



# Gnosall Parish Council

## STANDING ORDERS.

Standing Orders have been in existence and regularly reviewed since the inception of Gnosall Parish Council.

In January 2025, a full review and reorganisation was carried out, in line with the latest National Association of Local Councils (NALC) model orders.

These Standing Orders replace all previous versions and incorporate all previous amendments, which are now part of the substantive document.

Items in BOLD font indicate legal requirements which must be included in any Standing Orders for Parish Councils.

They will be reviewed annually, or sooner should the need arise, and any interim amendments (from NALC or otherwise) will be made immediately and recorded on the front cover until the next full review, when they will become incorporated.

<b>Full council approved this reviewed document:</b>	<b>March 2025.</b>
<b>Full Council approved this amended document</b>	<b>May 2025</b>
<b>Next review is due:</b>	<b>April 2026</b>

Amended following NALC update 31 March 2025:

- 18a v previous sum in bold now discretionary
- 18c removed and subsequent sections renumbered
- 18d previous line iii now removed
- 18f (now 18e following changes above) rephrased generically
  
- 14 sections a, b and c removed so 14d now becomes 14a.

# What are Standing Orders?

Standing Orders are the written rules of a local council, which regulate the proceedings of a meeting and clarify internal organisational and administrative arrangements. They are not the same as the policies of the council but may refer to them.

They incorporate and reference many statutory requirements to which councils are subject. It is not possible for Standing Orders to contain or reference all the statutory or legal requirements which apply to local councils (for example, the many obligations under data protection legislation are not listed within.) The statutory requirements, to which all councils are subject, apply whether or not they are incorporated in a council's Standing Orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC and the Financial Regulations of Gnosall Parish Council are based upon them and reviewed at least annually.

Standing Orders in **bold type** contain legal and statutory requirements which are reproduced here without change.

For convenience, the word "councillor" is used and, unless the context suggests otherwise, includes a non-councillor with or without voting rights. The pronouns he/his are used to apply to all genders for simplification of a complex document.

The **Contents** page which follows has hyperlinks to each section. Just Control + click to go straight to that section.

## **NB**

***In Gnosall Parish Council the Chief Officer (CO) is also the Responsible Financial Officer (RFO)***

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# 1 Rules of Debate.

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair 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 Chair 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 Chair of the meeting, is expressed in writing to the Chair.
- h. A councillor may move an amendment to their 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 Chair 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 Chair of the meeting.
- k. One or more amendments may be discussed together, if the Chair 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 Chair 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 they 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 they consider has been breached, or specify the other irregularity in the proceedings of the meeting they are concerned by.

- q. A point of order shall be decided by the Chair of the meeting and their 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 any particular standing order, except those which reflect mandatory statutory or legal requirements.
- s. Before an original or substantive motion is put to the vote, the Chair 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 their 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 3 minutes without the consent of the Chair of the meeting.
- u. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee, or to such other committee as the Council may determine for report; provided that the Chair, if they consider it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved (see also standing order 9(l) )
- v. Any resolution (other than one recommended by, or endorsed by, the Resources Committee) which has substantial financial implications, whether to expenditure, income or monies available to any other committee, must first be proposed and seconded in the normal way. It will then be adjourned without discussion to the next council meeting, at which Resources Committee shall report on what those financial implications may be.

## **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 Chair of the meeting shall request such person(s) to moderate, or improve their conduct.
- b. If person(s) disregard the request of the Chair of the meeting to moderate, or improve their conduct, any councillor, or the Chair 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 Chair 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.

- d. If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that the person be removed and may adjourn the meeting for such period as is necessary to restore order.

### 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 for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- 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.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 10 minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 10 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak and when speaking.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak,

the chair of the meeting shall direct the order of speaking.

- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **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.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council.**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair 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.**  
*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- s **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t 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 the names of councillors absent;
  - iii. interests declared by councillors and non-councillors with voting rights;
  - iv. any dispensations granted to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when any matters that they held interests in were being considered;

- vi. if there was a public participation session; and
- vii. the resolutions made.

