

**KIRKBY MALZEARD, LAVERTON
AND DALLOWGILL PARISH
COUNCIL**

STANDING ORDERS

ADOPTED JUNE 2020

INTRODUCTION

Standing Orders are the written rules of a Council. They are used to confirm a Council's internal organisational, administrative and procurement procedures and procedural matters for meetings.

Councillors, the Proper Officer / Responsible Financial Officer (Clerk) and Council meetings themselves are all subject to statutory requirements. Standing Orders confirm the statutory requirements, being those which are set out in **bold type** within this document.

The obligations and responsibilities of Councillors are explained within the Code of Conduct document of this Council.

Financial Regulations are used to regulate and control the financial affairs and accounting procedures of a local Council. Our Financial Regulations are contained within a separate document.

These Standing Orders are based on extracts from the latest model Standing Orders document produced by the NALC in May 2018.

INDEX

- 1. GENERAL PROCEDURES AT COUNCIL MEETINGS**
 - 2. ANNUAL PARISH COUNCIL MEETINGS**
 - 3. ORDINARY AND EXTRAORDINARY COUNCIL MEETINGS**
 - 4. COMMITTEES AND SUB-COMMITTEES.**
 - 5. THE PROPER OFFICER / RESPONSIBLE FINANCIAL OFFICER**
 - 6. STAFF MATTERS**
 - 7. COMPLAINTS PROCEDURE**
 - 8. DATA PROTECTION**
 - 9. FREEDOM OF INFORMATION**
 - 10. MANAGEMENT OF INFORMATION**
 - 11. RELATIONS WITH PRESS/MEDIA**
 - 12. EXECUTION AND SEALING OF LEGAL DEEDS**
 - 13. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**
 - 14. CO-OPTION PROCESS TO APPOINT NEW COUNCILLORS**
 - 15. DELEGATION OF POWERS IN EVENT OF EMERGENCY**
 - 16. PROCEDURES AT REMOTE MEETINGS**
 - 17. STANDING ORDERS – GENERALLY**
- APPENDIX 1 - ANNUAL PARISH MEETINGS**

1. GENERAL PROCEDURES AT COUNCIL MEETINGS

- a) All Councillors shall observe the Code of Conduct adopted by the Council.
- b) **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- c) **The minimum three clear days for notice of a Council 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.** This rule also applies to Committee and sub-committee meetings. The Agenda (being the Notice of a meeting) relating to a Council meeting to be held on a Monday, will therefore be published no later than the preceding Wednesday.
- 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** (a decision approved by the Council) **which shall give reasons for the public's exclusion.** This rule also applies to the Press. If the necessity for excluding the public and press is known in advance, this, together with the reasons for so doing, will be stated in the Agenda. If the need only becomes apparent during a meeting, the Chairman will propose that such an exclusion is made (and provide the reasons for so doing) at the time. In both instances the approval of the Council will be needed before the exclusion is implemented.
- e) Members of the public may make representations, ask questions and give evidence at a meeting which they are entitled to attend, in respect of the business on the agenda. The total period of time for public participation at a meeting shall not exceed 30 minutes, and any individual member of the public shall not speak for more than 3 minutes in total, unless these periods are extended at the discretion of the Chairman of the meeting. Where a member of the public believes that the points which they wish to make will take in excess of 3 minutes, they should provide a written outline of these points to the Clerk for circulation to the Councillors, no later than one clear day before the meeting.
- f) In accordance with Standing Order 1(e), 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 at a later date.

- g) A person shall raise their hand when requesting to speak and wait for the Chairman of the meeting to give permission before speaking. All comments should be directed to the Chairman of the meeting. If more than one person wishes to speak, the Chairman of the meeting shall direct the order of speaking.
- h) **Subject to standing order 1(i), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.** The person ‘reporting’ on the meeting is expected to notify the Chairman prior to commencement of the ‘reporting’, so that Councillors and other persons present can be made aware.
- i) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.** Permission will be withheld if the oral report or commentary is likely to disrupt the meeting.
- j) **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.**
- k) **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 absence be done by, to or before the Vice-Chairman of the Council.**
- l) **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council 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.**
- m) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting which will 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.

