

# FILLONGLEY PARISH COUNCIL



## STANDING ORDERS

### **1.0 Disorderly conduct at meetings**

- 1.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their behaviour.
- 1.2 If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any Councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 1.3 If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **2.0 Meetings**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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 a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- 2.5 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.
- 2.6 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission
- 2.7 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.
- 2.8 Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman, may in his absence be done by, to or before the Vice-Chairman (if any).
- 2.9 The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-

- Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- 2.10 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.
  - 2.11 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 he gave an original vote.
  - 2.12 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 to show whether each Councillor present and voting gave his vote for or against that question.
  - 2.13 A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
  - 2.14 The minutes of a meeting shall include an accurate record of the following:
    - 2.14.1 the time and place of the meeting
    - 2.14.2 names of Councillors present and absent
    - 2.14.3 if there was a public participation session
    - 2.14.4 The resolutions made
  - 2.15 A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
  - 2.16 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 3.
  - 2.17 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.

### **3.0 Committees and sub-committees**

- 3.1 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- 3.2 The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.
- 3.3 Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.

### **4.0 Ordinary Council Meetings**

- 4.1 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.
- 4.2 In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- 4.3 If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- 4.4 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 may direct.
- 4.5 The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.

- 4.6 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.
- 4.7 The Vice-Chairman of the Council, if any, 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.
- 4.8 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.
- 4.9 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.
- 4.10 Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
- 4.10.1 In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done later. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done later.

## **5.0 Extraordinary meetings of the Council and committees and sub-committees**

- 5.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 5.2 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.

## **6.0 Management of Information**

- 6.1 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.
- 6.2 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).
- 6.3 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.

6.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## **7.0 Code of conduct and dispensations**

7.1 All Councillors shall observe the code of conduct adopted by the Council.

7.2 Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights and with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

7.3 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.

7.4 A dispensation request shall confirm:

7.4.1 the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

7.4.2 whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

7.4.3 the date of the meeting or the period (not exceeding four years) for which the dispensation is sought;

7.4.4 an explanation as to why the dispensation is sought.

6.5. 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. The decision is final.

6.6. Subject to standing orders (6.3, 6.4) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.

6.7. A dispensation may be granted in accordance with standing order 13(d) above if having regard to all relevant circumstances the following applies:

6.7.1. without the dispensation the number of persons prohibited from participating in the business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or

6.7.2. granting the dispensation is in the interests of persons living in the Council's area or

6.7.3. it is otherwise appropriate to grant a dispensation.

## **7.0 Code of Conduct Complaints**

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.

## **8.0 Proper Officer**

8.1 The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

8.2 The Council's Proper Officer shall;

8.2.1. at least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a summons, by email, confirming the

time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

- 8.2.2. give public notice of the time, place, and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
- 8.2.3. convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- 8.2.4. receive and retain copies of byelaws made by other local authorities;
- 8.2.5. receive and retain declarations of acceptance of office from Councillors.

## **9.0. Responsible Financial Officer**

- 9.1. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## **10.0. Financial Controls and Procurement**

- 10.1. The Council's financial regulations shall be reviewed regularly at least annually for fitness of purpose.
- 10.2. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
- 10.3. Any proposed contract for the supply of goods, materials, services, and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender.
- 10.4. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## **11.0. Execution and Sealing of Legal Deeds**

- 11.1. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 11.2. Subject to standing order 11.1 above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **12.0. Extraordinary Meetings**

- 12.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 12.2. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue, and agenda for such a meeting must be signed by the two Councillors.

## **13.0. Delegated Powers**

- 13.1. When decisions are required, by deadlines, to be made on Planning matters before the next meeting, Councillors are able to debate and inform the Clerk by email. There must be agreement by a minimum of 4 Councillors for the Clerk to pass that forward as a

decision by Council. If one Councillor expresses a wish to discuss at the next meeting this must happen.

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