STANDING ORDERS FOR  
BERRY POMEROY PARISH COUNCIL 2023

**Any wording in bold is a legal requirement at the date of agreement**

**MEETINGS**

1. Meetings of the Council shall normally be held on the first Tuesday of the  
 month excepting September and December, at 7.15 p.m. at Berry Pomeroy Village Hall  
unless the Council otherwise decides at a previous meeting.

In any event, Councillors will arrive at 7pm to allow for distribution of papers. In an emergency the Clerk and the Chair should use their discretionary powers.

2. The Statutory Annual Parish Council Meeting (a) in an election year shall be held on or  
within 14 days following the day on which the Councillors elected to take  
office (b) in a year which is not an election year the Annual Parish Council  
Meeting shall be held on such day in May as the Council may direct.

3. In addition to the Statutory Annual Parish Council Meeting, at least three  
other statutory meetings shall be held in each year on such dates and times  
and at such places as the Council may direct.

4. Other meetings of the Council shall be held at such an hour and on such days  
as the Council may determine.

5. The Annual assembly of the Parish (The Parish Meeting) will take place on an agreed date  
between 1 March and 1 June.

6. If a member fails throughout six consecutive months to attend meetings of  
full council, he/she ceases automatically to be a member of the council,  
unless either he/she has a ‘statutory excuse’ or his/her failure is due to a  
reason approved by the council or he/she attended as a representative of the  
council at a meeting of any body of persons (such as a county association of  
local councils). The period begins with the last meeting attended.

**Any wording in bold is a legal requirement at the date of agreement.**

**2** **RULES OF DEBATE AT MEETINGS**

a Motions on the agenda shall be considered in the order that they appear unless  
the order is changed at the discretion of the chair of the meeting.  
b A motion (including an amendment) shall not be progressed unless it has been  
moved and seconded.  
c A motion on the agenda that is not moved by its proposer may be treated by  
the chair of the meeting as withdrawn.  
d If a motion (including an amendment) has been seconded, it may be withdrawn  
by the proposer only with the consent of the seconder and the meeting.  
e An amendment is a proposal to remove or add words to a motion. It shall not  
negate the motion.  
f If an amendment to the original motion is carried, the original motion (as  
amended) becomes the substantive motion upon which further amendment(s)  
may be moved.  
g An amendment shall not be considered unless early verbal notice of it is given  
at the meeting and, if requested by the chair of the meeting, is expressed in  
writing to the chair.  
h A councillor may move an amendment to his/her/their own motion if agreed by  
the meeting. If a motion has already been seconded, the amendment shall be  
with the consent of the seconder and the meeting.  
i If there is more than one amendment to an original or substantive motion, the  
amendments shall be moved in the order directed by the chair of the meeting.  
j Subject to standing order 1(k), only one amendment shall be moved and  
debated at a time, the order of which shall be directed by the chair of the  
meeting.  
k One or more amendments may be discussed together if the chair of the  
meeting considers this expedient but each amendment shall be voted upon  
separately.  
l A councillor may not move more than one amendment to an original or  
substantive motion.  
m The mover of an amendment has no right of reply at the end of debate on it.  
n Where a series of amendments to an original motion are carried, the mover of  
the original motion shall have a right of reply either at the end of debate on the  
first amendment or at the very end of debate on the final substantive motion  
immediately before it is put to the vote.  
or Unless permitted by the chair of the meeting, a councillor may speak once in  
the debate on a motion except:  
3  
i. to speak on an amendment moved by another councillor;

|  |  |
| --- | --- |
| ii. | to move or speak on another amendment if the motion has been amended since he/she/they last spoke; |