- n) **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 their casting vote whether or not they gave an original vote.**
- o) The Minutes of a meeting shall, amongst other matters, include an accurate record of the following:
 - i. the place of the meeting and the times at which it commenced and ended;
 - ii. the names of Councillors who are present and the names of Councillors who are absent;
 - iii. whether apologies were received from those Councillors absent and the approval of the reasons given for their absence;
 - iv. the names of any County or District Councillors who are present and a note of the number of members of the public in attendance;
 - v. interests that have been declared by Councillors, the grant of Dispensations (if any) to those Councillors and the basis on which those Dispensations were granted;
 - vi. all decisions made and a summary of important points of each item discussed and appropriate 'Action Points'. A detailed account of who said what is neither necessary nor advisable and will not be recorded.
- p) **A Councillor who has a Disclosable Pecuniary Interest or an 'Other Interest' as set out in the Council's Code of Conduct in a matter being considered at a meeting, is subject to statutory limitations or restrictions under the Code on their right to participate and vote on that matter.** Limitations or restrictions also apply where Councillors declare a 'Close Association' as defined in the Code of Conduct. Full details of Interests and Dispensations are defined in the Code of Conduct document.
- q) **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.**
- r) **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

deferred to another meeting.

- s) 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.
- t) 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 propose that the person be no longer heard or be excluded from the meeting. The proposal shall be put to the vote without discussion.
- u) If an approved decision made under standing order 1(t) 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.
- v) Meetings should aim to last no longer than a period of two hours (to include any periods of time where public participation takes place).
- w) If the draft minutes of a preceding meeting have been served on Councillors they shall be taken as read. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A request to have inaccurate information altered can be made at the meeting. The accuracy of draft minutes, including any amendment(s) made to them, shall be approved and then signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they 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 Parish Council held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- x) **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.** Following a vote 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.

2. ANNUAL PARISH COUNCIL MEETINGS

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c) **If no other time is fixed, the annual meeting of the Council shall take place at 7.15pm.**
- d) **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council. The candidate with the most votes will be elected. In the event of a tie for the position of Chairman the current Chairman must give a casting vote.**
- e) **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- f) **The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- g) **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- h) **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**

i) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business 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 acceptance of office form unless the Council resolves for this to be done at a later date;

- ii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- iii. Review of the terms of reference for committees;
- 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, Financial Regulations, Code of Conduct, Risk Assessment Register and Publication Scheme documents;

This will include a review of the Council's complaints procedure (Standing Order 7 and the Code of Conduct), the Council's data protection policy (Standing Order 8 and all GDPR documentation), the Council's policies, procedures and practices in respect of its obligations under freedom of information (Standing Order 9), the Council's policies, procedures and practises in respect of management of information (Standing Order 10) and the Council's policies for dealing with the press/media (Standing Order 11);
- vii. Review of arrangements (including legal agreements) with external bodies including other local authorities, not-for-profit bodies, Trusts and businesses, and arrangements for reporting back;
- viii. 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;
- ix. Review of inventory of land and other assets including buildings and office equipment;
- x. Confirmation of arrangements for insurance cover in respect of all insurable risks to include a review of the schedule of assets for insurance purposes;
- xi. Review of the Council's and/or staff subscriptions to other bodies;

- xii. Review of the Council's employment policies and procedures;

This will include a review of the Council's policies on Equal Opportunities, Health and Safety at Work, Workplace Pension, Sickness Policy, Grievance and Disciplinary matters and all other additional employment policies adopted by the Council.

- xiii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972, the general power of competence (if applicable) and the Community Infrastructure Levy.
- xiv. Review compliance with the Public Sector Bodies (Website and Mobile Appliances) No 2 Accessibility Regulations 2018 and any other relevant legislation covering Communications with the public.
- xv. Determining the time and place of Ordinary meetings of the Council up to and including the next annual meeting of the Council.

3. ORDINARY AND EXTRAORDINARY COUNCIL MEETINGS

- a) **In addition to the Annual meeting of the Council, at least three other Ordinary meetings shall be held in each year on such dates and times as the Council decides.** Unless otherwise approved at the Annual meeting, the Council will hold monthly meetings, normally on the last Monday of the month. The dates and venues of Ordinary meetings will be determined in advance in accordance with Standing Order 2(i, xv) but these dates may be revised if so approved at a subsequent Council meeting.
- b) **The Chairman of the Council may convene an Extraordinary meeting of the Council at any time.** The Agenda will be issued in the name of the Chair but in all other respects the procedures will be the same as for Ordinary meetings. Extraordinary meetings will normally be called if it is necessary for any urgent business to be carried out, which cannot be delayed until the next Ordinary meeting.
- c) **If the Chairman 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.**

