

Seascale Parish Council: Standing Orders

Introduction

Standing orders for the organisation and transaction of the council's business are decided by the full council. The following set of standing orders are based on the national model adopted by the National Association of Local Councils (NALC). Helen Pateman and I worked on this draft and I have completed the work following her resignation in February 2014. As you can see from the contents page overleaf, we have not proposed that every provision in the model orders is adopted for Seascale. This is because the model orders are designed as a 'one size fits all' and we recognised that a small parish council does not necessarily conduct its business as formally as does a large town council. However, I have sent you an electronic copy of the model orders to enable you to compare it with the abridged version I am putting before you as Seascale councillors.

Standing orders are complemented by other council policies, such as the financial regulations.

Standing orders in **bold type** should not be ignored or substantively amended unless the legislation out of which they are born changes. If the council wants to alter the wording of the model standing orders in bold type, any such amendments must not have the effect of undermining, overriding or conflicting with statutory requirements. Standing orders not highlighted in bold type do not incorporate statutory requirements, and may be adapted to suit the council's particular needs. Once again, the council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

I draw your particular attention to standing order 20(b) which is highlighted in red. I recommend that Seascale Parish Council considers this clause and records its decision in the minutes.

Where are we with standing orders?

Some of you may be thinking, 'hang on, haven't we already agreed standing orders?' Well, yes and no. Standing orders 1, 2 and 3 were adopted by the council on 4 September 2013, with 5 and 6 following suit on 2 October 2013. These decisions will need to be ratified at the annual general meeting on 2 May 2014. Additional standing orders 6-8, 11-14, 16-17, 20-21 and 24-25 will first be considered by the F&GP Committee on 26 March 2014 and then included as an agenda item at the annual general meeting. Subject to ratification, the council will then have a complete set of standing orders in place. The complete set will then be due for review in May 2015.



Sonia Batten
Clerk to Seascale Parish Council
March 2014

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Standing order 1: conduct of meetings

Mandatory for full council meetings	■
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	◆

- a **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.**
- b **When calculating the three clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- c **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.**
- d Under the agenda item 'public participation' and subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above is at the chair's discretion.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than two minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the chair may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.
- i A record of public participation session at a meeting shall be recorded in the minutes of that meeting.
- j A person shall raise one hand when requesting to speak and shall sit or stand to speak at the chair's discretion.
- k Any person speaking at a meeting shall address his or her comments to the chair.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the chair shall direct the order of speaking.

- m **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the council's prior consent.** All mobile phones must be switched off in meetings.
- n **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by or before the chair may be done by or before the vice-chair in the absence of the chair.**
- p **The chair, if present, shall preside at a meeting. If the chair is absent from a meeting the vice-chair, if present, shall preside. If both the chair and the vice-chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- ◆ q **Subject to standing order 1(r) below, every question at a meeting shall be decided by a majority of the councillors present and voting on it.**
- ◆ r **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise a casting vote, whether having given an original vote or not.**
- s **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. Voting patterns on council policy shall be recorded under individual councillors' names.**
- t **The minutes of all meetings shall record the names of councillors and co-opted members present and apologies from absent members. The names of members of the public who are present shall also be recorded.**
- u **The code of conduct adopted by the council shall apply to councillors and co-opted members in respect of the entire meeting.**
- v **An interest arising from the code of conduct adopted by the council, the existence and nature of which is required to be disclosed by a councillor at a meeting, shall be recorded in the minutes.**
- w **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.**
- ◆ x **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**
- y **Meetings shall not exceed a period of two hours unless there are exceptional circumstances**

and a majority of those present agree to extend the meeting.

Standing order 2: ordinary council meetings

See also standing order 1

- a **In an election year, the annual general meeting of the council shall be held on or within fourteen days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual general meeting of a council shall be held on such day in May as the council may direct.**
- c **If no other time is fixed, the annual general meeting of the council shall take place at 19:00.**
- d **In addition to the annual general 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.**
- e **The election of the chair and the vice-chair of the council shall be the first business completed at the annual general meeting of the council.**
- f **The chair of the council, except by reason of having resigned or become disqualified, shall continue in office and preside at the annual general meeting until a successor is elected at the next annual general meeting of the council.**
- g **The vice-chair of the council, except by reason of having resigned or become disqualified, shall hold office until immediately after the election of the chair of the council at the next annual general meeting of the council, when a successor shall be elected.**
- h **In an election year the current chair of the council, not having been re-elected as a member of the council, shall preside at the meeting until a successor chair of the council has been elected. The current chair of the council shall not have an original vote in respect of the election of the new chair of the council but must give a casting vote in the case of an equality of votes.**
- i **In an election year the current chair of the council, having been re-elected as a member of the council, shall preside at the meeting until a new chair of the council has been elected. The current chair of the council may exercise an original vote in respect of the election of the new chair of the council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the chair and vice-chair at the annual general meeting of the council, the order of business shall be as follows:
 - i in an election year, delivery by councillors of their declarations of acceptance of office;
 - ii confirmation of the accuracy of the minutes of the last meeting of the council committees;