iii. to make a point of order;  
iv. to give a personal explanation; or  
v. to exercise a right of reply.  
p During the debate on a motion, a councillor may interrupt only on a point of  
order or a personal explanation and the councillor who was interrupted shall  
stop speaking. A councillor raising a point of order shall identify the standing  
order which he/she/they considers has been breached or specify the other  
irregularity in the proceedings of the meeting he/she/they is concerned by.  
q A point of order shall be decided by the chair of the meeting and his/her/their  
decision shall be final.  
r When a motion is under debate, no other motion shall be moved except:  
i. to amend the motion;  
ii. to proceed to the next business;  
iii. to adjourn the debate;  
iv. to put the motion to a vote;  
v. to ask a person to be no longer heard or to leave the meeting;  
vi. to refer a motion to a committee or sub-committee for consideration;  
vii. to exclude the public and press;  
viii. to adjourn the meeting; or

|  |  |
| --- | --- |
| ix. | to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements. |

s Before an original or substantive motion is put to the vote, the chair of the  
meeting shall be satisfied that the motion has been sufficiently debated and  
that the mover of the motion under debate has exercised or waived his/her/their  
right of reply.  
t Excluding motions moved under standing order 1(r), the contributions or  
speeches by a councillor shall relate only to the motion under discussion and  
shall **not exceed 3 minutes** without the consent of the chair of the meeting.  
4  
**DISORDERLY CONDUCT AT MEETINGS**a No person shall obstruct the transaction of business at a meeting or behave  
offensively or improperly. If this standing order is ignored, the chair of the  
meeting shall request such person(s) to moderate or improve their conduct.  
b If person(s) disregards the request of the chair of the meeting to moderate or  
improve their conduct, any councillor or the chair 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 2(b) is ignored, the chair 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.  
**MEETINGS GENERALLY**

|  |  |
| --- | --- |
| Full Council meetings  Committee meetings  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 **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 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. |  |
| f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless |  |

5

|  |
| --- |
| directed by the chair of the meeting. |
| **g Subject to standing order 3(f), a member of the public shall not speak for more than3 minutes.** |
| **h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given by the Clerk.** |
| **i A person shall raise his/her/their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.** |
| **j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.** |
| **k 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.** |
| ● ● | l **Subject to standing order 3(m), 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 **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.** |
| ● | o **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/their absence be done by, to or before the Vice Chair of the Council (if there is one).** |
| ● | p **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 there is one) 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 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.** |
| ● | r **The chair of a meeting may give an original vote on any matter put to** |

6

|  |  |
| --- | --- |
| ● ● | **the vote, and in the case of an equality of votes may exercise his/her/their casting vote whether or not he/she/they gave an original vote.** *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.* |
| ● | s **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 his/her/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. |
| t The minutes of a meeting shall include an accurate record of the following: i. the time and place of the meeting; ii. the names of councillors who are present and the names of councillors who are absent; iii. interests that have been declared by councillors and non-councillors with voting rights; iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights; v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered; vi. if there was a public participation session; and vii. the resolutions made. |  |
| ● ● ● | u **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/her/their right to participate and vote on that matter.** |
| ● | v **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.** *See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.* |

|  |  |
| --- | --- |
| ● ● ● | w **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. |

7

|  |
| --- |
| x A meeting shall not exceed a period of 2 hours. |

**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 noncouncillors.**d The Council may appoint standing committees or other committees as may be  
necessary, and:  
i. shall determine their terms of reference;  
ii. shall determine the number and time of the ordinary meetings of a  
standing committee up until the date of the next annual meeting of the  
Council;

|  |  |
| --- | --- |
| iii. | shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings; |

|  |  |
| --- | --- |
| iv. | shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee; |

v. may, subject to standing orders 4(b) and (c), appoint and determine the  
terms of office of the substitute members to a committee whose role is to  
replace the ordinary members at a meeting of a committee if the ordinary  
members of the committee confirm to the Proper Officer 7 days before  
the meeting that they are unable to attend;

|  |  |
| --- | --- |
| vi. | shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee; |

|  |  |
| --- | --- |
| vii. | shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee; |

viii. shall determine the place, notice requirements and quorum for a meeting  
of a committee and a sub-committee which, in both cases, shall be no  
less than three;  
ix. shall determine if the public may participate at a meeting of a committee;  
x. shall determine if the public and press are permitted to attend the  
8  
meetings of a sub-committee and also the advance public notice  
requirements, if any, required for the meetings of a sub-committee;  
xi. shall determine if the public may participate at a meeting of a subcommittee that they are permitted to attend; and  
xii. may dissolve a committee or a sub-committee.

xiii. The Clerk is to attend all Committee & Sub Committee meetings.

