

BISHOPTON PARISH COUNCIL

STANDING ORDERS

(Revised - 2018)

These Standing Orders were adopted by the Parish Council on and replace all previously agreed Standing Orders.

PURPOSE OF THE STANDING ORDERS

These Standing Orders are the written rules of Bishopton Parish Council. They are used to confirm the Parish Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of the Parish Council but they may refer to them. The Parish Council will have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. These standing orders confirm those statutory requirements. These standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements

Those parts of these standing orders which are in bold type contain statutory requirements. The Parish Council have adopted them without changing them. The parts of the standing orders which are not in bold are designed to help the Parish Council to operate effectively but do not contain statutory requirements. For convenience, the word "councillor" is used in model standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

These standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of the Parish Council. The financial regulations, as opposed to the standing orders of the Parish Council, include most of the requirements relevant to the Responsible Financial Officer.

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- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

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

-  p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

-  q **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

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

- s The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

-  t **A councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

-  u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.



- v **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

4. COMMITTEES AND SUB-COMMITTEES

- a The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) below, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) below, 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 three days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee.
- b The standing committees shall be as follows:

- c **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- d **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council, in which case it must consist wholly of councillors (s.102 (3) of the Local Government Act 1972). Members who are not members of the Parish Council may be appointed ¹ (unless otherwise disqualified)², in order to provide expertise and guidance – but these non-councillor members will not have voting rights, other than in specific matters³.**
- e **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

¹s.102(3) of the Local Government Act 1972

²s104 of the Local Government Act 1972

³Regulation 3 of the Parish and Community Councils (Committees) Regulations 1990 (SI 1990/2476) confirms that non-councillor members of committees and sub-committees have voting rights in respect of:

- the management of land owned or occupied by the council
- the functions of the council as a harbour authority (as defined in s.57(1) of the Harbours Act 1964)
- any function under s.144 of the 1972 Act relating to the promotion of tourism
- any function under s.145 of the 1972 Act relating to the management of a festival.

The term “management” does not include making decisions about the total amount of money which may be spent by the council in a financial year in respect of land or a festival.

Non-councillor members eligible to vote in the circumstances listed above are subject to the council’s code of conduct.

Non-councillor members of committees will be required to comply with the council’s standing orders and will have the same rights as members of the public to attend meetings of the council or other committees of which they are not members. This applies to all non-councillor members of committees – even where they are councillors of other authorities (NALC Legal Topic Note LTN 7, October 2013)

5. ORDINARY COUNCIL MEETINGS

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council by a show of hands or a secret ballot as agreed at the meeting.**
- f The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g The Vice-Chairman of the Council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he/she shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xv. Review of the council's and/or staff subscriptions to other bodies;
 - xvi. Review of the council's complaints procedure;
 - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - xviii. Review of the council's policy for dealing with the press/media; and
 - xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

- c The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chairman of a committee does not or refuses to call an extraordinary meeting within 3 working days of having been requested by to do so by 2 members of the committee any members of the committee may convene an extraordinary meeting of a committee.

7. PREVIOUS RESOLUTIONS⁴

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee.
- b. When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.
- c. However, if within a period of six months there are material circumstances that change, and the degree of change is such that it causes the basis on which the Council's decision was made to become unsound or illegal, then it is not unacceptable for the topic to be brought back to the Council for review.

<https://www.cpalc.org.uk/a-cpalc-60-second-guide-57-to-changing-or-revising-town-and-parish-council-decisions>

⁴Procedure to follow to reconsider a resolution passed by a Parish Council

Subject to any specific provisions in standing orders, once a resolution has been passed on an item of business, it should not be re-visited inside six months unless information comes to hand which was not available when the initial resolution was passed. Clearly, if any matter once determined, is capable of being raised at any or all subsequent meetings, there is an inherent risk that a minority of members who were against the original proposal could effectively impede the council in proceeding with its agreed policy. On the other hand, if material factors come to light after the original resolution was passed, it would be prudent to look at the issue again in light of the new known facts.