- u **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 their right to participate and vote on that matter.**
- v **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) for the quorum of a committee or sub-committee meeting.*

- w **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.
- x A meeting shall not exceed a period of 2 hours, after which time it will be immediately adjourned unless a motion to continue is moved and seconded. Such a motion will be voted on without discussion and, if passed, the meeting will continue for a further 30 minutes.

If still not concluded at the end of this time, another motion to continue may be brought and if moved, seconded and approved, the meeting may continue for a further 30 minutes. At the end of this period (i.e., 3 hours in all) the meeting must be adjourned and no further motion to continue will be allowed. Any business not dealt with at the end of this period will be deferred for consideration at the next meeting of the Council. However, if 5 members demand it, immediately following the adjournment, an extra-ordinary meeting of the Council will be called within 20 working days for the purpose of considering the remaining business.

### 3.1 Additional Meeting information

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal 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, vary, or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion; a written notice signed by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9(b). When proposed and seconded, such a motion would stand adjourned without discussion until the next ordinary meeting of Council.  
  
The Procedures and Health & Safety Committee may bring to Council recommendations for amendment to standing orders arising from their work in reviewing standing orders, at any time without written notice, for consideration at the meeting for which it is on the agenda.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible, usually immediately after their appointment at their meeting with the Chief Officer.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting, shall be final.

- e. The Chair of Council, and the Chairs of committees, sub-committees and working groups shall be permitted to determine which mode of address they prefer to be used i.e., Chair, Chairman, Madam Chair, Madam Chairman, Chairperson or any other suitable alternative.
- f. The Chair and Vice-Chair of Council, ex officio, shall be voting members of every committee, with the exception of the Appeals Committee.
- g. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded.
- h. Within 6 weeks of the Annual Meeting, all deeds and trust investments of Council must be inspected.

## 3.2 Conduct of meetings

All meetings shall be conducted in accordance with standing order 1 (Rules of Debate.)

In addition:

- a. 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.
- b. The period of time designated for public participation at a meeting in accordance with standing order 3.2 (a) shall not exceed 10 minutes, unless directed by the Chair of the meeting. This Public Open Forum is for the purpose of making representations, giving evidence or answering questions. These will be dealt with individually and no more than 3 questions may be asked by any one person within the allotted time of 10 minutes, which may be extended at the discretion of the Chair in exceptional circumstances. If several members of the public wish to speak, the Chair will remind them of the time allotted in total and advise brevity.

This Public Open Forum session:

- a is included as an item in the agenda
- b forms part of the council meeting in law;
- c is managed by the Chair of the meeting;
- d is documented in the minutes of the meeting;
- e may permit a councillor to speak on a matter in which they have an interest that is not a disclosable pecuniary interest (DPI) which they are otherwise not permitted to speak about at the meeting;

NB for all information relating to Disclosable Pecuniary Interests (DPI) and non-Disclosable Pecuniary Interests (NDPI) please refer to the separate Gnosall Parish Council Code of Conduct, which contains greater detail.

- c. In accordance with standing order 3 (h), a question shall not necessarily require a response at the meeting, nor start a debate on the question, at the discretion of the Chair. The Chair of the meeting may direct that a written or oral response be given.
- d. A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- e. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.

## 4 Committees and sub-committees (in addition to section 3 above)

- 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 the 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), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), 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 chair of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chair 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, in both cases, shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee.

Gnosall Parish Council has determined that there will be a period of public participation prior to every Council Meeting (Public Open Forum), conducted as in 3.2(b)
  - 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, where the procedure shall be as at 4d ix above; and
  - xii. 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 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 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 decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.**
- f **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair 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 Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their 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;
  - ix. Review and adoption of appropriate standing orders and financial regulations;

- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - 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 other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. Review of the Council's complaints procedure;
  - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
  - xviii. Review of the Council's policy for dealing with the press/media;
  - xix. Review of the Council's employment policies and procedures;
  - xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
  - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- k. The following business of the Council will be conducted in committees:
- i. Each committee shall review its terms of reference at the first meeting following the annual meeting;
  - ii. The Procedures and Health & Safety Committee shall review standing orders and financial regulations as scheduled and any proposed amendments will be presented to Full Council at its next meeting for its approval or otherwise;
  - iii. The Resources & Personnel Committee shall review the inventory of land and other assets including buildings and office equipment as scheduled;
  - iv. The Resources & Personnel Committee shall review the arrangements for insurance cover in respect of all insurable risks;
  - v. The Resources & Personnel Committee shall review the Council's and/or staff subscriptions to other bodies as part of setting the budget;
  - vi. The Resources & Personnel Committee shall review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence each time it meets, at quarterly monitoring.
  - vii. The Procedures and Health & Safety Committee shall review the Council's complaints procedure as scheduled;
  - viii. The Procedures and Health & Safety Committee shall review the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 5, 5.1, 5.2*) as scheduled;

- ix. The Procedures and Health & Safety Committee shall review the Council's policy for dealing with the press/media (*see also standing order 5.4*) as scheduled;
- x. The Resources & Personnel and Procedures and Health & Safety Committees shall review the Council's employment policies and procedures as scheduled;
- l. There will be a period of public participation prior to every Council Meeting (Public Open Forum), of 10 minutes in total, for the purpose of making representations, giving evidence or answering questions. These will be dealt with individually and no more than 3 questions may be asked by any one person within the allotted maximum of 10 minutes, which may be extended at the discretion of the Chair in exceptional circumstances. If several members of the public wish to speak, the Chair will remind them of the time allotted in total and advise brevity.

NB in virtual meetings, where these are permitted by law, the period of Public Open Forum is 5 minutes only.

Where a council permits the public to participate at a meeting, this session:

- i. is included as an item in the agenda
- ii. forms part of the council meeting in law;
- iii. is managed by the Chair of the meeting;
- iv. is documented in the minutes of the meeting;
- v. may permit a councillor to speak on a matter in which they have an interest that is not a disclosable pecuniary interest (DPI) which they are otherwise not permitted to speak about at the meeting;

NB for all information relating to Disclosable Pecuniary Interests (DPI) and non-Disclosable Pecuniary Interests (NDPI) please refer to Appendix 1, to Standing Order 13 Code of Conduct, and to the separate Gnosall Parish Council Code of Conduct, which contains greater detail.

If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that the person be removed and may adjourn the meeting for such period as is necessary to restore order.

## 6 Extra-ordinary meetings of the Council committees and sub-committees.

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair 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 chair 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 chair of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by one quarter members of the committee [or the sub-committee], members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee] provided that one quarter of the members approve this.
- e At any extra-ordinary or special meeting so called as above, no other business shall be transacted, than that which occasioned the meeting to be called.

## **7 Previous Resolutions.**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by more than half of the total number of councillors, to be given to the Proper Officer in accordance with standing order 9, 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) has been disposed of, no similar motion may be moved for a further six months.

## **8 Appointments and 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 Chair of the meeting.
- b. Canvassing of members of the Council, or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Chief Officer shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- c. A member of the Council, or of any committee, shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion, although any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council, with an application for appointment.
- d. If a candidate for any appointment under the Council (whether potential Councillor, volunteer, service provider or trades person) is to his knowledge related to any member of, or the holder of any office under the Council, they and the person to whom they are related, shall disclose the relationship in writing to the Chief Officer. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Chief Officer shall report to the Council or to the appropriate committee any such disclosure.

## 9 Motions which require Written Notice.

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and 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 5 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), 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) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 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. 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 and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chair, if s/he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved. (See also standing order 1(u).)
- j. However, there may be occasions on which a Councillor wishes to bring forward a motion to add, vary or revoke a non-mandatory part of a standing order (see standing order 3.1(b) or a motion of a potentially sensitive or controversial nature, whether related to the business at a forthcoming meeting or otherwise (i.e. a vote of no-confidence). In such circumstances, the mover must give written notice of its wording to the Proper Officer at least 10 clear days before the meeting, to ensure:
  - i. that it is on the agenda
  - ii. that members have advance notice of it, and
  - iii. that it complies with standing orders 4.1 c-i.

Clear days do not include the day of the notice or the day of the meeting.

