

CUMNOR PARISH COUNCIL

STANDING ORDERS for the Conduct of Council Business (Issue 3)

Issue History

Issue N°	Date of Adoption	Reference in Minute Book	Details of Change Made
1	3/11/2014	324/14	1 st Formal Issue: based on the NALC model Standing Orders issued in October 2013 and subsequently modified in August 2014.
2	2/3/2015	73/15	Standing Order 5.10 in Issue 1 modified as follows: <ul style="list-style-type: none">• Sub clause r generalised to cover all Council Procedures and Policies• Sub clause s generalised to cover all Council Information and Guidance documents• Sub clause t deleted and subsequent sub clause renumbered.
3	14/5/2018	159/18	Amendments to Standing Orders made based on the revised NALC model Standing orders dated April 2018 as follows: <ul style="list-style-type: none">• S/O 3.6 sub clause d added• S/O 11 amended• S/O 12.5 added and subsequent renumbered• S/O 15 sub clause e, j and k added and subsequent renumbering• S/O 18.1 sub clause e added• S/O 18.6 and 18.7 added• S/O 20 amended• S/O 21 addition subsequent renumbering

Reviewed annually in May

Preamble

These Standing Orders were first adopted by Cumnor Parish Council at its Meeting held on 3rd November 2014 and have been modified subsequently (see Issue History above).

They are designed to codify the practices currently adopted by Cumnor Parish Council in the conduct of its business. The Orders are based upon the Model Standing Orders published by the National Association of Local Councils (NALC).

Copies of these Model Standing Orders are held by the Clerk and the Council's Chairman.

Standing Orders printed in **bold type** derive directly from Statute and cannot therefore be varied, revoked or suspended.

Insofar as is practicable these Standing Orders have been written in terms that avoid the use of the singular personal pronoun. Where this has proved impracticable the gender of the post holder at the time that these Orders were drafted has been used. Thus the pronouns "he or him" are used to describe the Chairman and "she and her" the Clerk.

In the Standing Orders that follow the following terms have the meanings assigned to them below:

Code of Conduct The Code of Conduct applicable to all members of the Council required by law to be adopted by statute and adopted by the Council on 2nd July 2007 or any replacement Code adopted subsequently.

Member	An elected or co-opted member of the Cumnor Parish Council
The Chairman	The Chairman of Cumnor Parish Council. These Standing Orders make it clear that the person presiding at a meeting possesses all the powers of the Chairman with regard to the meeting. Consequently whenever the context of a Standing Order permits, the term “the Chairman” also covers the person presiding at the meeting.
The Council	Cumnor Parish Council

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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.
- 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 accepted or carried, the 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 1.11 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
- 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 of 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:
 - a. to speak on an amendment moved by another councillor
 - b. to move or speak on another amendment if the motion has been amended since he last spoke
 - c. to make a point of order
 - d. to give a personal explanation; or
 - e. in exercise of a right of reply
- 1.16 During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned 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 to:
 - a. amend the motion
 - b. proceed to the next business
 - c. adjourn the debate

- d. put the motion to a vote
 - e. request that a person be no longer heard or asked to leave the meeting
 - f. refer a motion to a committee or sub-committee for consideration
 - g. exclude the public and press
 - h. adjourn the meeting; or
 - i. suspend particular standing order(s) excepting those which reflect mandatory statutory 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 1.18 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

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 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 above 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 **Council 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 Council 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 Committee 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 **Council and Committee 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 Council meeting which they are entitled to attend in respect of the business on the agenda.
- a. The total period of time designated for public participation at a meeting in accordance with this standing order shall not exceed 20 minutes unless directed by the chairman of the meeting.
 - b. The chairman of the meeting may sub divide this period between items.
 - c. A member of the public shall not speak for more than 5 minutes.

