SOMERLEYTON ASHBY & HERRINGFLEET PARISH COUNCIL

STANDING ORDERS

Introduction to Standing Orders
A council may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders (Local Government Act 1972, sch 12, para 42).

This means that Standing Orders make up a document of 'rules' for a council to follow. Some of these 'rules' are laid down in law and these are in bold, these must not be removed or changed. Other orders, not in bold, are rules to support the governance of a council – how it is organised and administered. Standing Orders may refer to other council policies or regulations which give greater detail about specific items such as Financial Regulations and Data Protection Policy.
Standing Orders inform officers, councillors and the public. They ensure that actions taken by the council are legal, logical, consistent and transparent and they support the internal control of a council i.e. its financial strength.

Note that reference is made to the clerk throughout (Proper Officer of the Council is the legal term) and to the Responsible Financial Officer (RFO), who may also be the clerk.

1. Accounting

a) Financial procedures to be followed must be detailed in the Financial Regulations (not Standing Orders) of the council and based upon 'Proper Practices' as identified in the most recent version of 'Governance and Accountability for Local Councils' (https://www.saaa.co.uk/legislation-guidance/). One exception is that the law requires Standing Orders to contain details about contracts (see Contacts and Procurement).

2. Agendas (and summons)

b) **All items to be decided at a meeting must be detailed on the agenda.**

c) **The date, time and place of a meeting must be published at least three clear days before a meeting of the council (excluding the day of issue and meeting date, Sundays and bank holidays and days appointed for public thanksgiving or mourning). Publication must be in a conspicuous place in the parish (noticeboards) and, if the receipts and payments of the council are both under £25,000, on the council's website**

d) **The summons, to include the agenda, must be sent to councillors at least three clear days before a meeting of the council (excluding the day of issue and meeting date, Sundays and bank holidays and days appointed for public thanksgiving or mourning).**

e) **The agenda/summons must be signed by the clerk and dated.**

f) Items for inclusion on the agenda should be given in writing to the clerk by a councillor at least 7 days before a meeting.

g) The chair and the clerk will agree the agenda prior to its publication, the final say on the content of the agenda rests with the clerk.

h) The agenda and supporting papers shall not disclose or undermine confidential information or personal data without legal justification.

i) The agenda should be sent to the district and county councillors representing the council's area. This is an invitation to attend but as a member of the public.

j) The agenda will detail the following in this order:
   i. Receipt or approval of apologies for absence
   ii. Receipt of declarations of interest and consideration of requests for dispensations
   iii. Confirmation of the accuracy of the minutes of last meeting
   iv. Public participation
   v. Other items for discussion such as planning matters; financial reports; progress of projects etc.

k) **The agenda for the annual council meeting must include, as a first item, the election of chair.** Further items may include:
   i. Review of delegation arrangements to committees, sub-committees, officers and other local authorities
   ii. Review of the terms of reference for committees
   iii. Appointment of councillors to committees and working parties
   iv. Review of policies
   v. Review of membership of external bodies
   vi. In the year of an ordinary election the re-adoption of the General Power of Competence, if appropriate

l) The following items can be considered at a meeting even if they are not on the agenda:
   i. to appoint a councillor to chair the meeting (if chair and vice-chair are not present)
   ii. to defer consideration of an item until a future meeting
   iii. to exclude the public from a meeting in respect of confidential or other information which is prejudicial to the public interest
   iv. to temporarily suspend the meeting
   v. to suspend a particular standing order (unless contrary to legislation)
   vi. to adjourn the meeting
   vii. to close the meeting

m) An agenda item, that would result in a reversal of a decision made within the last six months, shall not be included unless requested in writing by 2 councillors.

3. Apologies

a) A councillor, if unable to attend a meeting, must give their apologies and the reason to the clerk.
b) **If a councillor fails throughout six consecutive months to attend any meetings of the council, or its committees or sub-committees of which they are a member they cease to be a councillor unless there is a 'statutory' reason for the absence such as military service, or failure to attend is approved by the council. The period begins with the last meeting attended.**

4. Chair

a) **The council must elect a chair who must be a member of the council.**
b) **The appointment of chair must be an annual appointment.**
c) At the moment when the new chair accepts office the previous chair automatically retires.
d) Following their election, the chair must sign a declaration of acceptance of office unless the council, at that meeting, permits the declaration to be made at or before a later meeting. The declaration must be made in the presence of a member or the council's proper officer and delivered to the council.
e) The person presiding at a meeting may vote and if there is an equality of votes, they may use their second or casting vote. If the item is the election of a chair, then the casting vote, if it is necessary, must be used.
f) The casting vote does not have to be used in the same way as the original vote.
g) The chair or in their absence the vice-chair (if any) must preside.
h) If both are absent the council must appoint some other councillor to preside.
i) The decision of the chair regarding any standing order at a meeting is final (with the exception of an order which supports a legal requirement).