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

## 11 Security of Information.

*See also Standing Order 20.*

- 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.**

## 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 4.2 (a) i.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair 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 Chair 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 the minutes are confirmed as an accurate record of proceedings."*

- e. **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.**

**This applies to Full Council meetings, committee meetings and sub-committee meetings.**

However, since Gnosall Parish Council's gross annual income or expenditure does exceed £25,000, there is no obligation to publish draft minutes in this way. They shall be published when approved.

- f. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following 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.

### **See also Standing Order 3(u)**

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. Unless they have 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 they have a disclosable pecuniary interest. The councillor or non-councillor may return to the meeting, after it has considered the matter in which they had the interest.
- c. Unless they have 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 they have any other interest, if so, required by the Council's code of conduct.

The councillor or non-councillor may return to the meeting, after it has considered the matter in which they had the interest. See also Standing Order 3.2(b). For a fuller definition of non-Disclosable Pecuniary interest. See **Appendix 1**.

- 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, or by a meeting of the Council, committee or sub-committee, for which the dispensation is required 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), a dispensation request 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, or at the beginning of the meeting of the Council, committee or sub-committee for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - 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;**
  - 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.**

For more detail on the points above, please refer to the Code of Conduct which is a separate document.

- i. **A councillor or non-councillor with voting rights, who has a disclosable pecuniary 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.** This applies to Full Council meetings, committee meetings and sub-committee meetings.
- j. If a candidate for any appointment under the Council is, to their knowledge, related to any member of, or the holder of any office under the Council, they and the person to whom they are related, shall disclose the relationship in writing to the Chief Officer. A candidate who fails to do so, shall be disqualified from such an appointment, and, if already appointed, dismissed without notice. The Chief Officer shall report to the Council, or to the appropriate committee, of any such disclosure.
- k. No member of the Council, or of any committee or sub-committee, shall disclose to any person not a member of the Council, any business declared to be confidential by the Council, the committee or the sub-committee, as the case may be. Any member in breach of this Standing Order shall be removed from any committee or sub-committee of the Council, by the Council. To that end, any confidential papers must be retained by the Chief Officer at the end of the meeting at which they are discussed, for secure disposal.
- l. Councillors should refer to the Chief Officer any questions from members of the public put to them outside of any meetings

## 14 Complaints Regarding Conduct.

- a. **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

## 15 Proper Officer and Council Officers.

- a. The Proper Officer for Gnosall Parish Council is the Chief Officer and this term will be used in all documentation, policies etc. In the short term or temporary absence of the Chief Officer, the Council Support Officer (CSO) will undertake this role. In the absence of both the Chief Officer and CSO, Council will nominate another person to undertake the role, until such time as the Chief Officer and/or CSO return.
- b. The Chief Officer shall:
  - i. **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**
- **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).**

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

- ii. subject to standing order 9, include all motions on the agenda in the order received, unless a councillor has given written notice at least ONE day before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in the office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests and also receive and record declarations of interest at meetings;
- viii. 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;
- ix. be the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary;
- xi. 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);
- xii. arrange for legal deeds to be executed in accordance with Standing Order 23;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority, noting:
  - the name of the applicant
  - the place to which it relates

Members of the Council and Officers must adhere to the Developer Liaison Policy.

- xv. refer a planning application received by the Council to the Chair (or in the absence of the Chair, to the Vice-Chair) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;

- xvi. manage access to information about the Council, via the publication scheme;
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. See also Standing Order 23.
- xviii. retain all minutes kept by the Council, or any of its committees, and facilitate the inspection of these by any Councillor for the purpose of their duties, including the supply of copies, subject to the provisions of Standing Order 11 (Management of Information).
- xix. conduct the performance review and annual appraisal of all other members of staff i.e., Council Support Officer, handyman and any other staff appointed.

## **15.1 Council Support Officer.**

The Council Support Officer (CSO) has a number of designated responsibilities but may also undertake other roles, as required and agreed, in order to support the Proper Officer and respond to particular circumstances.