- d. 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.
 - e. 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.
 - f. A person who speaks at a meeting shall direct his comments to the chairman of the meeting,
 - g. 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
- 3.6 Subject to the requirements of Standing Order 3.7, a person present at a meeting of the Council or its committees may not orally report or comment about a meeting as it takes place but otherwise may:**
- a film, photograph or make an audio recording of a meeting**
 - b use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later**
 - c report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
 - d A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.***
- 3.7 Persons exercising their rights under Standing Order 3.6 must follow the Council's guidance.
- 3.8 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.**
- 3.9 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.**
- 3.10 The Chairman, if present, shall preside at a meeting of the Council. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- 3.11 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- 3.12 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.**
- Different rules apply in the election of the Chairman of the Council at the annual meeting of the Council. See Standing Orders 5.8 and 5.9 below.*
- 3.13 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.
- 3.14 The minutes of a meeting shall include an accurate record of the following:
- a. the time and place of the meeting
 - b. the names of councillors present and absent and the reasons for absence, if given
 - c. interests that have been declared by councillors and non-councillors with voting rights
 - d. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered
 - e. if there was a public participation session, and
 - f. the resolutions made.

- 3.15 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.**
- 3.16 No business may be transacted at a meeting of the Council unless at least one-third of the whole number of members of the Council are present.**
- 3.17 If a meeting of the Council or a committee or subcommittee is or becomes inquorate no business shall be transacted and the meeting shall be closed.**
- a. Notwithstanding the requirements of this Standing Order, where the meeting is rendered inquorate solely as a result of declarations of interest, the Chairman may allow a variation in the order of business to allow items of business for which the Council is quorate to be completed before the meeting is closed.
 - b. The remaining business on the agenda for the inquorate meeting shall be adjourned to another meeting.
- 3.18 A meeting shall not exceed a period of 3 hours.

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** or is responsible for staffing matters.
- 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:
- a. shall not appoint any member of a committee so as to hold office later than the next Annual Parish Council Meeting
 - b. shall determine their terms of reference
 - c. shall determine the number of and approximate dates of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council
 - d. shall otherwise, subject to standing orders 4.2 and 4.3 above, permit a committee to settle its own programmes of meetings and to determine their location
 - e. shall determine the notice requirements and quorum for a meeting of a committee and a sub-committee: the notice period shall be no less than three days
 - f. shall determine if the public may participate at a meeting of a committee
 - g. 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
 - h. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - i. may dissolve a committee.
- 4.5 The Council's Chairman and Vice Chairman *ex officio* shall be voting members of every committee unless specifically barred by resolution of the Council.
- 4.6 Every committee shall at its first meeting following the Parish Council's Annual Meeting, before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall both hold office until the first meeting of the committee after the next Annual Parish Council Meeting. Save only that in an election year a committee chairman or vice chairman shall cease to hold office in the event that he is not re-elected.
- 4.7 Every committee may appoint sub-committees for purposes to be specified by the committee

- 4.8 The Chairman and Vice-Chairman of the committee shall be members of every sub committee appointed by it unless they signify that they do not wish to serve.
- 4.9 Except where ordered by the Council the quorum for a committee or subcommittee shall be not less than one half of its members.
- 4.10 The Standing Orders on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

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 new councillors elected take office.**
- 5.2 **In a year which is not an election year, the Annual Meeting shall be held on such day in May as the Council may direct.**
- 5.3 **If no other time is fixed, the Annual Meeting 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 directs.**
- 5.5 **The first business conducted at the Annual Meeting shall be the election of the Chairman and Vice-Chairman 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 any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- 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 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 must 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 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 must 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 of the Council, the business of the annual meeting shall include:
- a. **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**
 - b. Confirmation of the accuracy of the minutes of the last meeting of the Council
 - c. Review of delegation arrangements to committees, sub-committees, staff and other local authorities
 - d. Review of the terms of reference for committees
 - e. Appointment of members to existing committees
 - f. Appointment of any new committees in accordance with Standing Order 4 above
 - g. Fix the number of ordinary meetings of standing committees and the approximate dates of the meetings.
 - h. Review and adoption (if necessary) of appropriate standing orders and financial regulations
 - i. To receive a reminder from the Clerk of members' various responsibilities under the Council's Code of Conduct

