

# WINKLEIGH PARISH COUNCIL

## STANDING ORDERS.

This document sets out Winkleigh Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council.

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### **This is a Controlled Document.**

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### **Introduction**

These standing orders should be followed by the Clerk and all Councillors, noting that several other policies govern the work of the Council. Councillors also should be mindful of the Seven Nolan Principles in Public Life.

Statutory Standing Orders are set out in **Bold**.

### **Terms**

In this and all other Winkleigh Parish Council documents the term *Council* refers to elected, opposed or unopposed and co-opted councillors.

### **Contents.**

<b>1. RULES OF DEBATE AT MEETINGS</b>	<b>- 2 -</b>
<b>2. DISORDERLY CONDUCT AT MEETINGS</b>	<b>- 2 -</b>
<b>3. MEETINGS GENERALLY</b>	<b>- 2 -</b>
<b>4. ORDINARY &amp; ANNUAL COUNCIL MEETINGS</b>	<b>- 3 -</b>
<b>5. EXTRAORDINARY MEETINGS OF THE COUNCIL</b>	<b>- 4 -</b>
<b>6. PREVIOUS RESOLUTIONS</b>	<b>- 4 -</b>
<b>7. VOTING ON APPOINTMENTS</b>	<b>- 5 -</b>
<b>8. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER</b>	<b>- 5 -</b>
<b>9. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE</b>	<b>- 5 -</b>
<b>10. MANAGEMENT OF INFORMATION.</b>	<b>- 5 -</b>
<b>11. DRAFT MINUTES</b>	<b>- 6 -</b>
<b>12. CODE OF CONDUCT AND DISPENSATIONS</b>	<b>- 6 -</b>
<b>13. PROPER OFFICER</b>	<b>- 7 -</b>
<b>14. EXECUTION AND SEALING OF LEGAL DEEDS</b>	<b>- 7 -</b>
<b>15. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS</b>	<b>- 8 -</b>
<b>16. RESTRICTIONS ON COUNCILLOR ACTIVITIES</b>	<b>- 8 -</b>
<b>17. STANDING ORDERS GENERALLY</b>	<b>- 8 -</b>

# Winkleigh Parish Council - Standing Orders.

## 1. RULES OF DEBATE AT MEETINGS

- a) Items on the agenda shall be discussed 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 proposed and seconded.
- c) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- d) 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.
- e) In the event of a tied vote, the Chair will have a casting vote.

## 2. 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.

## 3. MEETINGS GENERALLY

- a) Ordinary Meetings shall take place at the Village Hall or Community Centre on the fourth Wednesday of each except July or August (as decided at the Annual Meeting) and December at 7.30pm.
- b) 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.**
- c) 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.**
- 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 speak at a meeting that they are entitled to attend, at the allotted time in the proceedings, and in respect of items on the agenda with the consent of the Chair.
- f) A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- g) Subject to standing order 3(g), 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.**
- h) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission**
- i) 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.**

## **Winkleigh Parish Council - Standing Orders.**

- j) **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 absence be done by, to or before the Vice-Chair of the Council (if any).**
- k) **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- l) **A meeting is quorate when 4 Councillors are present. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- m) **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.**
- n) **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he 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.**
- o) **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 vote for or against that question. Such a request shall be made before the vote is taken.**
- p) **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 present and absent
  - iii. Interests that have been declared by councillors
  - iv. whether a councillor left the meeting when matters that they held interests in were being considered
  - v. the grant of dispensations (if any) to councillors;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- q) **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 their right to participate and vote on that matter.**
- r) **A meeting shall not exceed a period of 2 hours unless by resolution of the council**
- s) **In an emergency (e.g. to cover a temporary vacancy/illness or other absence of the clerk) a Councillor may fulfil the role of Clerk to the parish council (this must be unpaid (see below)).**
- t) **It should be noted that Councillors may not be paid employees of their council (as there is an unacceptable conflict of interest) and may not become employees of their former council until at least 12 months after ceasing to be a Councillor (Sections 112(5) and 116 Local Government Act 1972).**
- u) **At a Parish Council Meeting where the clerk is absent, a councillor may be nominated to take the minutes of the meeting. This will not prevent the councillor from taking a full and active part in the meeting.**