**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 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 Chair and Vice-Chair (if there is one) of the Council.**f **The Chair of the Council, unless he/she/they has resigned or becomes  
disqualified, shall continue in office and preside at the annual meeting  
until his/her/their successor is elected at the next annual meeting of the  
Council.**g **The Vice-Chair of the Council, if there is one, unless he/she/they 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 reelected as a member of the Council, he/she/they shall preside at the  
annual 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 shall 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/they shall preside at the annual  
meeting until a new Chair of the Council has been elected. He/she/they  
may exercise an original vote in respect of the election of the new Chair**  
9  
**of the Council and shall give a casting vote in the case of an equality of  
votes.**j 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:  
i. **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/their  
acceptance of office form unless the Council resolves for this to be  
done at a later date;**

|  |  |
| --- | --- |
| ii. | Confirmation of the accuracy of the minutes of the last meeting of the Council; |

iii. Receipt of the minutes of the last meeting of a committee;  
iv. Consideration of the recommendations made by a committee;  
v. Review of delegation arrangements to committees, sub-committees, staff  
and other local authorities;  
vi. Review of the terms of reference for committees;  
vii. Appointment of members to existing committees;  
viii. Appointment of any new committees in accordance with standing order 4;

|  |  |
| --- | --- |
| ix. | Review and adoption of appropriate standing orders and financial regulations; |

x. Review of arrangements (including legal agreements) with other local  
authorities, not-for-profit bodies and businesses.

|  |  |
| --- | --- |
| xi. | Review of representation on or work with external bodies and arrangements for reporting back; |

xii. 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;

|  |  |
| --- | --- |
| xiii. | Review of inventory of land and other assets including buildings and office equipment; |

|  |  |
| --- | --- |
| xiv. | Confirmation of arrangements for insurance cover in respect of all insurable risks; |

xv. Review of the Council’s and/or staff subscriptions to other bodies;  
xvi. Review of the Council’s complaints procedure;  
xvii. Review of the Council’s policies, procedures and practices in respect of  
10  
its obligations under freedom of information and data protection  
legislation (*see also standing orders 11, 20 and 21*);  
xviii. Review of the Council’s policy for dealing with the press/media;  
xix. Review of the Council’s employment policies and procedures;

|  |  |
| --- | --- |
| xx. | Review of the Council’s expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence. |

|  |  |
| --- | --- |
| xxi. | Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council. |

**EXTRAORDINARY MEETINGS OF THE COUNCIL,  
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.**  
**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 2 councillors to be given to the  
Proper Officer in accordance with standing order 9, or by a motion moved in  
pursuance of the recommendation of a committee or a sub-committee.  
b When a motion moved pursuant to standing order 7(a) has been disposed of,  
no similar motion may be moved for a further six months.  
11  
**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 has 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.  
**MOTIONS FOR A MEETING THAT REQUIRE WRITTEN  
NOTICE TO BE GIVEN TO THE PROPER OFFICER**a A motion shall relate to the responsibilities of the meeting for which it is tabled  
and in any event shall relate to the performance of the Council’s statutory  
functions, powers and obligations or an issue which specifically affects the  
Council’s area or its residents.  
b No motion may be moved at a meeting unless it is on the agenda and the  
mover has given written notice of its wording to the Proper Officer at least 7  
clear days before the meeting. Clear days do not include the day of the notice  
or the day of the meeting.  
c The Proper Officer may, before including a motion on the agenda received in  
accordance with standing order 9(b), correct obvious grammatical or  
typographical errors in the wording of the motion.  
d If the Proper Officer considers the wording of a motion received in accordance  
with standing order 9(b) is not clear in meaning, the motion shall be rejected  
until the mover of the motion resubmits it, so that it can be understood, in  
writing, to the Proper Officer at least 7 clear days before the meeting.  
e If the wording or subject of a proposed motion is considered improper, the  
Proper Officer shall consult with the chair of the forthcoming meeting or, as the  
case may be, the councillors who have convened the meeting, to consider  
whether the motion shall be included in the agenda or rejected.  
f **The decision of the Proper Officer as to whether or not to include the motion on  
the agenda shall be final.**  
g Motions received shall be recorded and numbered in the order that they are  
received.  
h Motions rejected shall be recorded with an explanation by the Proper Officer of  
the reason for rejection.  
12  
**MOTIONS AT A MEETING THAT DO NOT REQUIRE  
WRITTEN NOTICE**a The following motions may be moved at a meeting without written notice to the  
Proper Officer:  
i. to correct an inaccuracy in the draft minutes of a meeting;  
ii. to move to a vote;  
iii. to defer consideration of a motion;  
iv. to refer a motion to a particular committee or sub-committee;  
v. to appoint a person to preside at a meeting;  
vi. to change the order of business on the agenda;  
vii. to proceed to the next business on the agenda;  
viii. to require a written report;  
ix. to appoint a committee or sub-committee and their members;  
x. to extend the time limits for speaking;

