

Colton Parish Council

Standing Orders

Adopted ...20th July...2015

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1. 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 chairman 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- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 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 chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his/her 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 chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman 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 of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

- 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 last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of 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 considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his/her 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 requirements.
- s Before an original or substantive motion is put to the vote, the chairman 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 right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall **not be prolonged, in the judgement of the Chairman.**

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 chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b 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.

- c 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.


3. 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 of a meeting does not include the day on which the 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 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. **This will be at the discretion of the Chairman and at a convenient time in the transaction of business.**
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed **(20) minutes** unless directed by the chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than **(5) minutes, unless directed by the chairman of the meeting.**
- h In accordance with standing order 3 (e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

- i A person shall raise his/her hand when requesting to speak, **and may then speak when invited to by the chairman of the meeting.**
- j A person who speaks at a meeting shall direct his/her comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and in accordance with the rights of other people attending under the Data Protection Act 1998. The Chairman has the authority to stop a meeting and take appropriate action if any person contravenes these principles. The Council may itself photograph, film, record or broadcast meetings.**
(Note: This paragraph reflects a change in the law after publication of NALC model SOs)
- m **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.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his/her absence be done by, to or before the Vice-Chairman of the Council (if any).**
- o **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.**
- p **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.**
- q **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/her casting vote whether or not he/she gave an original vote.**
See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- r **Voting on a question shall be by a show of hands or, if at least two members so request, by signed ballot. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- s 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 and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session; and
- vi. the resolutions made.

 t **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 right to participate and vote on that matter.**

 u **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) below for the quorum of a committee or sub-committee meeting.*

 v **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.

w A meeting shall not exceed a period of (2.5) hours.

x Each year, the Council will hold a Parish Open Meeting held at an agreed date between 1st March and 1st June. This meeting is open to all members of the Public on the Electoral Role of the Parish at the date of the meeting. The Meeting will include a report of the Parish Council's activities over the past year and be open to questions and discussion on parish matters. It will be chaired by the Chairman of the Parish Council or, in his/her absence, by the Vice-chair.

4. Committees and sub-committees

a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**

c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

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 full 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) above, appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c) above, 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 (3) days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman 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 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 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 sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

5. 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 new councillors elected take office.**
- b **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.**
- 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 directs.**
- ~~e~~ *((Wales)-omitted)*
- f **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.**
- g **The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.**
- h **The Vice-Chairman of the Council, if any, unless he/she 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.

- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he/she 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.**

- j In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she 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.**

- k 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:
 - i. 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 at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his/her 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 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations, when required.
 - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities, **if required;**
 - 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 assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xv. Review of the council's and/or staff subscriptions to other bodies;
 - xvi. Review of the council's complaints procedure, **when required.**
 - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, **when required.**
 - xviii. Review of the council's policy for dealing with the press/media, **when required;**
 - xix. Determining the time and place of ordinary meetings of the full council up to and

including the next annual meeting of full council.

xx. In an ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.

6. Extraordinary meetings of the council and committees and sub-committees

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- 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.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. 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 9 below, 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) above has been disposed of, no similar motion may be moved within a further six months.

8. 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 chairman of the meeting.

9. 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 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 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) above, 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) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least (3) 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 chairman 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 Subject to standing order 9(e) above, 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 in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

10. 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 sensitive 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 requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

12. 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. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ...*Council/committee/sub-committee* held on*date*.... in respect of ...*item*.... were a correct record but this view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon 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.

13. Code of conduct and dispensations

See also standing order 3(t) above.

- a **All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.**
- b Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he or she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has 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/she 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;
 - 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) above, dispensations requests shall be **considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.**
- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - 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 or**
 - 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.**

14. Complaints

14.1 Complaints concerning the Code of Conduct

- a Upon notification by the District or County 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 above, report this to the council.
- b Where the notification in standing order 14.1(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another person 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) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - 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 County Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**
- e **If the Council receives a complaint about a councillor or non-councillor with voting rights concerning a breach of the Code of Conduct, this complaint shall be referred directly to the District Council and the Council will await their advice about how to proceed.**

14.2 Complaints against the Council's Procedures or Administration

- a **For the Council's code of practice for complaints against its procedures or administration, see Supplementary Document 3.**

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other persons 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 and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda. At the discretion of the Chairman, a summons by email may be acceptable on occasions where there are essential late changes to the agenda, provided that such email arrives at least three clear days before the meeting and contains the electronic signature and title of**

the Proper Officer.