The CSO will:

- assist with the fulfilment of the Chief Officer's duties, as and when required to do so, including minuting any meeting by agreement;
- administer the hiring of the Grosvenor Centre and ensure that all monies due are collected and recorded, correctly and appropriately;
- administer the tenancy of the Parish Allotments and ensure that all monies due are collected and recorded, correctly and appropriately;
- conduct administrative duties for the Communications Committee, compose the Parish Council's Newsletter (GMK) and liaise with the printers for the production of said newsletter;
- respond on behalf of the Chief Officer to written and electronic correspondence;
- assist in the organisation, storage, security and destruction of, as well as access to, information held by the Council in paper and electronic form, subject to the requirements of data protection and freedom of information legislation;
- act as Designated Safeguarding Lead for the Parish Council.

## **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 & 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 (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) 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 (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18 Financial Controls and Procurement.

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer and Resources Committee, 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. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed at least annually for fitness of purpose.
- c. 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
    - (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process; and
    - (v) That if anyone wishing to tender is, to his knowledge, related to any member of, or the holder of any office under the Council, they and the person to whom they are related, shall disclose the relationship in writing to the Chief Officer. A candidate who fails to do so, shall be disqualified from such appointment, and, if appointed, may be dismissed without notice. The Chief Officer shall report to the Council, or to the appropriate committee, any such disclosure.
  - iii. tenders are to be submitted in writing in a sealed marked envelope (provided by the Council) addressed to the Proper Officer;
  - iv. 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;
  - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## 19 Staff Matters.

- a. A matter personal to a member of staff that is being considered by a meeting of Council, or the Resources & Personnel Committee, is subject to Standing Order 11 (Management of Information).
- b. Subject to the Council's policy regarding absences from work, the Chief Officer shall notify the Chair of the Resources & Personnel Committee, or (if the Chair is not available) the Vice-Chair of the Personnel Committee, of absence occasioned by illness, or other reason and that person shall report such absence to the Committee, at its next meeting.
- c. The Chair of Council or (in the Chair's absence) the Vice-Chair shall, upon a resolution, conduct a review of the performance and annual appraisal of the work of the Chief Officer. The review and appraisal shall be reported in writing and are subject to approval, by resolution, of the Resources & Personnel Committee. The Chief Officer shall conduct the review of the performance and annual appraisal of all other members of staff (see also Standing Order 15 b(xix)).
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff), shall contact the Chair of the Resources & Personnel Committee, or (in the Chair's absence) the Vice-Chair, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Resources & Personnel Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chair or Vice-Chair of the Resources & Personnel Committee, this shall be communicated to another member of that committee, which shall be reported back and progressed by resolution of the said Committee.
- 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.
- g. In accordance with Standing Orders 11(a), persons with line management responsibilities shall have access to staff records referred to in Standing Order 19(f).

## 20 Responsibilities to Provide Information.

See also Standing Order 21.

- 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 Local Government (Transparency Requirements) (England) Regulations 2015.**

## 21 Responsibilities under Data Protection Legislation.

(Below is not an exclusive list)

See also Standing Order 11.

- a. The Council's Data Protection Officer is the Chief Officer.
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their 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.**

## 22 Press & Media.

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 Communications and Engagement Strategy.

## 23 Execution and Sealing of Legal Deeds.

See also Standing Orders 15(b)(xii) and (xvii)

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to Standing Order 23(a) any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 24 Liaison with Other Authorities.

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors of the Borough and County Council (or Unitary Authority) representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council, shall also be sent to the ward councillor(s) representing the relevant area of the Council.

## 25 Restrictions on Councillor activities.

- a. Unless duly authorised, no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect;
  - ii. issue orders, instructions or directions;
  - iii. meet individuals or parties to discuss matters of concern on their own.

## 26 Standing Orders Generally

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal 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 or legal requirements, shall be proposed by a special motion, the written notice by at least ( ) councillors to be given to the Proper Officer in accordance with standing order 9.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

## Appendix 1 Non Disclosable Pecuniary Interest

Such an interest (a non disclosable pecuniary interest NDPI) is defined as:

A matter which is not a Disclosable Pecuniary Interest but which affects the councillor's financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect the councillor's view of the wider public interest

A councillor so affected may speak on the matter only if members of the public are also allowed to speak at the meeting. (3.4 l v below) Otherwise s/he must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

*If it is a 'sensitive interest', (ie one which if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation) the councillor does not have to disclose the nature of the interest.*