- j. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities
 - k. Review of representation on or work with external bodies and arrangements for reporting back
 - l. Appointment of cheque signatories
 - m. Appointment of a councillor to verify the reconciliation of the Council's various bank accounts.
 - n. 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
 - o. Review of inventory of land and assets including buildings and office equipment
 - p. Confirmation of arrangements for insurance cover in respect of all insured risks
 - q. Review of the Council's and/or staff subscriptions to other bodies
 - r. Review of the Council's policies and procedures
 - s. Review of the Council's information and guidance documents
 - t. Determining the time and place of ordinary meetings of the full council up to and including the next Annual Meeting of Council.
- 5.11 On completion of the business as set out in standing order 5.10 the Annual Meeting agenda shall follow the relevant parts of the Agenda for ordinary meetings of the Council (see Standing Order 5.12).
- 5.12 The business of an Ordinary Meeting of the Council shall include:
- a. Confirmation of the accuracy of the minutes of the last meeting of the Council: unless already approved under Standing Order 5.10.
 - b. Receipt of the Clerk's Newsletter
 - c. Authorisation of the payment of the Council's debts
 - d. **Consideration of any business expressly required by statute to be done**
 - e. Public participation in accordance with Standing Order 3.5
 - f. Receipt of reports (if any) from the County Councillors
 - g. Receipt of reports (if any) from the District Councillors
 - h. Hearing from any visitor specifically invited to be present
 - i. Disposal of business, if any, left over from the previous meeting
 - j. Consideration of any business that the chairman of the meeting wishes to lay before the Council
 - k. Response to any questions formally asked of an Officer or official
 - l. For each committee: receipt of the minutes of the last meeting of a committee (if appropriate)
 - m. Receipt of an oral report from the Chairman of the committee
 - n. Consideration of any resolutions moved by and recommendations made by the committee
 - o. Consideration of any further resolutions and recommendations in the order in which they appear on the Agenda
 - p. Authorisation of the sealing of documents.

6 Extraordinary Meetings of the Council, Committees and Sub-Committees

- 6.1 **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- 6.2 **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by**

two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

6.3 The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time

6.4 If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by two members of the relevant committee or the sub-committee, any two members of the relevant committee or the sub-committee may convene an extraordinary meeting of the relevant committee or a sub-committee.

7 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 five (5) councillors to be given to the Proper Officer in accordance with Standing Order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

7.2 When a motion moved pursuant to Standing Order 7.1 above has been disposed of, no similar motion may be moved within 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 shall 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 which it is tabled for 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 5 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 above, 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 above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 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 Subject to Standing Order 9.5 above, 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 in a book for that purpose and numbered in the order that they are received.

9.8 Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their 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:
- a to correct an inaccuracy in the draft minutes of a meeting
 - b to move to a vote
 - c to defer consideration of a motion
 - d to refer a motion to a particular committee or sub-committee
 - e to appoint a person to preside at a meeting
 - f to change the order of business on the agenda
 - g to proceed to the next business on the agenda
 - h to require a written report
 - i to appoint a committee or sub-committee and their members
 - j to extend the time limits for speaking
 - k to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
 - l to not hear further from a councillor or a member of the public
 - m to exclude a councillor or member of the public for disorderly conduct
 - n to temporarily suspend the meeting
 - o to suspend a particular standing order (unless it reflects mandatory statutory requirements)
 - p to adjourn the meeting; or
 - q to close a meeting.
- 10.2 The procedural motions listed in Standing Order 10.1, if moved and seconded, shall be immediately put to the vote by the person presiding at the meeting: no debate is permitted.

11 Handling Confidential or Sensitive Information

- 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 *Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.***

12 Draft Minutes

- 12.1 If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

- 12.2 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 10.1a above.
- 12.3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 12.4 If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The chairman of this meeting does not believe that the minutes of the meeting of the (*Council, committee or subcommittee*) held on (*date*) in respect of (*minute reference*) 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.”
- 12.5 ***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.***
- 12.6 Upon 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 3.15.

