**CLAVERLEY PARISH COUNCIL**

**STANDING ORDERS**

These Standing Orders were adopted by the Council at its Meeting held on Monday 9 June 2014.

1. Meetings generally

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.**
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. **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.**
4. Members of the public may make representations at the public session which commences 15 minutes prior to the council meeting. Members of the public can remain for the council meeting but cannot speak during the council meeting unless they have asked for permission to do so or the Chair of the Council gives permission.
5. The period of time designated for the public session at a council meeting in accordance with standing order 3(d) above shall not exceed 15 minutes unless directed by the chair of the meeting.
6. A person who speaks at a meeting shall direct their comments to the chair of the meeting.
7. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
8. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council’s** **prior written consent**.
9. **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**.
10. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council (if any).**
11. **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.**
12. **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.**

1. **The chair** **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/her casting vote whether or not he/she gave an original vote.**

*See standing orders 2(i) and (j) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.*

1. **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
2. The minutes of a meeting shall include an accurate record of the following:
3. the time and place of the meeting;
4. the names of councillors present and absent;
5. interests that have been declared by councillors with voting rights;
6. whether a councillor with voting rights left the meeting when matters that they held interests in were being considered;
7. if there was a public participation session; and
8. the resolutions made.
9. **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 their right to participate and vote on that matter.**
10. **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.**
11. **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.
12. Ordinary council meetings
13. **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.**
14. **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
15. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
16. **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.**
17. **The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair (if any) of the Council.**
18. **The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.**
19. **The Vice-Chair of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the council.**
20. **In an election year, if the current Chair of the Council has not been re-elected as a member of the council, he/she 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.**
21. **In an election year, if the current Chair of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Chair of the Council has been elected. He/she 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.**
22. Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
    * 1. **In an election year, delivery by the Chair 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 Chair of the Council of his/her acceptance of office form unless the council resolves for this to be done at a later date;**
      2. Confirmation of the accuracy of the minutes of the last meeting of the council;
      3. Receipt of the minutes of the last meeting;
      4. Consideration of the recommendations;
      5. Review of delegation arrangements to staff and other local authorities;
      6. Review and adoption of appropriate standing orders and financial regulations;
      7. Review of representation on or work with external bodies and arrangements for reporting back;
      8. 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;
      9. Review of the council’s procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
      10. Review of the council’s policy for dealing with the press/media; and
      11. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.
23. Extraordinary meetings of the council
24. **The Chair of the Council may convene an extraordinary meeting of the council at any time.**
25. **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 the two councillors.**

1. Handling confidential or sensitive information
2. 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.
3. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
4. Draft minutes
5. 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.
6. 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.
7. The accuracy of 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.
8. 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.
9. Code of conduct and dispensations

See also standing order 1(p) above.

1. All councillors with voting rights shall observe the code of conduct adopted by the council.
2. Unless he/she has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he had the interest.
3. Unless he/she has been granted a dispensation, a councillor with voting rights can participate in a meeting when it is considering a matter in which he has another interest if so required by the council’s code of conduct, however, he/she cannot vote on the matter. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
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.
5. A decision as to whether to grant a dispensation shall be made by a meeting of the council and that decision is final.
6. **A dispensation may be granted in accordance with standing order 6(e) above if having regard to all relevant circumstances the following applies:**
   1. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
   2. **granting the dispensation is in the interests of persons living in the council’s area or**
   3. **it is otherwise appropriate to grant a dispensation.**
7. Code of conduct complaints
8. **Upon notification by the Unitary Council that a councillor or non-councillor with voting rights has breached the council’s code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**
9. Proper Officer
10. 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.
11. The Proper Officer shall:
    1. at least three clear days before a meeting of the council, 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 1(b) above for the meaning of clear days for a meeting of a full council*
    2. **give public notice of the time, place and agenda at least three clear days before a meeting of the council (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**

*See standing order 1(b) above for the meaning of clear days for a meeting of a full council.*

* 1. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office;**
  2. facilitate inspection of the minute book by local government electors;
  3. **receive and retain copies of byelaws made by other local authorities;**
  4. retain acceptance of office forms from councillors;
  5. retain a copy of every councillor’s register of interests;
  6. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council’s policies and procedures relating to the same;
  7. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  8. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  9. arrange for legal deeds to be executed;

*See also standing order 13 below.*

* 1. 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;
  2. record every planning application notified to the council and the council’s response to the local planning authority in a book for such purpose;
  3. refer a planning application received by the council to the Chair or in his/her absence the Vice-Chair of the Council 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 council;
  4. manage access to information about the council via the publication scheme; and
  5. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

*See also standing order 13 below.*

1. Accounts and accounting statements
2. “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
3. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.
4. Financial controls and procurement
5. 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:
6. the keeping of accounting records and systems of internal controls;
7. the assessment and management of financial risks faced by the council;
8. 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;
9. the inspection and copying by councillors and local electors of the council’s accounts and/or orders of payments; and
10. procurement policies (subject to standing order 10(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
11. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
12. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of** £50,000 **shall be procured on the basis of a formal tender as summarised in standing order 10(d) below.**
13. 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:
14. a specification for the goods, materials, services or the execution of works shall be drawn up;
15. 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;
16. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
17. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
18. 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. tenders are to be reported to and considered by the appropriate meeting of the council.
20. The council is not bound to accept the lowest value tender.
21. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**
22. Requests for information
23. 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.
24. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chair of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
25. Relations with the press/media
26. 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.
27. General enquiries should be addressed by the chair or vice chair of the Council. Enquiries on matters where there is a representative should be dealt with by the appropriate representative.
28. Execution and sealing of legal deeds

*See also standing orders 8(b)(xi) and (xvi) above.*

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

**Subject to standing order 13(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

1. Communicating with Unitary councillors
2. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the Unitary Council representing the area of the council.
3. Unless the council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward councillor(s) representing the area of the council.
4. Standing orders generally
5. The Proper Officer shall provide a copy of the council’s standing orders to a councillor as soon as possible after he/she has delivered their acceptance of office form.
6. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.