 12.1, persons with line management responsibilities shall have access to staff records referred to in Standing Order 20.6

## **21. Responsibilities to Provide Information**

See also Standing Order 22

- 21.1. **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.**

**21.2. The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21.3. Requests for information held by the Council shall be handled by the Proper Officer in accordance with the Council's policy in respect of handling requests under relevant legislation. Any proposed refusal to disclose information shall first be the subject of consultation with the Chairman of the Council and relevant committee chairman.

21.4. A review of a refusal by the Proper Officer or his representative to disclose information shall be carried out by the Review Committee or a sub-committee thereof, which shall have delegated authority from the Council to determine the matter.

21.5. Correspondence from and notices served by the Information Commissioner shall be referred by the Proper Officer to the Chairman or the Vice Chairman of the Council.

## **22. Responsibilities Under Data Protection Legislation**

(Below is not an exclusive list).

See also Standing Order 12.

**22.1. The Council shall appoint a Data Protection Officer.**

**22.2. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

**22.3. The Council shall have a written policy in place for responding to and managing a personal data breach.**

22.4. **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.**

**22.5. 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.**

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

## **23. Relations with Press/Media**

23.1. 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 in respect of dealing with the press and/or other media.

23.2. No councillor may indicate nor give the impression to the press, other media or public that he or she is speaking on behalf of the Council without having their proposed comments agreed by the Chairman unless they are the authorised lead Councillor on any project. In any other situation a councillor must indicate to the press media or public that he or she is speaking only in a personal capacity, but is entitled to refer to himself as "councillor". This order does not apply to councillors who have been appointed to manage accounts under the Council's social media policy when using the relevant social media account in accordance with that policy.

## **24. Execution and Sealing of Legal Deeds**

See also Standing Orders 16.2.12 and 16.2.17.

24.1. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

**24.2. Subject to Standing Order 24.1, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.#**

## **25. Communications with District and County Councillors**

25.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.

25.2. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.



**26. Restrictions on Councillor Activities**

26.1. Unless duly authorised no councillor shall:

26.1.1. inspect any land and/or premises which the Council has a right or duty to inspect; or

26.1.2. issue orders, instructions or directions.

**27. Standing Orders Generally**

27.1. 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.

27.2. 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 four councillors to be given to the Proper Officer in accordance with Standing Order 10.

27.3. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

27.4. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Adopted by Liss Parish Council on 21<sup>st</sup> October 2019.

To be reviewed in 2022.