|  |  |
| --- | --- |
| xi. | to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest; |

xii. to not hear further from a councillor or a member of the public;  
xiii. to exclude a councillor or member of the public for disorderly conduct;  
xiv. to temporarily suspend the meeting;

|  |  |
| --- | --- |
| xv. | to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements); |

xvi. to adjourn the meeting; or  
xvii. to close the meeting.  
**MANAGEMENT OF INFORMATION***See also standing order 20.*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**  
13  
**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.  
DRAFT MINUTES**Full Council meetings ●  
Committee meetings ●  
Sub-committee meetings ●

|  |
| --- |
| 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. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i). |
| c 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. |
| d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph 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 ( ) held on [date] in respect of ( ) were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.” |
| ● ● ● | e **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.** |

14

|  |
| --- |
| f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following 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. |

**CODE OF CONDUCT AND DISPENSATIONS***See also standing order 3(u).*a All councillors and non-councillors with voting rights shall observe the code of  
conduct adopted by the Council.  
b Unless he/she/they has been granted a dispensation, a councillor or noncouncillor with voting rights shall withdraw from a meeting when it is  
considering a matter in which he/she/they has a disclosable pecuniary interest.  
He/she/they may return to the meeting after it has considered the matter in  
which he/she/they had the interest.  
c Unless he/she/they has been granted a dispensation, a councillor or noncouncillor with voting rights shall withdraw from a meeting when it is  
considering a matter in which he/she/they has another interest if so required by  
the Council’s code of conduct. He/she/they may return to the meeting after it  
has considered the matter in which he/she/they 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 the 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), a dispensation request shall be  
considered [at the beginning of the meeting of the Council, or committee or subcommittee for which the dispensation is required.  
15  
**h A dispensation may be granted in accordance with standing order 13(e) 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; or** |

**iii. it is otherwise appropriate to grant a dispensation.  
CODE OF CONDUCT COMPLAINTS**a Upon notification by the District or Unitary 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, report this to the Council.  
b Where the notification in standing order 14(a) relates to a complaint made by  
the Proper Officer, the Proper Officer shall notify the Chair of 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).  
c The Council may:  
i. provide information or evidence where such disclosure is necessary to  
investigate the complaint or is a legal requirement;

|  |  |
| --- | --- |
| 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.**  
16  
**PROPER OFFICER**a The Proper Officer shall be the clerk a Locum will be   
nominated by the Council to undertake the work of the Proper Officer when the  
Proper Officer is absent.  
b The Proper Officer shall:  
i. **at least three clear days before a meeting of the council, a  
committee** or a sub-committee**,**• **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**• **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).***See standing order 3(b) for the meaning of clear days for a meeting of a  
full council and standing order 3(c) for the meaning of clear days for a  
meeting of a committee;*ii. subject to standing order 9, include on the agenda all motions in the order  
received unless a councillor has given written notice at least ( ) days  
before the meeting confirming his/her/their withdrawal of it;