Depending on what standing orders provide, it may be necessary to first pass a resolution to set aside the relevant standing order and then proceed to consider the item again and the outcome of that would replace the initial resolution

<http://towncouncillor.com/.../done-procedurally-legally...>

8. COOPTING PROCEDURE AND VOTING ON APPOINTMENTS

- a The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. A casual vacancy occurs when:
- A councillor fails to make his declaration of acceptance of office at the proper time;
 - A councillor resigns;
 - A councillor dies;
 - A councillor becomes disqualified; or
 - A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body
- b ~~LVRSWR6DULVRELO~~ has to notify Darlington Borough Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the Darlington Borough Council stating that an election is requested.
- c If a by-election is called, a polling station will be set up by Darlington Borough Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. ~~LVRSWR6DULVRELO~~ will pay the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the clerk of the closing date.
- d If more than one candidate is nominated, a by-election takes place, but if only one candidate is put forward they are duly elected without a ballot.
- e If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Darlington Borough Council, ~~LVRSWR6DULVRELO~~ is able to co-opt a person to fill the vacancy.
- f On receipt of written confirmation from the Electoral Services Office from the District Councillor, the vacancy can be filled by the Council of Co-optors. The Parish Clerk will:
- Advise Bishopton Parish Council that the Co-option Policy has been instigated
- g ~~LVRSWR6DULVRELO~~ is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- h Bishopton Parish Council is able to consider any person to fill a vacancy provided that:
- He/she is an elector for the parish; or
 - has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
 - had his/her principal place of work in the parish; or

- has lived within three miles (direct) of the parish.

There are certain disqualification's for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office under the local authority;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election;
- and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

- l Members may point out the vacancies and the process to any qualifying candidate(s). Although there is no Statutory Requirement to do so, candidates will be requested to:
- Submit information about themselves, by way of completing a short application form
 - Confirm their eligibility for the position of Councillor within the statutory rules.
- Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy'.
- j Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential. In order that the applications can be circulated to members with the agenda for consideration at the co-option meeting, a closing date for receipt of said applications may need to be specified when advertising for the position.
- k Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Bishopton Parish Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.
- l At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members.
- m Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 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) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 3 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee;
 - 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 and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

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

12. RECORDING OF ABSENCES

- a. If a councillor wants his absence from a meeting to be approved by the council, he or she should submit a written request together with the reason for absence before the meeting takes place. A councillor cannot continue in office if he or she fails to attend meeting of the council, committee or sub committee (or joint committee, joint board or similar body by which any of the council's functions are being discharged or which are advising the council about discharging its functions) for a period of six consecutive months and the reason for his absence has not been formally approved before the expiry of the six month period (s85(1) of the 1972 Act). Approval cannot be retrospective. (Para 29 NALC LTN5, March 2017).
- b. Should an apology be submitted, the best way to receive it would be in writing to the Clerk before the meeting. The Council can then receive details of the absence and make a decision whether to accept/approve the reason for absence (or not) and record it in the minutes. This must be done without giving away any details that may contravene the Data Protection Act.
- c. If a verbal notification is given at the meeting by a Councillor that another Councillor is not attending, but no reason for non-attendance is provided, then the Council cannot approve this absence and this would count toward one of the six consecutive months of absence. If this happens for a further five months then an automatic disqualification applies and the Councillor is deemed to be removed from office and a vacancy declared. The Clerk shall

monitor the attendance/non-attendance of Councillors. If there has been non-attendance of meetings of four months, and no approvals, the Clerk will remind the Councillor that they need to attend at least one meeting before the six months rule is infringed.