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.

- ii. **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);**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least (3) clear days before the meeting confirming his/her withdrawal of it;
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests; **and record notices disclosing interests at meetings in a register, signed by that councillor.**
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive, send **and sign** general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- 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;
See also standing order 22 below.
- 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;
- xiv. record every planning application notified to the council and the council's response to the local planning authority;
- xv. refer any planning application received by the council **to the Chairman and Councillors in the appropriate ward, ideally within two days of receipt. The Clerk is authorised to determine the Council's response to 'un-contentious' planning applications, following consultation with the Chairman and other members representing the appropriate ward on whether the plans are deemed contentious or not. The decision of the Clerk shall be reported to the next meeting of the Council. If plans are deemed potentially 'contentious' then they shall be discussed at the next meeting of the Council. If there is no scheduled meeting before the response deadline, the Clerk may need to request a deadline extension with the planning authority or, if this is not possible, will convene an extraordinary Council meeting.**
- xvi. manage access to information about the council via the publication scheme; and retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

- xvii. Receive dispensation requests from councillors.
- xviii. To certify copies of by-laws made by the Council

- c Executive powers may be delegated to the Proper Officer, following consultation with the Chairman or Vice Chairman to the Council or Committee, as appropriate and legal, for matters which require a decision before the next ordinary meeting.

See also standing order 22 below.

16. 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.

17. 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.
- 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 **bank reconciliation** statement to summarise:
 - i. the council's aggregate receipts and payments for the year to date;
 - ii. the balances held at the end of the period being reported

and which **at least twice per year** 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 for the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual 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, **or equivalent format for small parishes**, shall be presented to each councillor before the end of the following month of May. The annual return of the council, **or such arrangements which come into effect in 2017, and which may or may not** be subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June. *(Note: Additions in italic are included on CALC's advice whilst*

awaiting confirmation about future audit procedures).

18. 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. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [**£2,000**].
- b Financial regulations shall be reviewed regularly and **at least every 4 years** for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [**£2,000**] shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- 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 are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of 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 £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.

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairman or the Vice-chairman of absence occasioned by illness or other reason and that person shall report such absence at its next meeting.
- c The Chairman or in his/her absence, the Vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Council.

Grievance and Discipline

- d Conciliation and Mediation: Before resorting to formal procedures from the employee or from the Council it is the policy of the Council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of mediation seeking conciliation. Should this not resolve the matter, the council's most senior employee shall contact the Chairman or, in his/her absence, the Vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council. Where necessary the Council will seek the services of an external expert to forward this process to reach a conclusion satisfactory to both parties in the dispute.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the Chairman or Vice-chairman, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f Redress of Grievance: Employees should apply in writing to the Chairman of the Council for redress of any grievance relating to their employment and/or any disciplinary decision applied to them. The Chairman shall report the application to a Grievance Panel meeting of the Council, held in the absence of the public and the press. The employee will have an opportunity to set out their grievance. The grievance will then be considered and a decision reached by the Panel. Should the employee be dissatisfied with the Panel's decision they have the right to make an appeal to the Appeals Panel of the Council. Under the provisions of the 1999 Employment Relations Act s.10 they have the right to have a representative of their choice present at any Grievance or Disciplinary hearing.
- g Discipline: Before any disciplinary action is taken by the Council, a notice in writing giving details of the matter, either signed by the Chairman and authorised by the Council shall be given to the employee. The employee (together with an adviser if desired) will have a full

opportunity to answer the complaint at a meeting of the Council's Disciplinary Panel held in the absence of the public and the press. Should the employee be dissatisfied with the Panel's decision they have the right to make an appeal to the Appeals Panel of the Council.