- 13.1 All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- 13.2 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.
- 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 another prejudicial interest as defined 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.
- 13.4 **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.
- 13.5 A dispensation request shall confirm:
- a the description and the nature of the disclosable pecuniary or other interest to which the request for the dispensation relates
 - b whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote
 - c the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - d an explanation as to why the dispensation is sought.
- 13.6 A decision as to whether to grant a dispensation shall be made, after seeking the advice of the Proper Officer, by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- 13.7 Subject to standing orders 13.4 and 13.6 above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting to which the dispensation refers.
- 13.8 **A dispensation may be granted in accordance with standing order 13.6 above if having regard to all relevant circumstances the following applies:**

- a **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 or**
- b **granting the dispensation is in the interests of persons living in the council's area or**
- c **it is otherwise appropriate to grant a dispensation.**

14 Code of Conduct Complaints

- 14.1 Upon notification by the Vale of the White Horse District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 11 above, report this to the Council.
- 14.2 Where the notification in Standing Order 14.1 above 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 person to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14.4 below.
- 14.3 The Council may:
- a provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law
 - b seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter
- 14.4 **Upon notification by the District 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 the Clerk or in the absence of the Clerk another person nominated by the Council to undertake the work of the Proper Officer.
- 15.2 The Proper Officer shall:
- a **At least three clear days before a meeting of the Council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda**
- OR
- At least three clear days before a meeting of the Council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
- See standing order 3.2 above for the meaning of clear days for a meeting of the Council and standing order 3.3 above for a meeting of a committee.*
- b **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (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 above for the meaning of clear days for a meeting of the Council and standing order 3.3 above for a meeting of a committee.*
- c subject to Standing Order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it
 - d **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office**

- e **facilitate inspection of the minute book by local government electors**
- f ensure that proper written records are kept of decisions taken by the Council or its committees and sub committees
In the case of the Council or its (sub) committees the record is the relevant minute. Decisions taken under delegated authority are recorded on a special form. Certain decisions are exempted under guidance from this requirement
- g **receive and retain copies of byelaws made by other local authorities**
- h retain acceptance of office forms from councillors
- i retain a copy of every councillor's register of interests
- j *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*
- k *liaise, as appropriate, with the Council's Data Protection Officer*
- l receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
- m manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form
- n arrange for legal deeds to be executed
See also Standing Order 23 below
- o arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the Council's Financial Regulations
- p record every planning application notified to the Council and the Council's response to the local planning authority either electronically or in a book reserved for such purpose
- q refer a planning application received by the Council to the appropriate Plan Receiver or in the absence of the Plan Receiver to another Plan Receiver approved by the Chairman of the Planning Committee or in his absence by the Chairman of the Council or in the absence of both these persons by the vice Chairman of the Council within two working days of receipt to facilitate timely submission to the Planning Committee or the Council as appropriate
- r manage access to information about the Council via the publication scheme.

16 Responsible Financial Officer

- 16.1 The Council shall make appropriate arrangements to cover the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
The responsibilities of Responsible Financial Officer are carried out by the Clerk to the Parish Council. This can lead to a conflict of interest and Standing Order 16.2 immediately below deals with this situation.
- 16.2 The Council shall make appropriate arrangements to cover the work of the Responsible Financial Officer when the Responsible Financial Officer's responsibilities conflict with those of the Clerk.
- 16.3 Where a councillor is appointed to undertake the duties of the Responsible Financial Officer that councillor shall not be a cheque signatory.

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:

- a the council's receipts and payments for each quarter
 - b the council's aggregate receipts and payments for the year to date
 - c 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:
- a each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - b to the full council the accounting statements for the year in the form of Section 1 of the annual 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 applying the income and expenditure form of accounts for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

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:
- a the keeping of accounting records and systems of internal controls
 - b the assessment and management of financial risks faced by the Council
 - c 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
 - d the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - e *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 ***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 18.6 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.***
- 18.4 Subject to additional requirements in the Council's Financial Regulations, 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:
- a a specification for the goods, materials, services or the execution of works shall be drawn up
 - b 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
 - c the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate
 - d tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer

- e 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
 - f tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- 18.5 Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 18.6 ***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.***
- 18.7 ***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.***

