

KIRK DEIGTON PARISH COUNCIL STANDING ORDERS (England) adopted 19 March 2024

- 1. MEETINGS**
- 2. DISORDERLY CONDUCT**
- 3. MEETINGS GENERALLY**
- 4. CHAIRMAN OF THE MEETING**
- 5. VOTING**
- 6. QUORUM**
- 7. COMMITTEES AND WORKING GROUPS**
- 8. ORDER OF BUSINESS**
- 9. EXTRAORDINARY MEETINGS**
- 10. RULES OF DEBATE AT MEETINGS**
- 11. PREVIOUS RESOLUTIONS - REVOCATION OF DECISION**
- 12. VOTING ON APPOINTMENTS**
- 13. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE CLERK**
- 14. MOTIONS FOR A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**
- 15. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION**
- 16. DRAFT MINUTES**
- 17. CODE OF CONDUCT AND DISPENSATIONS**
- 18. REGISTRATION OF INTERESTS**
- 19. CODE OF CONDUCT COMPLAINTS**
- 20. PROPER OFFICER**
- 21. RESPONSIBLE FINANCIAL OFFICER (RFO)**
- 22. ACCOUNTS AND ACCOUNTING STATEMENTS**
- 23. FINANCIAL CONTROLS AND PROCUREMENT**
- 24. CASUAL VACANCIES**
- 25. HANDLING STAFF MATTERS**
- 26. MANAGEMENT OF INFORMATION**
- 27. RESPONSIBILITIES TO PROVIDE INFORMATION**
- 28. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**
- 29. EXECUTION AND SEALING OF LEGAL DEEDS**
- 30. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**
- 31. DATE OF ADOPTION**



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1. MEETINGS

- a. Meetings of the Council shall commence at 7.30pm on the third Tuesday in January, March, May, July, September and December unless the Council otherwise decides at a previous meeting.
- b. In an election year, the statutory Annual Meeting of the Council shall be held on the first Tuesday following the ordinary elections to the Council. In a non-election year, the Annual Meeting of the Council shall be held on the third Tuesday in May.
- c. Additional meetings may be omitted upon resolution by the Council save that there must be three additional meetings in any year.
- d. The Annual Parish Meeting will be held in April or May.

2. 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 persons to moderate or improve their conduct.
- b. If persons 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 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) above is ignored, the Chairman 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. 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 of a meeting does not include the day on which notice was issued or the day of the meeting.
- 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 gives reasons for the public's exclusion.
- e. Immediately prior to the commencement of a meeting, the Council will allow a period of up to 20 minutes to invite members of the public to address the Council. The Council is not obliged to respond to the members of the public, but may choose to do so and/or consider the comments when an item is discussed as an agenda item.
- f. Members of the public may speak at meetings if authorised to do so by a resolution to suspend standing orders to hear from a member of the public.
- g. The Clerk shall record apologies for absence from meetings of the Council. If no apologies are received the member shall be listed as absent.
- h. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted under the Openness of Local Government Bodies Regulations 2014.
- 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.

4. CHAIRMAN OF THE MEETING

- a. The Chairman will preside at the meeting. If they are not present, the Council will choose a Chairman by show of hands.
- b. 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. VOTING

- a. Subject to a 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.
- b. The Chairman 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.
- c. 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.
- d. 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.

6. QUORUM

- a. Three members shall constitute a quorum.
- b. If a quorum is not present when the Council meets, or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting on such other day as the Chairman may fix.

7. COMMITTEES AND WORKING GROUPS

- a. The Council shall at the Annual Meeting or at any other time appoint Committees or Working Groups as necessary, but subject to any statutory provision in that behalf shall not appoint any member so as to hold office later than the next Annual Meeting.
- b. Non-councillors may be elected to serve on any Committee or Working Group unless it regulates and controls the finances of the Council.
- c. A Committee or Working Group may make recommendations only for decisions to be made by full Council at the next Council meeting.
- d. The Council may appoint Committees or Working Groups as may be necessary and shall determine their terms of reference.
- e. The Chairman and Vice-Chairman shall be members of any Committee or Working Group if they so wish.
- f. The quorum of any Committee or Working Group shall be fifty per cent of the members of that Committee or Working Group save that no decision may be made by a single member.

8. ORDER OF BUSINESS

- a. The first business of the Annual Meeting of the Council will be the election of the Chairman and Vice-Chairman of the Council. Each position requires a nominator and a seconder then a vote shall be carried by a show of hands by all those eligible to vote.
- b. 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.
- c. The Vice-Chairman of the Council, 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.
- d. 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 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 must give a casting vote in the case of an equality of votes.
- e. 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 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 must give a casting vote in the case of an equality of votes.