- h Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- i The council shall keep all written records relating to employees secure.
- j Only the Clerk, Chairman and members of the Standards Working Group shall have access to staff records referred to in standing orders 19 (h) and (i) above if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19 (h) and (i) above shall be provided only to the Clerk and the Chairman of the Council.

20. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy (see Supplementary Documents 1. and 2.) in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the council. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. 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.

22. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 22(a) above, 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.

23. 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.

24. Restrictions on councillor activities

- a. Unless authorised by a resolution, 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.

25. Handling Consultations and Surveys

- a On receipt of a consultation, the Proper Officer will notify the Chairman who will then decide, in the light of the nature of the consultation and the response time-table, whether the Council's response will be decided prior to the next Council meeting, at the next Council meeting, or at an extraordinary meeting of the Council.
- b If the Council is to respond prior to the next meeting, the Proper Officer will consult with other such members of the Council as deemed appropriate, and submit a response on behalf of the Council. This response will be reported at the next Council meeting.
- c In the event of it being decided that no formal response will be submitted, the Proper Officer will nevertheless write and inform the consulting body that on this occasion, the Council has no observations to make.

26. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add 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, the written notice by at least (3) councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he/she has delivered his/her acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Supplementary Documents

1. Freedom of Information Procedure
2. Data Protection
3. Complaints Procedure
4. Training Policy
5. Bouth Village Green & Playground Advisory Committee

1. FREEDOM OF INFORMATION PROCEDURE & PUBLICATION SCHEME

1.1. The council has adopted the new model publication scheme (September 2008) under the Freedom of Information Act 2000.

1.2. The Clerk will be responsible for publishing and making available to the public:

Class1: "Who we are and what we do"

- Who's who on the Council and its Committee
- Contact details for Clerk and Council members
- Location of council office
- Staffing structure

Class2: "What we spend and how we spend it" (current and previous financial year as minimum)

- Annual return form and report by auditor
- Finalised budget
- Precept
- Borrowing Approval letter
- Financial Standing Orders and Regulations
- Grants given and received
- List of current contracts awarded and value of contract
- Members' allowances and expenses

Class 3: "What our priorities are and how we are doing"

- Parish Plan
- Annual Report to Parish Meeting
- Quality Status
- Local charters drawn up in accordance with DCLG guidelines

Class 4: "How we make decisions"

- Timetable of meetings
- Agendas of meetings
- Minutes of meetings
- Reports as presented to council meetings (excluding those private to the meeting)
- Responses to consultation papers
- Responses to planning applications
- Bye-laws

Class 5: "Our Policies and Procedures"

- Policies and procedures for the conduct of council business:
 - Procedural Standing Orders
 - Committee and sub-committee terms of reference
 - Delegated authority in respect of officers
 - Code of Conduct
 - Policy statements
- Policies and procedures for the provision of services and about the employment of staff:
 - Internal policies relating to the delivery of services
 - Equality and diversity policy (*not a requirement for parish councils*)
 - Health and safety policy
 - Recruitment policies (including current vacancies)
 - Policies and procedures for handling requests for information
 - Complaints procedures
- Information security policy
- Records management policies (retention, destruction and archiving)
- Data protection policies
- Schedule of charges for the publication of information

Class 6: Lists and Registers

- Any publicly available register or list

- Assets Register
- Disclosure Log (information provided in response to requests)
- Register of members' interests
- Register of gifts and hospitality

Class 7: "The services we offer"

- Allotments
- Burial grounds and closed churchyards
- Community centres and village halls
- Parks, playing fields and recreational facilities
- Seating, litter bins, clocks, memorials and lighting
- Bus shelters
- Markets
- Public conveniences
- Agency agreements
- A summary of services for which the council is entitled to recover a fee, together with those fees.

- 1.3. Members of the public may inspect the above documents. Information will be made available on the website where appropriate. Otherwise, a charge of 10p per copy will be levied for any hard copies of the documents.
- 1.4. The Clerk will be the contact point for any communication from the Information Commissioner. The Clerk will be responsible for the administration of the Model Publication Scheme and for any changes made to the scheme.

