

Gosforth Parish Council

Standing Orders

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Amended in line with the National Association for Local Council's

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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 chairperson 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- c A motion on the agenda that is not moved by its proposer may be treated by the chairperson of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairperson of the meeting, is expressed in writing to the chairperson.
- h A councillor may move an amendment to his 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 chairperson of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairperson of the meeting.
- k One or more amendments may be discussed together if the chairperson of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairperson 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 last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairperson of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairperson 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 right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 10 minutes without the consent of the chairperson of the meeting.

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 chairperson of the meeting shall request such person(s) to moderate or improve their conduct.
- b If a person(s) disregards the request of the chairperson of the meeting to moderate or improve their conduct, any councillor or the chairperson of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairperson of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

- a **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 **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.**
- d 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.
- e The period of time designated for public participation at a meeting in accordance with standing order 3(d) shall not exceed fifteen minutes unless directed by the chairperson of the meeting.
- f Subject to standing order 3(e), a member of the public shall not speak for more than fifteen minutes.
- g In accordance with standing order 3(d), a question shall not require a response at the meeting nor start a debate on the question. The chairperson of the meeting may direct that a written or oral response be given.
- h A person shall raise his hand when requesting to speak and may stand or be seated when speaking.
- i A person who speaks at a meeting shall direct his comments to the chairperson of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chairperson of the meeting shall direct the order of speaking.
- k **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.**
- l **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in his absence be done by, to or before the Vice-Chairperson of the Council.**
- m **The Chairperson, if present, shall preside at a meeting. If the Chairperson**

is absent from a meeting, the Vice-Chairperson, if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a councillor, as chosen by the councillors present at the meeting, shall preside at the meeting.

- n **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors with voting rights present and voting.**
- o **The chairperson of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairperson of the Council at the annual meeting of the Council.

- p **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- q The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and absent and any reasons for their absence given;
 - iii. interests that have been declared by councillors;
 - iv. whether a councillor left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

- r **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.**

- s **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(vi) for the quorum of a committee meeting.

- t **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.

- u A meeting shall not exceed a period of two hours.

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 committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall permit a committee to determine the number and time of its meetings;
 - iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - iv. shall permit a committee to appoint its own chairperson at the first meeting of the committee;
 - v. shall permit a committee to determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three; and
 - vi. may dissolve a committee or a sub-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 the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7pm.**
- 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 **The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson of the Council.**

- f **The Chairperson of the Council, unless he/she 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.**
- g **The Vice-Chairperson of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairperson of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairperson of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairperson of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairperson of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairperson of the Council and Vice-Chairperson of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chairperson 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 Chairperson of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Review of delegation arrangements to committees, external groups, roles and other appointments;
 - iv. Appointment of members to existing committees;
 - v. Appointment of any new committees in accordance with standing order 4;
 - vi. Review and adoption of appropriate standing orders and financial regulations;
 - vii. Review of inventory of land and other assets including buildings and office equipment;
 - viii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - ix. Review of the Council's and/or staff subscriptions to other bodies;
 - x. Review of the Council's complaints procedure;
 - xi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL

- a **The Chairperson of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairperson of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two**

councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

- c The chairperson of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chairperson of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the 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 two 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.
- 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 chairperson of the meeting.

9. 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.

10. DRAFT MINUTES

- a. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairperson at the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chairperson of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect: *'The chairperson of this meeting does not believe that the minutes of the meeting of the () held on (date) in respect of () were a correct record but his view was not upheld by the meeting and minutes are confirmed as an accurate record of the proceedings.'*
- e. Upon 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.

11. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(r) above

- a. All councillors shall observe the code of conduct adopted by the council.
- b. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he 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 had the interest.
- d. **Dispensation requests shall be submitted in writing 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 Chairperson 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. An explanation as to why the dispensation is sought.
- g. Subject to standing orders 11(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 11(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.**

12. CODE OF CONDUCT COMPLAINTS

- a. Upon notification by the District or County Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 9 above, report this to the council.
- b. Where the notification in standing order 12(a) above relates to a complaint made by the Proper Office, the Proper Officer shall notify the Chairperson of the Council of this fact.
- 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 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.**

13. PROPER OFFICER

- a. The Proper Officer shall be the clerk or other person 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, serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the name and title of the Proper Officer.
 - II. **Give public notice of the time, place and agenda at least three clear days before a meeting of the council.**
 - III. **Convene a meeting of full council for the election of a new Chairperson 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 from councillors;
 - VII. Retain a copy of every councillor's register of interests;
 - VIII. 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;

- IX. Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- X. Manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- XI. Arrange for legal deeds to be executed;
- XII. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- XIII. Record every planning application notified to the council and the council's response to the local planning authority;
- XIV. Refer a planning application received by the council to the Chairperson or, in his absence the Vice-Chairperson of the Council, within two working days of receipt to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting.
- XV. Manage access to information about the council.

14. RESPONSIBLE FINANCIAL OFFICER

- a. The council shall appoint the Clerk as Responsible Financial Officer or an appropriate person to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

15. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - I. The council's receipts and payments for each quarter;
 - II. The council's aggregate receipts and payments for the year to date;
 - III. The balances held at the end of the quarter being reported

And which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- I. Each councillor with a statement summarising the council's receipts and payments for the last quarter and 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 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.

16. 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 16(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b. Financial regulations shall be reviewed regularly and at least annually 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 £60,000 shall be procured on the basis of a formal tender.

17. 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 9 above.
- b. Subject to the council's policy regarding absences from work, the council's clerk shall notify the chairperson, or, if he is not available, the vice-chairperson of absence occasioned by illness or other reason and that person shall report such absence to council at the next meeting.

- c. The chairperson of the council or, in his absence, the vice-chairperson shall 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.
- d. Subject to the council's policy regarding the handling of grievance matters, the clerk shall contact the chairperson of the council or, in his absence, the vice-chairperson in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the council
- e. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the clerk relates to the chairperson or vice-chairperson, this shall be communicated to another member of the council, which shall be reported back and progressed by resolution of the council.
- f. 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.
- g. The council shall keep all written records relating to employees secure. All paper records shall be secured, and electronic records shall be password protected.
- h. Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the clerk and/or the chairperson of the council.

18. REQUESTS FOR INFORMATION

- a. Requests for information held by the council shall be handled in accordance with the council's policy 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 to the Proper Officer and to the chairperson of the council. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

19. RELATIONS WITH 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

20. 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; of
 - II. Issue orders, instructions or directions.

21. 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. All or part of the these standing orders may be temporarily varied, or suspended, including those that incorporate mandatory statutory requirements, if directed to do so in the case of a serious emergency that causes the disruption of the normal activities of the council.
- c. A motion to add to or vary or revoke one or more of the council's standing orders, except on the incorporates mandatory requirements, shall be proposed by a special motion, the written notice by at least **two** councillors to be given to the Proper Officer.
- d. The Proper Officer 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.
- e. The decision of the chairperson of a meeting as to the application of standing orders at the meeting shall be final.