5. Clerk

a) **Duties of the clerk include to convene meetings of the council for the election of a new council chair, occasioned by a casual vacancy in that office; facilitate inspection of the minute book by local government electors; receive and retain copies of bylaws made by other authorities; serve on councillors in a manner agreed by them, a signed summons confirming the time, place and the agenda of a council meeting; provide in a conspicuous place a public notice of the time, place and agenda of a council meeting.**

6. Code of Conduct and Dispensations

a) **All councillors must observe the Code of Conduct adopted by the Council at all times whilst acting or perceived to be acting as a councillor.**
b) **Code of Conduct complaints must be referred to the District/Borough Council Monitoring Officer, their advice must be followed, and the complaint must not be investigated or considered by the council.**
c) **All councillors must complete a Declaration of Interests Form within 28 days of taking office.**
d) **Councillors are responsible for keeping their Declaration of Interest Form up to date and must complete a new form within 28 days of any changes.**
e) A dispensation request should be sent to the clerk in writing, prior to the meeting starting (see dispensation request form).
f) A dispensation will be decided by the council or the committee.

g) **If a dispensation is not granted, the councillor must not take part in the item** and should consider leaving the room, returning to the meeting after the item has been concluded.
h) **A dispensation may be granted for the following reasons:**
    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.**

7. Committees, Sub-committees and Working Parties

a) **The council may appoint committees and delegate many of their functions to them. Setting the budget and precept, considering an auditor's report or signing AGAR, borrowing money, adopting the general power of competence and adopting or revising the code of conduct are examples of items that cannot be delegated to a committee.**
b) **The council decides terms of reference for the committee.** e.g. number of meetings, membership, functions, budget (if any), how the chair of the committee shall be appointed.
c) **A committee will have an agenda, be open to the public, and have minutes.**
d) The quorum of a committee should be no less than three.
e) **Non-councillors can be appointed to committees, unless that committee regulates and controls the finances of the council. Non-councillors only get a vote if the function of the committee is the management of land, harbour functions, tourism functions or the management of a festival.** Non-councillors must abide by the council's Code of Conduct.
f) A committee may delegate any of its functions to a sub-committee.
g) Standing Orders of the council shall apply to all committees and sub-committees.
h) The council may appoint a working party. The council decides the brief of the working party. A working party cannot make decisions. A working party need not have agendas, does not have to meet in public and there is no requirement for minutes, however 'notes' of meetings should be kept.

8. Contracts and Procurement (must be included in Standing Orders)

a) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 (including VAT) but less than the published relevant thresholds referred to in 8d below is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
b) 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:
    i. a specification for the goods, materials, services or the execution of works shall be drawn up;

ii. 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 officers to encourage or support their tender outside the prescribed process;
iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
v. 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;
vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

c) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
d) **Where the value of a contract is likely to exceed the threshold specified by the Cabinet Office from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.**

9. Councillor Vacancy

a) **A councillor who wishes to resign must send their written resignation to the chair of the council. Their chair resigns to the council,** sending their written resignation to the Clerk.
b) **Any vacancy arising must be advertised for a period of 14 days, if a poll is claimed by ten electors a by-election takes place. If no poll is claimed the council must fill the vacancy by co-option as soon as practicable. It is not bound to do this if the vacancy has less than six months to run.**
c) **The decision to co-opt, along with all decisions, must be made by the majority of councillors present and voting.** Where more than two people have been nominated for co-option, and none has received an absolute majority the name of the person having the least number of votes shall be struck off and a fresh vote taken. The 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 of the chair.
d) Where more than one vacancy is to be filled by co-option, each vacancy should be considered separately.
e) **Co-option must be considered at a meeting and is not a valid reason to exclude the public under the Public Bodies (Admission to Meetings) Act 1960.**
f) **All councillors must complete their declaration of acceptance of office forms at or before the first meeting after they are elected or if they are co-opted before they take office, unless the council at that meeting permits the declaration to be made at or before a later meeting. The declaration must be made in the presence of a member or the council's proper officer and delivered to the council.**

10. Data Protection (General Data Protection Regulations and the Data Protection Act 2018)

a) **The council must ensure that a written record of its processing activities is maintained.**
b) **The council must have a Data Protection Policy and procedures in place to respond to data protection enquiries, as well as a privacy statement and a record of any data protection breaches.**
c) **The council shall have in place, and keep under review, technical and organisational measures to keep secure, information relating to personal data held in both hard copy and electronic format, held either by the clerk or by councillors on council or privately owned devices.**
d) **The council must have in place a Data Audit for the retention and safe destruction of all information including personal information which it holds.**
e) **Councillors, officers and contractors must have regard to the legislation when considering the processing, sharing or disclosing of personal information.**

11. Debate

a) Items on the agenda shall be considered in the order that they appear, but the order can be changed at the discretion of the chair. No speech on any item shall be longer than 3 minutes.
b) An amendment to an item must not negate the original item. It will be voted upon separately and before the original item.

12. Delegation (councillors, the clerk and committees)

a) No councillor has the authority to issue instructions, or orders to any employee including the clerk or to act on behalf of the council.
b) The clerk may be given delegated authority to deal with matters, the detail may be included in the Job Description, a scheme of delegation or agreed at a meeting of the council (and minuted).
c) The clerk may have delegated authority to spend money in the event of an emergency and the detail of this is included in Financial Regulations.
d) The council may delegate to a committee (see Committees, Sub-committees and Working Parties).