2. DATA PROTECTION

This policy was formally adopted by Colton Parish Council in January 2005 and applies to all employees, members and those acting on the Council's behalf.

An essential activity within the Council is the requirement to gather and process information about its staff and people in the community in order to operate effectively. This will be done in accordance with the Data Protection Act 1998 (the Act) and other related government legislation.

The council - acting as custodians of personal data - recognises its moral duty to ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the whole lifecycle, including

- The obtaining of personal data;
- The storage and security of personal data;
- The use of personal data;
- The disposal/destruction of personal data.

The council has also a responsibility to ensure that data subjects have appropriate access, upon written requests, to details regarding personal information relating to them.

Actions

By following and maintaining strict safeguards and controls, the Council will:

1. Acknowledge the rights of individuals to whom personal data relates, and ensure that those rights may be exercised in accordance with the Act.
2. Ensure that both the collection and use of personal data is done fairly and lawfully.
3. Ensure that personal data will only be obtained and processed (1) for the purposes specified, in pursuit of the Council's aims and objectives.
4. Collect and process personal data on a "need to know" basis, ensuring that such data is fit for purpose, is not excessive, and is disposed of at a time appropriate to its purpose.
5. Ensure that adequate steps are taken to ensure the accuracy and currency of data.
6. Ensure that for all personal data, appropriate security measures are taken - both technically and organisationally - to protect against damage or abuse.
7. Ensure that the movement of personal data is done in a lawful way - both inside and outside the Council and that suitable safeguards exist at all times.

Enablers

1. Ensure that the Parish Clerk is responsible for communications and issues relating to information security, the Data Protection Act, and other related legislation within the department.
2. Ensure that all activities that relate to the processing of personal data have appropriate safeguards and controls in place to ensure information security and compliance within the act.
3. Ensure contracts and service level agreements (SLAs) between the council and external third parties - where personal data is processed - make reference to the Act as appropriate.
4. Ensure that staff acting on the Council's behalf understand their responsibilities regarding information security under the Act and that they receive the appropriate training / instruction and supervision so that they carry those Duties out affectively and consistently and are given access to personal Information that is appropriate to the duties they undertake.
5. Ensure that all third parties acting on the Council's behalf are given access to personal information that is appropriate to the duties they undertake and no more.
6. Ensure that any requests for access to personal data are handled courteously promptly and appropriately, ensuring that either the data subject or his/her authorized representative has a legitimate right to access under the Act, that the request is valid, and that information provided is clear and unambiguous;
7. Work towards adopting, as best working practice, the key principles of BS7799 - the British Standard on Information Security Management. (2)
8. Review this policy and the safeguards and controls that relate to it annually - to ensure that they are still relevant, efficient and effective.

(1) Processing as defined by the Act as obtaining, recording, holding, organisation, adaptation, alteration, retrieval, consultation, use, disclosure, alignment, combination, blocking, erasure and destruction.

(2) All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld , e.g. for legal reasons.

3. CODE OF PRACTICE FOR COMPLAINTS AGAINST THE COUNCIL

(modified with reference to NALC Legal Topic Note LTN 9E June 2014, Handling Complaints)

- i) This procedure is for complaints against the council's procedures or administration.
- ii) This procedure will be well-publicised and accessible to the complainant.
- iii) The council will comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.
- iv) If a complaint about procedures or administration is notified orally to a councillor or the clerk and they cannot satisfy the complainant informally, then the following procedure shall apply:

Procedure for Formal Complaints

Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk.
2. If the complainant does not wish to put the complaint to the clerk, they may be advised to put it to the chairman or vice-chairman of the council.
3. The clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant also will be asked to confirm if he or she wants the complaint to be treated confidentially.
4. The council will investigate the facts of the complaint and collate the relevant evidence.
5. The complainant will be invited to attend the relevant meeting and bring with them a representative should they so wish.
6. Seven clear days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

7. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
8. The chairman shall introduce everyone and explain the procedure.
9. The complainant (or representative) will be invited to outline the grounds for complaint.
10. Questions may be asked by i) the clerk and then ii) members.
11. The clerk will have an opportunity to explain the council's position and questions may be asked by i) the complainant and ii) members.
12. The clerk and then the complainant will be offered the opportunity to summarise their position.
13. The clerk and the complainant will be asked to leave the room while members decide whether or not the ground for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
15. The clerk and the complainant will be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day, they should be advised when the decision is likely to be made and when it will be communicated to him.