|  |  |
| --- | --- |
| iii. | **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;** |

|  |  |
| --- | --- |
| iv. | **facilitate inspection of the minute book by local government electors;** |

v. **receive and retain copies of byelaws made by other local  
authorities;**vi. hold acceptance of office forms from councillors;  
vii. hold a copy of every councillor’s register of interests;  
viii. manage responses to requests made under freedom of information  
legislation and rights exercisable under data protection legislation, in  
accordance with the Council’s relevant policies and procedures;

|  |  |
| --- | --- |
| ix. | liaise, as appropriate, with the Council’s Data Protection Officer (if there is one); |

x. receive and send general correspondence and notices on behalf of the  
Council except where there is a resolution to the contrary;  
17  
xi. assist in the organisation of, storage of, access to, security of and  
destruction of information held by the Council in paper and electronic  
form subject to the requirements of data protection and freedom of  
information legislation and other legitimate requirements (e.g. the  
Limitation Act 1980);

|  |  |
| --- | --- |
| xii. | arrange for legal deeds to be executed; (*see also standing order 23);* |

xiii. arrange or manage the prompt authorisation, approval, and instruction  
regarding any payments to be made by the Council in accordance with its  
financial regulations;

|  |  |
| --- | --- |
| xiv. | record every planning application notified to the Council and the Council’s response to the local planning authority in a book for such purpose; |

|  |  |
| --- | --- |
| xv. | refer a planning application received by the Council to the Planning Committee within seven working days. |

|  |  |
| --- | --- |
| xvi. | manage access to information about the Council via the publication scheme; and |

xvii. retain custody of the seal of the Council (if there is one) which shall not  
be used without a resolution to that effect.  
(s*ee also standing order 23).***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. The Responsible Financial Officer us usually The Clerk/Proper Officer.  
**ACCOUNTS AND ACCOUNTING STATEMENTS**a “Proper practices” in standing orders refer to the most recent version of  
“Governance and Accountability for Local Councils – a Practitioners’ Guide”.  
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 (or income and expenditure) for  
each quarter;  
18

|  |  |
| --- | --- |
| ii. | the Council’s aggregate receipts and payments (or income and expenditure) 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 (or income and expenditure) for the last quarter and the year to  
date for information; and  
ii. to the Council the accounting statements for the year in the form of  
Section 2 of the annual governance and accountability 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 apply the form of accounts determined by the Council  
(receipts and payments, or income and expenditure) for the year to 31 March.  
A completed draft annual governance and accountability return shall be  
presented to all councillors at least 7 days prior to anticipated approval by the  
Council. The annual governance and accountability return of the Council, which  
is subject to external audit, including the annual governance statement, shall  
be presented to the Council for consideration and formal approval before 30  
June.  
**FINANCIAL CONTROLS AND PROCUREMENT**a. 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:  
i. the keeping of accounting records and systems of internal controls;  
ii. the assessment and management of financial risks faced by the Council;  
iii. 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;

|  |  |
| --- | --- |
| iv. | the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments; and |

v. whether contracts with an estimated value below **£25,000** due to special  
circumstances are exempt from a tendering process or procurement  
exercise.  
19  
b. Financial regulations shall be reviewed regularly and at least annually for  
fitness of purpose.  
c. **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 referred to in standing order 18(f) 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).**d. 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 staff 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 can be submitted in writing via email marked Private & Confidential addressed to the Proper Officer; |