- d) No decisions can be made on any item not included in the agenda of any meeting of the Council, whether Annual, Ordinary or Extraordinary. Other items can be raised by Councillors or members of the public under 'Any Other Business' but only for discussion. The Council shall consider and approve referral of the item onto the agenda of the next meeting, if a decision is required.
- e) In order for a member of the public to have an item included on the Agenda, it should be submitted in writing to the Proper Officer (Clerk) at least 10 calendar days before the meeting, with the relevant date confirmed within the draft Minutes of the previous meeting. The Proper Officer may correct obvious grammatical or typographical errors in the wording of the item. If the wording of the item is unclear the Proper Officer will request that it is resubmitted no later than 7 calendar days before the meeting. If the Proper Officer considers the wording improper, they will consult with the Chairman to consider whether it should be included or rejected, with the decision of the Proper Officer being final. If the item is rejected the matter should be referred to in the Minutes with an explanation as to the reason for rejection. Any agenda item requested by a Councillor in writing to the Proper Officer prior to publication of the agenda, will automatically be included.
- f) A decision approved by the Council cannot be reversed within six months, except by the inclusion on the agenda of an item enabling the matter to be reconsidered, which requires written notice by at least five councillors to be given to the Proper Officer (Clerk). When an item added to the agenda pursuant to this standing order has been disposed of, no similar item may be included for a further six months.
- g) During a meeting the following matters can be proposed by the Chairman or any Councillor and approved by the Council;
- i. to correct an inaccuracy in the draft Minutes of a meeting;
 - ii. to request a vote;
 - iii. to defer consideration of an agenda item;
 - iv. to refer an item to a committee or sub-committee;
 - v. to appoint a Councillor to preside at a meeting if the Chairman and Vice-Chair are not present;
 - vi. to change the order of the business on the agenda;
 - vii. to proceed to the next item on the agenda;
 - viii. to request a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the limits for public participation;
 - xi. to exclude the press and public from a meeting in respect of confidential or

- other 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 temporarily suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

4. COMMITTEES AND SUB-COMMITTEES

- a) The Council may appoint standing committees or advisory 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 the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a standing committee, to determine the number and time of its meetings;
 - iv. shall appoint and determine the terms of office of members of a standing committee;
 - v. may appoint and determine the terms of office of the substitute members to a standing 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 7 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, and determine the terms of office of members;
 - viii. shall determine the quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. may dissolve a committee and any sub-committee the committee may have created.
- 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) **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- e) All Councillors, or non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- f) All committee and sub-committee meetings will be open to the public and press. The committee or sub-committee shall determine if the public may participate at a meeting.

5. THE PROPER OFFICER / RESPONSIBLE FINANCIAL OFFICER

- a) The Proper Officer/Responsible Financial Officer shall be either (i) the Clerk or (ii) a Councillor nominated by the Council to undertake the work of the Proper Officer/Responsible Financial Officer when the Clerk is absent.

The Proper Officer shall

- b) **at least three clear days before a meeting of the council, a committee or a sub-committee, serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
- c) **provide, in a conspicuous place, public notice of the time, place and**

agenda (provided that the public notice with agenda of an Extraordinary meeting of the Council convened by councillors is signed by them)

- d) convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- e) facilitate inspection of the minute book by local government electors;**
- f) receive and retain copies of byelaws made by other local authorities;**
- g) hold acceptance of office forms from councillors;
- h) hold a copy of every councillor's register of interests;
- i) assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- j) liaise, as appropriate, with the Council's Data Protection Officer (if other than the Clerk);
- k) receive and send general correspondence and notices on behalf of the Council except where there is an approved decision to the contrary;
- l) assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- m) arrange for legal deeds to be executed; (*see also standing order 12*);
- n) arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- o) include every planning application notified to the Council within the agenda of the next meeting and note the Council's response to the local planning authority within the minutes of that meeting;
- p) refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman, as soon as practical (and no later than 2 working

days) to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;

- q) manage access to information about the Council via the publication scheme;
- r) Full details of the role of the Responsible Financial Officer are contained in the Financial Regulations document of the Council. The Financial Regulations should be reviewed regularly, and at least annually at the annual meeting of the Council, for fitness of purpose.