After the complaint has been decided

16. The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

4. TRAINING POLICY

1. The Clerk will be responsible for notifying the Council of training opportunities for both the Clerk and Councillors
2. All new Councillors will be strongly encouraged to attend an appropriate 'good councillor' training course within their first year of office.
3. All new Chairmen will be strongly encouraged to attend an appropriate Chairman's training course in their first year of office.
4. New Clerks will be required to attend an induction course. They will also be encouraged to work towards attaining the CiLCA qualification necessary to maintain the Council's status under the Local Council Awards Scheme and the ability to exercise the General Power of Competence (Localism Act 2011).
5. On completion of the course, the attendee will give a brief report to the Council on its content and value.
6. A record of courses attended will be kept by each Councillor respectively and a full list by the Clerk.

5. BOUTH VILLAGE GREEN & PLAYGROUND ADVISORY COMMITTEE

The Bouth Village Green & Playground Voluntary Committee (BVGVC) is an Advisory Committee to Colton Parish Council. The following is taken from its constitution:

Historical Background

On 1st November 1968, for a term of 99 years, a lease was agreed between the North Lonsdale Rural District Council (now called South Lakeland District Council - SLDC) and The Parish Council for the Parish of Colton in the County of Lancashire (now Cumbria), for the purpose of Public Walks & Pleasure Gardens or Recreation Grounds in the Village of Bouth, for the sum of ten shillings (50p) per annum, to be paid annually by the Parish Council on 1st April (or within 21 days). The lease was signed on 13th Sept 1971.

In 2005/2006 the auditors required that the Village Green accounts be formalised as part of the audited Parish Council accounts with all expenses recorded with receipts. In addition the District Council also required to lease the Green to a formally audited body. For this purpose, in April 2006 the Bouth Village Green Voluntary Committee became an Advisory Committee to the Parish Council.

The Operation and Running of the Bouth Village Green (BVG)

This Committee consists of a maximum of 20 members, including officers, and a minimum of 6 persons (over the age of 18), who are elected from the Villagers of Bouth and its environs, at an Annual General Meeting. At least one member is also a Parish Councillor and acts as liaison between the two bodies.

The purpose of this committee is:

1. To administer and upkeep the Village Green & Playground on a day-to-day basis.
2. To organise work parties as and when required and to maintain the VG in good order. At least one member of the parish council will be present on these working parties.
3. To raise funds for replacement of structures, for major improvements to the village green and for special events.
4. To ensure that the lease of the Green is paid.
5. To ensure that the VG Insurances are correct and up to date.
6. To ensure that relevant inspection procedures and health and safety requirements are in place and paperwork maintained.
7. To ensure that any problems raised by monthly and annual inspections are actioned; prior agreement for any significant costs to be approved by the Parish Council.

The operation of the committee will be as follows:

- A. Notice of the Annual General Meeting will be posted 14 days in advance on the Bouth notice board.
- B. There will be a minimum of one Voluntary Committee meeting per year.
- C. The Committee will consist of four officers; Chairman, Vice-Chairman, Secretary and Book-keeper.
- D. A quorum consists of five members.
- E. The Chairman's Annual Report from this Committee will be given to the Annual Colton Parish Council meeting in May each year.
- F. A twice yearly cash imprest for day-to-day expenses up to an agreed amount will be forwarded to the book-keeper by the Clerk of Colton Parish Council in exchange for VAT receipts for items purchased from the previous imprest.
- G. Monthly inspections of the Village Green and Playground will be carried out and recorded for auditing and insurance purposes.