- f. Following the election of the Chair and Vice-Chair of the Council at the Annual Meeting, the business of the Annual Meeting shall include the following and thereafter the order of business set out in Standing Order 8h:
 - 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 non-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. Appointment of members to Committees or Working Groups which the Council deems necessary.
 - iii. Appointment of representatives on any other organisation or authority which the Council deems necessary.
- g. At each ordinary meeting of the Parish Council the first business shall be to appoint a Chair if the Chair and Vice-Chair are absent.
- h. After the first business has been completed the order of business shall be as stated in the summons and shall include:
 - i. Confirmation of the accuracy of the Minutes of the last meeting of the Council.
 - ii. After consideration to approve the signature of the Minutes by the person presiding as a correct record.
 - iii. To consider business expressly required by statute to be done.
 - iv. To dispose of business, if any, remaining from the last meeting.
 - v. To answer questions.
 - vi. To receive and consider reports of Committees and Working Groups.
 - vii. To authorise the signing of orders for payment.
 - viii. To consider resolutions or recommendations in the order in which they have been notified.
 - ix. To receive such communications as the person presiding may wish to lay before the Council.
 - x. Any other business specified in the summons.
- i. A motion to vary the order of business on the grounds of urgency may be proposed by the Chair.
- j. In every year the Council shall review the pay and conditions of service of the Clerk and any other employees as per the relevant clause(s) in the Contract of Employment.

9. EXTRAORDINARY MEETINGS

- a. An extraordinary meeting of the Parish Council may be called at any time by the Chair.
- b. If the Chairman of the Council does not or refuses to 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.

10. RULES OF DEBATE AT MEETINGS

- a. Members shall address the Chairman.
- b. A motion (including an amendment) shall not be progressed unless it has been proposed and seconded.
- c. A member shall direct their speech to the question under discussion or to a personal explanation or to a question of order.
- d. A motion (including an amendment) may be withdrawn by the proposer with the consent of the Council.
- e. The ruling on a point of order or on the admissibility of a personal explanation shall be decided by the Chairman and his decision shall be final.
- f. 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 Working Group for consideration.
- vii. To exclude the public and press.
- viii. To adjourn the meeting.
- ix. To suspend a particular standing order except those which reflect mandatory statutory requirements.

11. PREVIOUS RESOLUTIONS - REVOCATION OF DECISION

- 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 Clerk in accordance with standing order 13 below, or by a motion recommended by a Committee or Working Group and/or if new information regarding that resolution comes to light.
- b. When a motion moved pursuant to standing order 11a above has been disposed of no similar motion may be moved within a further six months.

12. 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.
- b. A tie in votes may be settled by the casting vote of the Chairman of the meeting.

13. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE CLERK

- a. A motion shall relate to the responsibilities of the meeting which it is tabled for 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 within an agenda item and relates clearly to that item.
- c. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that they intend to move at some later meeting or that they withdraw it.

14. MOTIONS FOR A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a. Resolutions dealing with the following matters may be moved without written notice to the Clerk:
 - i. To appoint a Chairman of the meeting;
 - ii. To correct an inaccuracy in the draft Minutes of a meeting;
 - iii. To approve the Minutes;
 - iv. To alter the order of business;
 - v. To proceed to the next business;
 - vi. To move to a vote;
 - vii. To close or adjourn the debate;
 - viii. To refer a matter to a Working Group or Committee;
 - ix. To appoint a Working Group or Committee or any members thereof;
 - x. To require/adopt a report;
 - xi. To authorise the signing or sealing of documents
 - xii. To amend a resolution;
 - xiii. To give leave to withdraw a resolution or an amendment;
 - xiv. To extend the time limit for speeches;

- xv. To exclude the public;
- xvi. To silence or eject from the meeting a member named for misconduct;
- xvii. To invite a member having an interest in the subject matter under debate to remain;
- xviii. To give the consent of the Council where such consent is required by these Standing Orders;
- xix. To suspend any Standing Order.

15. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

- a. Councillors, staff and council papers shall not disclose to any person not a member of the Council confidential or sensitive information which for special reasons would not be in the public interest.

16. DRAFT MINUTES

- a. No discussion shall take place upon the Minutes except upon their accuracy.
- b. Corrections to the Minutes shall be made by resolution.

17. CODE OF CONDUCT AND DISPENSATIONS

- a. All members must observe the Code of Conduct adopted by the Council.
- b. Unless a member has been granted a dispensation, the member shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest or another interest if so required by the Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Dispensation requests shall be in writing and submitted to the 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 and that decision is final.