- iii review of delegation arrangements to committees, sub-committees, employees and other local authorities;
- iv review of the terms of reference for committees;
- v receipt of nominations to existing committees;
- vi appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them;
- vii review or adopt appropriate standing orders, financial regulations, risk assessment measures and other policies and procedures;
- viii establish or review the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- ix review the council's policies of compliance with government legislation;
- x review arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi review representation on or work with external bodies and arrangements for reporting back;
- xii in an election year, if a council's period of eligibility to exercise the power of well-being expired the day before the annual general meeting, to review and make arrangements to reaffirm eligibility;
- xiii review of inventory of land and assets including buildings and office equipment;
- xiv review and confirmation of arrangements for insurance cover in respect of all insured risks;
- xv review the council's and/or employees' membership of other bodies;
- xvi review arrangements to finance and support the Seascale village website and the Seascale village magazine;
- xvii establish or review the council's policy for dealing with the press/media;
- xviii set the dates, times and place of ordinary meetings of the full council for the year ahead.

Standing order 3: proper officer

- a The council's proper officer shall be either (i) the clerk or such other such employee as may be nominated by the council from time to time or (ii) such other employee appointed by the council to undertake the role of the proper officer during the proper officer's absence. The proper officer and the employee assigned to act as such during the proper officer's absence shall fulfil the duties assigned to the proper officer in standing orders.
- b The council's proper officer shall do the following:
- i **serve summons on councillors and co-opted members electronically by email confirming the time, date, venue and agenda for a meeting of the council, a committee or a sub-committee at least three clear days before the meeting; any such email must contain the electronic signature and title of the proper officer;**
 - ii **give public notice of the time, date, venue 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); make this notice available in electronic form for the council pages of the Seascale village website;**
 - iii **convene a meeting of full council for the election of a new chair of the council, occasioned by a casual vacancy in that office, in accordance with standing order 3 (b) i & ii;**
 - iv **make available for inspection the minutes of meetings and make them available in electronic form for the council pages of the Seascale village website;**
 - v **receive and retain copies of byelaws made by other local authorities;**
 - vi **receive and retain declarations of acceptance of office from councillors;**
 - vii **retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection;**
 - viii **provide electronic copies of every councillor's register of interests and any changes to it to the district council and for the council's pages of the Seascale village website;**
 - ix keep proper records required before and after meetings
 - x process all requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, in accordance with and subject to the council's procedures relating to the same;
 - xi receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;

- xii manage the organisation, storage of and access to information held by the council in paper and electronic form;
- xiii arrange for the legal deeds to be signed by two councillors and witnessed;
- xiv arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xv record every planning application notified to the council and the council's response to the local planning authority in a file and in electronic form;
- xvi make available details of every planning application notified to the council and the council's response to the local planning authority in electronic form for the council pages of the Seascale village website;
- xvii refer to a planning application received by the council to the chair of the planning committee (or the chair or the vice-chair of the council if the chair of the planning committee is absent) within two working days of receipt to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting of the council or of the planning committee;
- xviii action or undertake activity or responsibilities instructed by resolution or contained in standing orders;
- xix receive from councillors notification of their absence from meetings or for extended periods; ensure that their apologies are presented at meetings; and that information circulated is delivered on their return from absence.

Standing order 4: agenda items for discussion and decision

- a Model agenda (see appendix 1)
- b Regular agenda items:
 - i the agenda will always include items 1-6. Items 8 - 14 will always be present but may be numbered differently;
 - ii item 7 will vary according to the business to be considered. Subjects may be inserted at appropriate positions on the agenda and numbers may vary.
- c Public notice of the agenda must be given at least three clear days before the meeting (see SO1(b)); Saturday is counted as a clear day, but Sunday is not:
 - i the agenda will be prepared by the clerk in consultation with the chair;

- ii councillors wishing for consideration to be given to a particular matter must notify the clerk a minimum of four days before the agenda is due to be issued, in order that the item may be included.
- d Decisions cannot be taken on matters not included as agenda items (see also SO5(a)):
 - i matters of information may be raised by the chair under item 2 of the agenda and by councillors under item 13 of the model agenda.

Standing order 5: discussion and decision on items not on the agenda

- a Discussion and decision may be taken on items not on the agenda only when they concern the following:
 - i to appoint a councillor to preside at a meeting;
 - ii to dispose of business held over by agreement from the previous meeting;
 - iii to alter the order of business on the agenda for reasons of urgency or expedience;
 - iv to refer by formal delegation a matter to a committee or to a sub-committee or an employee;
 - v to answer questions from councillors;
 - vi to exclude the press and public for all or part of a meeting;
 - vii to silence or exclude from the meeting a councillor or a member of the public for disorderly conduct;
 - viii to suspend any standing order except those which are mandatory by law, for the item under discussion or for the duration of the meeting;**
 - ix to close or adjourn debate on an issue;
 - x to adjourn the meeting.