6. STAFF MATTERS

The Council provides staff with a Contract of Employment which itemises relevant terms and procedures. The Council also holds the following Employment policies: i) Equal Opportunities Policy, ii) Health and Safety at Work Policy, iii) Workplace Pension Policy iv) Sickness Policy v) Grievance Policy and vi) Disciplinary Policy. Additional rules are set out here:

- a) A matter personal to a member of staff that is being considered by a meeting of Council is subject to Standing Order 10.
- b) Subject to the Council's policy regarding absences from work, the member of staff shall notify the Chairman or, if they are not available, any Councillor, of absence occasioned by illness or other reason and that person shall report such absence at its next meeting.
- c) The Chairman or in their absence, the Vice-Chairman, shall conduct a review of the performance and annual appraisal of the work of all staff members prior to the Annual Parish Council Meeting. The reviews and appraisal shall be reported in writing to that meeting. If any serious issues exist, they should be discussed at that meeting and a request made that they be addressed and rectified by the staff member. This item will be discussed 'in camera' with members of the public and press excluded in accordance with the procedure set out in Standing Order 1(d).
- d) Subject to the Council's policy regarding the handling of grievance matters, the member of staff shall contact the Chairman or in their absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by an approved decision 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 staff member 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.
- f) Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters. In accordance with Standing Order 10, persons with line management responsibilities shall have access to these staff records.

7. COMPLAINTS PROCEDURE

The responsibilities and obligations of Councillors in respect of Complaints Procedures are also referred to the Code of Conduct of this Council (Section 10) being the main policy document dealing with the procedures regarding Declaration of Interests and Dispensations.

Where a complaint is made against a Councillor (or non-Councillor with voting rights) the following Standing Orders apply:

- a) Upon notification by the District 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 10, report this to the Council.
- b) Where the notification in standing order 7(a) 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 staff member or a Councillor (subject to approval by the District Council) 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 7(d).
- c) The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - 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 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 them. Such action excludes disqualification or suspension from office.**

8. DATA PROTECTION

The following are statutory requirements which are expanded upon within the separate GDPR documentation of the Council:

- a) The Council may appoint a Data Protection Officer.**
- b) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c) The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f) The Council shall maintain a written record of its processing activities.**

9. FREEDOM OF INFORMATION

- a) In accordance with Freedom of Information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b) The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

10. MANAGEMENT OF INFORMATION

- a) **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b) **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or, if this is not possible, the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

11. RELATIONS WITH THE PRESS/MEDIA

It is the policy of the Council, in respect of dealing with the press and/or other media, that Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media, (except for the routine report on the meeting, which should be approved by the Chairman, or Vice-Chairman in their absence). Any requests for information from the press or media should be made to the Proper Officer and any response given by the Proper Officer should be approved by all Councillors.

12. EXECUTION AND SEALING OF LEGAL DEEDS

- a) A legal deed shall not be executed on behalf of the Council unless approved by the Council at a meeting.
- b) **Any two councillors may sign on behalf of the Council, any deed**

required by law, and the Proper Officer shall witness their signatures.

13. 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 councillors 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 Councillors representing the area of the Council where considered relevant.

14. CO-OPTION PROCESS TO APPOINT NEW COUNCILLORS

- a) The process should be undertaken in accordance with procedural advice provided in NALC Legal Topic Note 8 'Elections and Co-option'
- b) Where more than two persons have been nominated for co-option 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.

15. DELEGATION OF POWERS TO IN EVENT OF EMERGENCY

In the event of an Emergency, the Council empowers the Clerk to do anything expedient and necessary to ensure the continuous business of the Council, and to deal with mandatory undertakings in order to prevent the Authority from incurring liability during the period that the delegation is applicable. Whilst fully delegating these Powers the Council expects that Councillors will be consulted prior to any actions being taken. In the event of the Clerk being unavailable to fulfil this role, the delegation of power will be passed to the Chair and then to the Vice-Chair, if the

Chair is unavailable.

16. PROCEDURES AT REMOTE MEETINGS

This Standing Order was provided to enable the effective management of meetings held remotely due to the 2020 Coronavirus pandemic. All existing Standing Orders relating to the procedure at meetings apply, unless an alternative procedure is indicated here. Remote meetings of the Council or its Committees will be convened in accordance with normal procedures as set out in paragraph 10 of the Local Government Act 1972. The Council will publish the Agenda (and any other relevant papers) on its website and on local noticeboards in the normal manner. Meetings are held remotely in accordance with 'The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020'.

