

YOXFORD PARISH COUNCIL

STANDING ORDERS

Adopted 07.09.23

These Standing Orders, vTCSOi, were adopted by the Council at its meeting held on 7th September 2023.

Review due: September 2024

1. Introduction

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a statutory framework. Standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the standing orders to contain or reference all the statutory requirements which apply to local councils. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders. Standing orders that are in bold type contain legal and statutory requirements.

2. Meetings

- a) Meetings of the Council shall be held in each year on such dates and times and at such a place as the Council may direct.
- b) **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.**
- c) **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d) **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.**
- e) Subject to standing order 1(d) 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.
- f) In accordance with standing order 3(e), the period of time designated for the Public Forum at a meeting shall not exceed 15 minutes, unless directed by the chairman of the meeting.
- g) Subject to standing order 3(f), a member of the public shall not speak for more than five minutes.
- h) **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one), if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- i) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- j) **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.

- k) Email between the Councillors and the Clerk is a valid form of communication. Apologies for absence from a meeting should be sent by email or letter to the Chairman, Vice-Chairman or the Clerk prior to the meeting date.
- l) **Subject to standing order 1(n) below, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n) A meeting shall not exceed a period of 1.5 hours unless directed otherwise by the Chair.

2. The Statutory Annual Meeting

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c) **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d) **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e) **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f) **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.**
- g) **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h) **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i) **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case**

of an equality of votes.

- j) Following the election of the Chairman and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- k) **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.**

3. Agenda

- a) The Proper Officer shall:
- b) **at least three clear days before a meeting of the Council, a committee or a sub- committee:**
- c) **Serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- d) **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- e) **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- f) **Facilitate inspection of the minute book by local government electors.**
- g) **Receive and retain copies of byelaws made by other local authorities.**

4. Chairman of the Meeting

- a) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

5. Proper Officer

- Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the Clerk or nominated Officer.
- To receive Declarations of Acceptance of Office.
- To receive and record notices disclosing personal or prejudicial interests.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- To receive copies of byelaws made by a District Council.

To sign and issue summons to attend meetings of the Council.

- To keep proper records for all Council meetings.
- convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.
- facilitate inspection of the minute book by local government electors.
- receive and retain copies of byelaws made by other local authorities.

6. Quorum of the Council

- a) 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.**
- b) If a meeting is or becomes inquorate not business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

7. Voting

- a) Unless standing orders provide otherwise, voting on a question shall be by 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.
- b) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- c) Subject to (1) and (2) below:
- (1) **The Chairman of a meeting may give an original vote on any matter put to the vote, and in any case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- (2) **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- (3) **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman and shall give a casting vote in the case of an equality of votes.**

8. Order of Business

- a) At each Annual Meeting the order of business shall be:

- To elect a Chairman of the Council;
 - To receive the Chairman's Declaration of Acceptance of Office, or if not then received, to decide when it shall be received;
 - To elect a Vice-Chairman of the Council.
- b) At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice Chairman are absent and to receive such declarations of Acceptance of Office (if any) and undertaking to observe the Council's Code of Conduct as required by law to be made or, if not then received, to decide when they shall be received.
- c) 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;

9. Disorderly Conduct

- a) 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.
- b) If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made under standing order 9 (b) 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. All members must observe the Suffolk Local Code of Conduct which was adopted by the Council on 5th July 2012 and again on 6th October 2016. 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.

10. Voting on Appointments

- a) Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

11. Expenditure

- a) Orders for the payment of money shall be authorised by Resolution of the Council and signed by at least two members.
- b) **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 11(c) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a**

requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

- c) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 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.**
- d) **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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 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.**

12. Interests (England)

- a) If a member has a personal interest as defined by the Suffolk Local Code of Conduct adopted by the Council then he shall declare such an interest as soon as it becomes apparent, disclosing the nature and extent of the interest as required.
- b) If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.
- c) The Clerk may be required to compile and hold a register of Members interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- d) All minutes kept by the Council and by any Committee shall be open for the inspection of any member of the Council.
- e) **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.**
- f) **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.**
- g) 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.
- h) **A dispensation may be granted in accordance with standing order 12(g) if having regard to all relevant circumstances any of the following apply:**

- 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;**
- iii. it is otherwise appropriate to grant a dispensation.**

13. Admission of the Press and Public to Meetings

- a) The Public shall be admitted to all meetings of the Council and its Committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions:

"That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the Public Interest that the Public be temporarily excluded and they are instructed to withdraw".

- b) **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.**

14. Liaison with County and District Councillors

- a) A notice of meeting shall be sent together with an invitation to attend to the County Councillor and District Councillor of the appropriate ward.

15. Standing Orders to be given to Members

- a) A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the Member's Declaration of Acceptance of Office and Written undertaking to comply with the Code of Conduct adopted by the Council.

16. Extraordinary Meetings

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

17. Confidential Business

- a) Councillors shall not disclose information given in confidence.

18. Management of Information

- a) **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.

- b) 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).
- c) 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.
- d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- e) 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.
- f) The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

19. Draft Minutes

- a) 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.

20. Data Protection

- a) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b) The Council shall have a written policy in place for responding to and managing a personal data breach.
- c) 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.
- d) 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.
- e) The Council shall maintain a written record of its processing activities.

21. Execution and Sealing of Legal Deeds

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

b) Subject to standing order 21(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

22. Committees

a) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

c) Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

Adopted 07.09.23