

# **Sibford Gower Parish Council**

## **Standing Orders**

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## 1 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) The minimum three clear days of notice for a meeting does not include the day on which the 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) 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) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e) Subject to standing order 1 g, a person who attends a meeting is permitted to report on the meeting while the meeting is open to the public. To "report" means film, photograph, make an audio recording of meeting proceedings, using 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 later to persons not present. The full procedure is set out in the Recording of Meetings Policy.
- f) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- g) The press shall be provided with reasonable facilities for the taking of their report of all or part of the meeting at which they are entitled to be present.
- h) Subject to standing orders which indicate otherwise, all the powers pertaining to the Chair of the Council in his/her absence may be exercised by the Vice-Chair.
- i) The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair of the Council, 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.
- j) Subject to the 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 thereon.

- k) The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equal number of votes being drawn, even though he/she may have already voted, the Chair may exercise a casting vote.
- l) 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/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- m) The Minutes of the meeting shall record the names of the Councillors present and absent.
- n) The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- o) An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by the Councillor at a meeting, shall be recorded in the Minutes.
- p) A councillor 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.
- q) 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.
- r) 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.

## **2 Committees and Sub-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.

### **3 Ordinary Council Meetings:**

- 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 a day in May as the Council may direct.
- c) If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.
- 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 Chair and Vice Chair (if any) of the Council.
- f) The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting of the Council until his/her successor is elected at the next Annual Meeting of the Council.
- g) The Vice Chair of the Council, if any, unless he/she 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.
- h) 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.
- i) 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.
- j) In an election year, following the election of the Chair of the Council and Vice Chair,(if there is one) of the Council at the Annual Meeting, the business shall include, 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 acceptance of office form, unless the Council resolves for this to be done at a later date.

**4 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 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 shall be signed by the two councillors.

**5 Agenda items that require prior written notification to the Clerk:**

- a) Members of the public may make written and email submission to the Clerk for items to be included in the agenda of a Council meeting
- b) Any such written submissions shall be made to the Clerk no later than two weeks prior to the relevant meeting.

**6 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, that shall be retained or, if this is not possible, the criteria used to determine that period (eg 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.

**7 Draft Minutes:**

- a) If the Council's gross annual income or expenditure (whichever is the higher) does not exceed £25000, it shall publish draft minutes on a website which is publically accessible and free of charge not later than one month after the meeting has taken place.

## **8 Code of Conduct and dispensations:**

- a) All Councillors shall observe the Code of Conduct adopted by the Council.
- b) Unless he/she has been granted a dispensation, a Councillor shall withdraw from the 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/she declared an interest.
- c) Dispensation requests shall be in writing and submitted to the Proper Officer (Clerk) as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- d) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee for which the dispensation is required and that decision is final.
- e) A dispensation may be granted in accordance with standing order 8 d above if, having regard to all relevant circumstances, any of the following apply:
  - 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
  - granting the dispensation is in the interests of persons living in the Council's area, or
  - it is otherwise appropriate to grant a dispensation

## **9 Code of Conduct complaints:**

- a) 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/her. Such action excludes disqualification or suspension from office.

## **10 Proper Officer (Clerk):**

- a) The Proper Officer shall be either (i) the Clerk or (ii) other member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b) The Clerk shall:
  - (i) at least three days before a meeting of the Council:

- provide councillors with written notice of the agreed time, place and agenda of the forthcoming meeting
- place copies of the same notice on both the Council's noticeboard and on the Council's section in the Sibfords website. In the event of an extraordinary meeting, it should be in the names of those councillors who have convened it.

(ii) convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office

(iii) facilitate inspection of the Minute Book by local government electors

(iv) receive and retain copies of bylaws made by other local authorities.

(v) undertake other such duties and responsibilities as required by the Council in the effective administration of its statutory responsibilities.

#### **11 Financial controls:**

- a) The Council shall maintain and comply with a set of approved Financial Regulations to ensure robust governance of all its financial activities.
- b) The Council's Financial Regulations shall be reviewed and approved annually.

#### **12 Responsibilities to provide information:**

- a) 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.
- b) The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

#### **13 Responsibilities under Data Protection legislation:**

- a) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her 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 the information communicated in its privacy notice(s) is in an easily accessible form and kept up to date.
- e) The Council shall maintain a written record of its processing activities.

**14 Execution and signing of legal deeds:**

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) Any two councillors may sign, on behalf of their Council, any deed required by law and the Proper Officer (Clerk) shall witness their signatures.

**15 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, or vary, or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall not be carried unless two-thirds of the Councillors present at a meeting of the Council vote in favour.
- c) The Proper Officer (Clerk) shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible.
- d) The decision of the Chair of a meeting as to the application of Standing Orders at the meeting is final.