Standing order 6: extraordinary meetings of the council and committees and sub-committees

- a **The chair of the council may convene an extraordinary meeting of the council at any time.**
- b **If the chair 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 two councillors.**
- c The chair of a committee or sub-committee may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the chair of the committee or sub-committee does not or refuses to call an extraordinary meeting within three days of having been requested to do so by three members of the committee or sub-committee, any three members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

Standing order 7: previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least three councillors to be given to the proper officer in accordance with SO9, or by a motion moved in pursuance of the recommendation of a committee or sub-committee.
- b When a motion moved pursuant to SO7(a) above has been disposed of, no similar motion may be moved within a further six months.

Standing order 8: voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons have 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 chair of the meeting.

Standing order 11: handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

Standing order 12: draft minutes

- a 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.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c The accuracy of the draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, s/he shall sign the minutes and include in the following terms or to the same effect:

“The chair of this meeting does not believe that the minutes of the meeting of the [insert committee name] held on [date] in respect of [paragraph or item] were a correct record but [his/her] view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e 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.

Standing order 13: code of conduct and dispensations

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he or she 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 or she has a disclosable pecuniary interest. He or she may return to the meeting after it has considered the matter in which he or she had the interest.
- c Unless he or she 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 or she has another interest if so required by the council’s code of conduct. He or she may return to the meeting after it has considered the matter in which he or she had the interest.
- d **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.

- e A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required, and that decision is final.
- f A dispensation request shall confirm:
 - i the description and the nature of the disclosable pecuniary interest or other interest to which the request for dispensation relates;
 - ii whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensation requests shall be considered at the beginning of the meeting of the council, or committee or sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13(e) above if, having regard to all relevant circumstances, the following applies:**
 - i 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;**
 - ii granting the dispensation is in the interests of persons living in the council's area; or**
 - iii it is otherwise appropriate to grant a dispensation.**

Standing order 14: code of conduct complaints

- a Upon notification by the borough 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.
- b Where the notification in standing order 14(a) above relates to a complaint made by the proper officer, the proper officer shall notify the chair of the council of this fact, and the chair shall nominate another staff member to assume the duties of the proper officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The council may:

- i provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d 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.**

Standing order 16: responsible financial officer

- a The council shall appoint appropriate staff member(s) to undertake the work of the responsible financial officer when the responsible financial officer is absent.

Standing order 17: accounts and accounting statements

See also Seascale Parish Council's financial regulations

- a 'Proper practices' in standing orders refer to the most recent version of *Governance and Accountability for Local Councils – a Practitioner's Guide (England)*.
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c 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:
 - i the council's receipts and payments for each quarter;
 - ii the council's aggregate receipts and payments for the year to date;
 - iii 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.

- d As soon as possible after the financial year end at 31 March, the responsible financial officer shall provide:
 - i each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information;
 - ii 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.

- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) 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.

Standing order 20: requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the proper office to the chair of the parish council. The parish council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

Standing order 21: relations with the press/media

- a 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.

Standing order 23: communicating with district, county or unitary councillors

- a 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.
- b 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.

Standing order 24: restrictions on councillor activities

- a Unless authorised by a resolution, no councillor will:
 - i inspect any land and/or premises which the council has a right or duty to inspect;
 - ii issue orders, instructions or directions.

Standing order 25: standing orders generally

- a 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.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the proper officer.
- c The proper officer shall 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.
- d The decision of the chair of the meeting as to the application of standing orders at the meeting shall be final.

Appendix 1: model agenda**Action**

- 1. Apologies**
- 2. Announcements from the Chair**
- 3. Declarations of Interest by Councillors in respect of Agenda Items**
- 4. Minutes of the Previous Meeting of [insert date]**
- 5. Actions Arising from the Previous Meeting of [insert date]**
- 6. Public Participation**
- 7. Reports from Committees and Representatives**
 - 7.1 To receive a report from the Amenities Committee (draft minutes from its meeting on [insert date])
 - 7.1.1 To receive the committee's recommendations on [insert subject]
 - 7.1.2 To receive further information arising from the report
 - 7.2 To receive a report from the Planning Committee (draft minutes from its meeting on [insert date])
 - 7.2.1 To receive the committee's recommendations on [insert subject]
 - 7.2.2 To receive further information arising from the report
 - 7.3 To receive a report from the Finance and General Purposes Committee (draft minutes from its meeting on [insert date])
 - 7.3.1 To receive the committee's recommendations on [insert subject]
 - 7.3.2 To receive further information arising from the report
 - 7.4 To receive any other reports
- 8. Finance**
 - 8.1 To receive a schedule of receipts and payments from the RFO
 - 8.2 To receive a quarterly report on the [insert date] accounts from the RFO
- 9. Planning**

9.1 To consider planning application 4/14/xxxx/OF1 [insert title]

10. Crime and Vandalism

10.1 To receive a report from [insert name of PC or PCSO)

11. Correspondence

11.1 To receive a schedule of correspondence not included as agenda items

12. Urgent Items raised by Councillors

12.1 Councillors are requested to use this opportunity to report minor matters of information not included on this agenda and to raise items for future agendas. Councillors are respectfully reminded that this is not an opportunity for debate or decision making

13. Dates of Forthcoming Parish Council Meetings

13.1 Please refer to the published schedule

14. Confidential Business

14.1 To consider the exclusion of the public and press in the public interest for consideration of the following:

14.1.1 Personnel issues

14.1.2 Legal issues