### **4. ORDINARY & ANNUAL 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.**

## **Winkleigh Parish Council - Standing Orders.**

- e) **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.**
- f) **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g) **The Vice-Chair of the Council, unless they resign or become 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, 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, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair 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 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 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. Review of delegation arrangements to the Proper Officer.
  - iv. Appointment of members to internal and external groups.
  - v. Review and adoption of appropriate standing orders and financial regulations;
  - vi. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses
  - vii. Review of inventory of land and other assets including buildings and office equipment.
  - viii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - ix. Review of the Council's and/or staff subscriptions to other bodies;
  - x. Review of the Council's complaints procedure;
  - xi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.

### **5. EXTRAORDINARY MEETINGS OF THE COUNCIL**

- 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.**

### **6. 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 3 councillors to be given to the Proper Officer in accordance with standing order 8.**
- b) **When a motion moved pursuant to standing order 6(a) has been disposed of, no similar motion may be moved for a further six months.**

## **Winkleigh Parish Council - Standing Orders.**

### **7. 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.

### **8. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a) Any motion submitted to the Proper Officer shall be made in writing no later than 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- b) The Proper Officer may, before including a motion on the agenda received in accordance with standing order 8(a), correct obvious grammatical or typographical errors in the wording of the motion.
- c) If the Proper Officer considers the wording of a motion received in accordance with standing order 8(a) 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.
- d) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- e) Motions received shall be recorded and numbered in the order that they are received.
- f) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

### **9. 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. Motions specifically addressing an agenda item, unless relating to the amendment of standing orders outside their annual review.
  - ii. to move to a vote.
  - iii. to appoint a person to preside at a meeting.
  - iv. to change the order of business on the agenda;
  - v. to proceed to the next business on the agenda;
  - vi. to extend the time limits for speaking.
  - vii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest, this may be done by the following motion "I propose we move to Part II" further information must be available to the press and public as to why they are excluded upon request;
  - viii. to exclude a councillor or member of the public for disorderly conduct.
  - ix. to temporarily suspend the meeting;
  - x. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xi. to adjourn the meeting; or
  - xii. to close a meeting before all business is transacted.

### **10. 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**

## Winkleigh Parish Council - Standing Orders.

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 and staff shall not disclose confidential information or personal data without legal justification.
- e) The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

### 11. DRAFT MINUTES

- 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.
- 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 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 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.**
- f) **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.**

### 12. CODE OF CONDUCT AND DISPENSATIONS

- a) All councillors shall observe the code of conduct adopted by the Council.
- b) Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c) Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which 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 the Proper Officer 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;

## **Winkleigh Parish Council - Standing Orders.**

- 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) A dispensation may be granted in accordance with standing orders if 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.**

### **13. PROPER OFFICER**

- a) The Proper Officer shall be the Clerk
- b) The Proper Officer shall:
  - i. **serve on councillors a summons, by email or by post at their residences, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.**
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
  - iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in the 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. assist with responding to requests made under freedom of legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - x. manage 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);
  - xi. arrange for legal deeds to be executed;
  - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
  - xiii. refer a planning application received by the Council to the full council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
  - xiv. manage access to information about the Council via the publication scheme;
  - xv. To sign notices and other documents on behalf of the council
  - xvi. Facilitate a request from a member for any purpose of their duty as such (but not otherwise), inspect any document in the possession of the Council and if copies are available shall, on request, be supplied for the like purpose with a copy.

### **14. 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) Any two councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **Winkleigh Parish Council - Standing Orders.**

### **15.COMMUNICATING WITH DISTRICT AND COUNTY 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 representing the area of the Council.
- b) Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.

### **16.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

### **17.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 3 councillors to be given to the Proper Officer in accordance with standing order 8.
- c) The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form, unless this has been deferred by the Council.
- d) The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.