13. Disorderly Conduct

a) Disturbance by any member of the public will be followed by a request from the chair to desist. If ignored the chair can ask the disruptive person to leave the meeting.

14. Employment (see Clerk)

b) **Employees must have a Contract of Employment** supported by a Job Description **on or before the first day of employment**. The Contract must include details of grievance and disciplinary procedures or make reference to separate documents.
a) The council is an employer, and any matters relating to staff members must be treated confidentially and in accordance with employment law.
b) A council may appoint a proper officer (clerk) for the discharge of the council's functions, and any other staff as required.
c) **A council must appoint a Responsible Financial Officer**
d) The council should appoint a small group of councillors to conduct the clerk's annual appraisal. The clerk will annually appraise all other members of staff.

e) A council may appoint one or more of its councillors to be officers, but without remuneration. **A period of 12 months after leaving as a councillor, must elapse before payment can begin.**

15. Information Management

a) **The council must have a Freedom of Information publication scheme displayed on its website and respond to requests for information in line with the Freedom of Information Act 2000.**

b) **The council must publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015 if the receipts and payments of the council are both under £25,000.**

c)

16. Legal Deeds

a) A legal deed, on behalf of the council, must be authorised by a decision of the council and signed by two councillors, with the clerk witnessing the signatures.

17. Meetings (see also Agendas)

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) **A council must have an annual meeting in May, in an election year this meeting must take place on or within 14 days of councillors taking office.**

c) **In an election year, if the current chair has not been re-elected as a councillor, they shall still chair the first item at the annual council meeting. They do not have an original vote but must exercise their casting vote in the event of a tie.**

d) **In addition, a council must meet on at least three other occasions during the year** and may hold further meetings as required.

e) This council meets on the first Thursday of every second month, the clerk may call additional meetings as required including for the election of a new chair as and when the role becomes vacant.

f) Meeting dates for the following year should be set on or before the last meeting of the year.

g) **The chair may convene, with three clear days' notice, an extraordinary meeting at any time. The public notice giving the date, time and place and the summons sent to councillors detailing the agenda for such a meeting shall be signed by the chair.**

h) **If the chair does not call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene such a meeting. The public notice giving the date, time and place and the summons sent to councillors detailing the agenda for such a meeting shall be signed by the two councillors.**

i) **The quorum for a meeting shall be at least one third of the whole number of members of the council (rounded up) and no less than three.**

j) **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.

k) **All decisions at a meeting shall be decided by a majority of councillors, and non-councillors with voting rights, present and voting.**

l) **Voting shall be by a show of hands.** At the request of any councillor, voting may be by signed paper ballot.
m) **A councillor may ask for the vote to be recorded so that how each councillor voted is recorded in the minutes,** this should be done either immediately prior to or immediately after the vote.
n) A meeting shall not exceed a period of 3 hours

18. Minutes

a) Minutes shall include:
    i. the date, time and place of the meeting
    ii. the names of councillors and officers who are present
    iii. interests declared
    iv. dispensations granted
    v. when a councillor arrives late, leaves early, or is absent for period of time
    vi. the public participation session
    i. the decisions made
b) The minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data.
c) If issued to councillor prior to the meeting, minutes shall be taken as read.
d) The minutes of a meeting must be agreed at the same or next meeting of the council and signed by the person presiding at that meeting.
e) Discussion on the minutes must relate to their accuracy and any amendment must be agreed by the council and signed by the councillor presiding.
f) **If the receipts and payments of the council are both under £25,000, the minutes, if necessary, in draft form, must be published on the council's website within one calendar month of the meeting.**

19. Press

a) When responding to the press on behalf of the council, officers and councillors must only report on agreed decisions or policies of the council.

20. Public (including press and district, borough and county councillors

a) Members of the public have the right to attend all meetings of the council
b) Under the Public Bodies (Admissions to Meetings) Act 1960, members of the public can be required to leave if the council decides that the item is of a confidential nature for one of the following four reasons:
    i. engagement, terms of service, conduct and dismissal of employees
    ii. terms of tenders and proposals and counter proposals in negation for contracts
    iii. preparation of cases in legal proceedings
    iv. the early stages of any dispute
c) Public Participation time shall not exceed 30 minutes and no one person shall speak for more than 4 minutes, in both cases unless directed otherwise by the chair.
d) Members of the public may make representations, ask questions and give evidence at a meeting which they are entitled to attend. A question does not require an answer at the meeting, if required, the chair will advise when an answer will be given

e) A person who speaks at a meeting, shall direct their comments to the chair of the meeting. The chair shall direct the order of speaking.
f) A member of the public may film, photograph or make an audio recording of the meeting. This does not allow for oral commentary which would be disruptive.
g) 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.

These Standing Orders were adopted on 12 September 2024 to replace the Parish Council's previous Orders.
Next review date May 2027