18. REGISTRATION OF INTERESTS

- a. Members must comply with proper practices as set out in Bramham cum Oglethorpe Parish Council Members' Code of Conduct, specifically, Part Two - Registration and Disclosure of Interests.
- b. The Clerk shall record in the Minutes particulars of any notice given by any member of any interest, unless it is a sensitive interest.

19. CODE OF CONDUCT COMPLAINTS

- a. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any member or officer as soon as possible.

20. PROPER OFFICER

- a. The Clerk will act as the Proper Officer of the Council.
- b. The Proper Officer shall:
 - i. At least three clear days before a meeting of the Council serve on councillors a summons by email confirming the time, place and agenda provided any such email contains the electronic signature and title of the Clerk.
 - ii. Give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a Committee.
 - iii. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.
 - iv. Facilitate inspection of the minutes by local government electors.
 - v. Receive and retain copies of byelaws made by other local authorities.
 - vi. Retain Acceptance of Office forms of every councillor.
 - vii. Retain a copy of the Register of Interests of every councillor.
 - viii. Assist with responding to requests made under the Freedom of Information Act 2000 and General Data Protection Regulation (GDPR) Act 2018.
 - ix. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

- x. Issue agendas and notices of meetings.
 - xi. Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form.
 - xii. Arrange for legal deeds to be executed.
 - xiii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- c. In any other case and in the absence of the Clerk or a deputy appointed by the Council, the Proper Officer shall be the Chairman.
 - d. As an employee of the Council the Clerk will have a contract of employment stating the terms and conditions under which they are employed.
 - e. The Clerk shall provide a copy of the Council's Standing Orders to a councillor as soon as possible after he has delivered his Acceptance of Office form.

21. RESPONSIBLE FINANCIAL OFFICER (RFO)

- a. The Clerk will take on the role of RFO and will follow guidelines set out in the most recent version of Governance and Accountability for Local Councils – A Practitioner's Guide (England).

22. 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 (England).
- 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 which shall be reviewed at least annually.
- c. The RFO shall supply to each councillor as soon as practicable after the end of each month a statement summarising: the Council's receipts and payments for each month, the Council's aggregate receipts and payments for the year to date, and the balances held at the end of each month, 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 RFO shall provide each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information, and to the full 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 applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft Annual Return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to Council for consideration and formal approval before 30 June.

23. FINANCIAL CONTROLS AND PROCUREMENT

- a. All financial and procurement transactions of the Council will be conducted as set out in the Financial Regulations approved by the Council.
- b. Council members shall not be precluded from tendering for supplies or services to the Council provided that the requirements of these Standing Orders are complied with on all occasions.
- c. Orders for the payment of money shall only be authorised by resolution of the Council and signed by two of the four authorised signatories. Such resolutions must be notified in the summons to the meeting.
- d. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 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). Contracts below £25,000 will normally be exempt from a tendering or procurement exercise.

- e. Financial Regulations shall be reviewed at least annually for fitness of purpose.

24. CASUAL VACANCIES

- a. The office of a councillor becomes vacant if they cease to be qualified or become disqualified, if they fail to make a Declaration of Office within the prescribed time, or if they are absent for six consecutive meetings of the Council unless the Council approves the reason for absence.
- b. Every vacancy must be publicly notified.
- c. If ten electors do not claim a poll within fourteen days of the public notice, a casual vacancy is to be filled by co-option as soon as practicable.
- d. An absolute majority of those present and voting is required to choose a new councillor.
- e. If ten electors claim a poll, a by-election is to be held by poll. No poll can be claimed in the six months before the ordinary elections.

25. HANDLING STAFF MATTERS

- a. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council has decided whether or not the public shall be excluded.
- b. A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 15 above.
- c. The Employment Working Group shall 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 resolution by the Parish Council.
- d. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

26. 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.

27. 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. See also Standing Order 28.

28. RESPONSIBILITIES UNDER DATA PROTECTION

LEGISLATION(Below is not an exclusive list).

- a. Kirk Deighton Parish Council is not required to appoint a Data Protection Officer.

- b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his 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.
- g. See also Standing Order 26.

29. EXECUTION AND SEALING OF LEGAL DEEDS

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

30. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a. The Council may resolve to suspend a Standing Order (except those which are mandatory by law) in order to progress the business of the Council and such decisions will be recorded in the minutes.
- 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 requirements, shall be proposed by a special motion to be given to the Proper Officer, the written notice by at least 2 councillors to be given to the Clerk in accordance with Standing Order 13 above.
- c. The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

31. DATE OF ADOPTION

These Standing Orders were adopted by Kir Deighton Council on 19 March 2024

Review date March 2025