- a) At the commencement of each remote meeting the Chair will issue a brief statement outlining the procedures to be undertaken in order to hold a lawful and effective remote meeting, and will highlight the requirement for all Councillors (and non-Councillors with voting rights) to observe the Council's Code of Conduct.
- b) Councillors are deemed present when they can speak, hear and be heard (and where practicable see and be seen) by all those in attendance (whether by video conferencing or by telephone). Where the Council has taken reasonable measures to provide guidance and support to a Councillor to join a remote meeting, but that member is experiencing difficulties that are outside of the control of the Council, the lack of attendance of the member shall not invalidate a properly convened and quorate meeting.
- c) All Councillors present will be required to state their name prior to the commencement of the meeting to confirm that they are attending and that they can hear and be heard (and where practical see and be seen) by all other people in attendance.
- d) Councillors (or non-Councillors with voting rights) will make Declarations of Interest in an item of business to be transacted at the meeting in accordance with existing Standing Orders and the Code of Conduct.
- e) Measures will be taken, whereby instead of leaving the room when the item is dealt with (as is the requirement for those declaring a Disclosable Pecuniary

- Interest), to prevent them hearing the discussion or vote, by controlling the facilities available via their link. Where meetings are held using Zoom facilities this will be achieved by the Host (or by the Clerk as Co-host if it is the Host who has declared a DPI) transferring the Member who has declared a DPI into the 'Waiting Room' whilst the item is dealt with and then transferring them back into the meeting when it has finished.
- f) Where Other Interests or Close Associations are declared by a Member they will remain within the meeting, but will not take part in the discussion or vote on the item in question, although will be able to make a point of information if relevant.
 - g) When an item is being considered, the discussion will be initiated by the Chair in accordance with the Agenda and any Councillor wishing to take part will make that known to the Chair (either by raising a hand or making a verbal request) before speaking. Each member will be asked if they wish to contribute further before a vote takes place. Rather than voting using a show of hands the Chair will request a response to each proposal verbally from each member present. Once everyone has voted, the Chair will confirm the votes cast and announce the majority decision, to be Minuted by the Clerk.
 - h) If any Member of the Public wishes to participate in the meeting they will make this known to the Chair (either by raising a hand or making a verbal request) and will then be given the opportunity to do so in accordance with existing Standing Order procedures regarding time limits etc.
 - i) If, due to publicity of the matter being prejudicial to the public interest, by reason of the confidential nature of the business to be transacted or for other special reasons, it is resolved to exclude members of the Press and Public, measures will be taken to prevent them hearing the discussion and vote. Where meetings are held using Zoom facilities this will be achieved by the Host or Co-host transferring members of the public and press into the 'Waiting Room' whilst the item is dealt with and then transferring them back into the meeting when it has finished.

17. STANDING ORDERS GENERALLY

- a) All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements, may be suspended, varied or revoked, if approved by the Council having been placed as an item on the agenda for a meeting.

- b) The Proper Officer shall provide a copy of the Council's standing orders to a newly elected or co-opted Councillor as soon as possible.
- c) The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

APPENDIX 1

ANNUAL PARISH MEETINGS

(Note – whilst Annual Parish Meetings are not Council meetings this Appendix is provided to clarify the procedure)

- a) The procedures for Annual Parish Meetings are set out in the Local Government Act 1972. Whilst this a grouped Parish Council, for the purposes of the Annual Parish Meeting Kirkby Malzeard Parish and Laverton (including Dallowgill) Parish will each hold a separate meeting. The Chairman of the Council, or two local Councillors, will convene the Annual Parish Meetings by issuing an agenda at least seven clear days before the date. The meetings will take place after 6pm, between March 1 and June 1 inclusive each year. Only persons on the current electoral register for that Parish have a right to speak or vote although other parties may attend.
- b) The Annual Parish Meeting will be chaired by the Parish Council Chairman or in their absence by the Vice-Chair. Minutes will be taken by the Council Clerk. Other Councillors are to be seated with other electors during the meeting.
- c) The Parish Council will meet any costs of holding the meeting, the purpose of which is to discuss matters relevant to the Parish. Matters will be decided by votes by the electors but are not binding on the Parish Council except where relating to the creation of allotments. Parish Polls can be requested subject to specific rules, but again are not binding on the Parish Council
- d) The Annual Parish Meeting is also the forum for local organisations, including the Parish Council, to provide a report on their activities during the past year

and outline their plans for the coming year. These can be provided verbally or in written form.