v. tenders shall be opened by the Proper Officer and forwarded to 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.  
e. Neither the Council, nor a committee or a sub-committee with delegated  
responsibility for considering tenders, is bound to accept the lowest value  
tender.  
f. **Where the value of a contract is likely to exceed the threshold specified  
by the Office of Government Commerce 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. NALC’s procurement guidance contains further details.**  
20  
**HANDLING STAFF MATTERS**a A matter personal to a member of staff that is being considered by The Clerk is subject to standing order 11.  
b Subject to the Council’s policy regarding absences from work, the member of  
staff shall notify the Clerk.  
c The nominated Personnel Officer shall upon a resolution conduct a  
review of the performance and annual appraisal of the work of the Clerk/RFO.  
The reviews and appraisal shall be reported in writing and are subject to  
approval by the full Council (in confidence).  
d Subject to the Council’s policy regarding the handling of grievance matters, the  
Council’s most senior member of staff (or other members of staff) shall contact  
the chair in respect of an informal or formal  
grievance matter, and this matter shall be reported back and progressed by  
resolution of the Council.  
e Subject to the Council’s policy regarding the handling of grievance matters, if  
an informal or formal grievance matter raised by the Clerk/RFO relates to the  
chair or the nominated Personnel Officer, this shall be communicated to another  
member, which shall be reported back and progressed by  
the Council.  
f The Clerk is responsible for all or part of the management of staff and shall treat as  
confidential the written records of all meetings relating to their performance,  
capabilities, grievance or disciplinary matters.  
g In accordance with standing order 11(a), only persons with line management  
responsibilities shall have access to staff records referred to in standing order  
19(f).  
**RESPONSIBILITIES TO PROVIDE INFORMATION***See also standing order 21.*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. [*If gross annual income or expenditure (whichever is the higher) exceeds  
£200,000*] **The Council, shall publish information in accordance with the  
requirements of the Local Government (Transparency Requirements)  
(England) Regulations 2015**.  
21  
**RESPONSIBILITIES UNDER DATA PROTECTION  
LEGISLATION**(Below is not an exclusive list).  
*See also standing order 11.*a The Council may appoint a Data Protection Officer. The Clerk.  
b **The Council shall have policies and procedures in place to respond to an  
individual exercising statutory rights concerning his/her/their personal  
data.**c **The Council shall have a written policy in place for responding to and  
managing a personal data breach.**d **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.**e **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.**f **The Council shall maintain a written record of its processing activities.  
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. In all instances, the Clerk will deal directly with the Press/Media in consultation with the Chair.  
**EXECUTION AND SEALING OF LEGAL DEEDS***See also standing orders 15(b)(xii) and (xvii).*a A legal deed shall not be executed on behalf of the Council unless authorised  
by a resolution.  
b **[Subject to standing order 23(a), the Council’s common seal shall alone  
be used for sealing a deed required by law. It shall be applied by the  
Proper Officer in the presence of two councillors who shall sign the deed  
as witnesses.]***The above is applicable to a Council with a common seal.*  
22  
OR  
**[Subject to standing order 23(a), any two councillors may sign, on behalf  
of the Council, any deed required by law and the Proper Officer shall  
witness their signatures.]***The above is applicable to a Council without a common seal.***COMMUNICATING WITH DISTRICT AND 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 OR Unitary  
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 OR Unitary Council shall be sent to the ward  
councillor(s) representing the area of the Council.  
**RESTRICTIONS ON COUNCILLOR ACTIVITIES  
a. Unless duly authorised no councillor shall:  
i. inspect any land and/or premises which the Council has a right or duty to  
inspect; or  
ii. issue orders, instructions or directions.**

**LEGAL MATTERS**

i.All legal matters will be discussed under Part II Confidential Matters

II.All decisions will be made during Part II and the Clerk/Proper Officer will carry out those decisions and work directly with any legal entity on a daily basis. The Clerk/Proper Officer will liaise with the Chair if a decision needs to be made between meetings which could impact on an outcome.

iii. If the Clerk believes that additional Legal Advice is required or specialist advice is required they be given delegated authority to do so.

iv. The Clerk has delegated authority to sign legal documents on behalf of the Council relating to previously discussed legal situations and documents requiring the Council to sign in respect of Insurance policies, deeds, agreements, licences, events etc.

**STANDING ORDERS GENERALLY**a All or part of a standing order, except one that incorporates mandatory  
statutory or legal 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 or legal requirements,  
shall be proposed by a special motion, the written notice by at least ( )  
councillors to be given to the Proper Officer in accordance with standing order  
9.  
c The Proper Officer 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 shall be final.

Reviewed/Adopted: April/May 2024