19 Handling Staff Matters

- 19.1 A matter personal to a member of staff that is being considered by a meeting of the Council is subject to Standing Order 11 above
- 19.2 The Clerk shall report to the Chairman of the Council.
- 19.3 The Council shall appoint a Mentor for the Clerk, the Mentor:
- a shall provide support to the Clerk and provide a first informal point of contact in cases of difficulty
 - b shall not be a member of the Clerk's managerial chain
 - c shall keep confidential any information given to her in confidence by the Clerk unless authorised by the Clerk to divulge it
 - d shall not be a member of either the Staffing or Appeals Committee (see Standing Orders 19.7 and 19.8).
- 19.4 Any additional staff shall report to the Clerk unless the Council resolves otherwise.
- 19.5 The Council shall appoint a Staffing Committee to oversee the performance of the Clerk and any additional staff that the Council may subsequently employ.
- 19.6 The Staffing Committee shall be elected at the Council's Annual Meeting and shall consist of:
- a Three councillors and at least one alternate: the alternate shall only participate in the activities of the Committee if an elected member is unable to attend a meeting or is otherwise barred from participating.
 - b The Chairman and the Vice chairman of the Council shall not be members of this Committee
 - c No member or alternate member of the Appeals Committee may simultaneously serve as a member or alternate member of the Staffing Committee.
- 19.7 The Staffing Committee shall:
- a Receive from other Committees information concerning the scope of the Clerk's work: The aim is to highlight changes in the scope of the work not to comment on the manner in which it is carried out.

- b At least once a year, review with the Clerk the scope of her work and carry out with her an appraisal of her performance. The outcome of the review and appraisal shall be reported in writing and is subject to approval by resolution at a meeting of the Council,
 - c Subject to the Council's Grievance Policy, act as the first formal stage of the grievance process.
- 19.8 The Council shall also appoint an Appeals Committee, which shall act as the final stage of the Council's formal Grievance Policy.
- 19.9 The Appeals Committee shall be elected at the Council's Annual Meeting and shall consist of:
- a Three councillors and at least one alternate: the alternate shall only participate in the activities of the Committee if an elected member is unable to attend a meeting or is otherwise barred from participating.
 - b The Chairman and the Vice chairman of the Council shall not be members of this Committee
 - c No member or alternate member of the Staffing Committee may simultaneously serve as a member or alternate member of the Appeals Committee.
- 19.10 Subject to the Council's Grievance Policy, the Appeals Committee shall act as the final formal stage of the council's grievance process.
- 19.11 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 19.12 The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- 19.13 Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19.11 and 19.12 above shall be provided only to the Clerk, the Chairman of the Council and such other persons specifically authorised by Council.

20 Requests for 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.***

20.2 ***[If gross annual income or expenditure (whichever is higher) does not exceed £25,000] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.***
OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015

21 Responsibilities under Data Protection Legislation

(Below is not an exclusive list)

See also standing order 11.

21.1 ***The Council shall 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, 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 Execution and Sealing of Legal Deeds

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

24 Communicating with District and County Councillors

- 24.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors representing the Cumnor Ward of the Vale of White Horse District Council and the councillors representing the Kingston and Cumnor, and North Hinksey Divisions of the County Council.
- 24.2 Unless the Council determines otherwise, a copy of each letter sent to the District or County Council shall be sent to the ward or divisional councillors, as appropriate, representing the relevant area of the Council
- With effect from May 2015, Cumnor Parish is located within a single ward of the Vale of the White Horse District Council and split between two divisions of the Oxfordshire County Council.*

25 Restrictions on Councillor Activities

- 25.1 Unless authorised by a resolution, no Councillor shall:
- a inspect any land and/or premises which the council has a right or duty to inspect; or
 - b issue orders, instructions or directions.

26 Managing Standing Orders

- 26.1 All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting
- 26.2 A motion permanently to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall:
- a either be proposed by a special motion, written notice of whose terms, signed by at least 5 councillors must be given to the Proper Officer in accordance with terms Standing Order 9 above; or
 - b when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

The effect of this Standing Order is to allow changes to Standing Orders provided that the information being changed is in normal typeface: items in bold type cannot be changed. Some Standing Orders contain both normal and bold type; only the normal parts may be changed.

- 26.3 The Proper Officer shall provide a copy of the Council's Standing Orders to a councillor.
- a Either with the documentation supplied immediately before the councillor signs his acceptance of office form; or
 - b as soon as possible after he has delivered his acceptance of office form.
- 26.4 The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.