- d. If a councillor is not attending due to genuinely ill health or hospital treatment or needs to go abroad due to work etc. for over six consecutive months then they can write to the council to request a dispensation. The dispensation must be granted by full council before the six month period has expired – it cannot be granted retrospectively.
- e. A Council can choose not to accept a reason for non-attendance if it deems the reason for the non-attendance to be not significant.

f. The minutes of the meeting must record if it resolved to approve a councillor's absence from the meeting and, if possible, the councillor's reason for absence. The recording of such information must not conflict with a council's duty to handle personal data or sensitive personal data in accordance with its obligations under the Data Protection Act 1998. For example if a councillor's absence at meetings was due to ill health, the minutes of the meeting may document this simple fact but not the detail of his ill health. A council cannot disclose the councillor's physical or mental health without his permission. This is because the information relating to a person's physical or mental health constitutes sensitive personal data. (Para 30, NALC LTN5, March 2017).

g. A Council cannot approve a reason for a councillor's absence from a meeting if no reason is given. To simply record in the minutes of a meeting that a councillor was absent does not amount to approval for his absence. A councillor must give a reason for his absence from a meeting, and the minutes of that meeting must document that approval for a councillor's absence was agreed by resolution, and, where possible, the reason for absence. (Para 43, NALC LTN8, January 2015).

13. MINUTES

- a. The minutes must record the resolutions passed at the meeting. Resolutions to be recorded in the minutes include those made when the public were excluded. (Para 67, NALC LTN5, March 2017).
- b. The minutes should record the names of the councillors present and absent, the declaration of councillor's interests, whether councillors left the meeting room because of their interests, and the public participation session. (Para 67, NALC LTN5, March 2017).
- c. The content of the minutes should be informative and relevant, yet concise. Councils should not include personal data in minutes unless this is necessary for the performance of its statutory powers, functions and contracts. A council should also avoid disclosing in minutes,

resolutions or other information which are confidential in nature or for some other special reasons not in the public interest. (Para 68, NALC LTN5, March 2017).

- d 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.
- e The Freedom of Information Act 2000 requires a local council to routinely make certain information such as the minutes of meetings accessible to the public via its publication scheme, and to respond to requests for information held by it (Para 75, NALC LTN5, March 2017). If a council publishes draft minutes, to be replaced by the approved minutes when these are available, care should be taken to clearly mark the draft minutes as “draft.” (ref. Para 76, NALC LTN5, March 2017).
- f The draft minutes of a meeting must be formally approved at the next suitable meeting, and duly signed by the Chairman of the meeting (para 41(1) of schedule 12 of the 1972 Act). The signed minutes of the meeting serve as a legal record of what has taken place at the meeting to which they relate. Before a meeting approves the minutes of a preceding meeting by resolution, the meeting may, by resolution, correct any inaccuracies in the draft minutes. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- g The accuracy of draft minutes, including any amendment(s) made to them, shall then be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate. Minutes should not be altered, once signed, unless inaccuracy in the minutes is discovered after they have been signed. Inaccuracies in the signed minutes can be amended by resolution at a subsequent meeting (ref. Para 71, NALC LTN5, March 2017).
- h If the chairman 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 chairman 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 the proceedings.”
- i Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(f) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be 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 a meeting of the council, or 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) above, dispensations requests shall be considered before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

15. CODE OF CONDUCT COMPLAINTS⁵

- a Upon notification by Darlington Borough Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the Parish Council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by Darlington Borough Council has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

⁵(See Bishopton Parish Council's Complaints Policy for further info)

16. PROPER OFFICER

- a The Proper Officer shall be the clerk or other member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery, e-mail or post at their residences, a signed summons confirming the time, place and the agenda.**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council**

convened by councillors is signed by them);

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

- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
See also standing order 22 below.
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council 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 council.
- xvi. manage access to information about the council via the publication scheme; and
- xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
See also standing order 22 below.

17. RESPONSIBLE FINANCIAL OFFICER

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

18. ACCOUNTS AND ACCOUNTING STATEMENTS

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

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

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May.
- f The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

19. FINANCIAL CONTROLS AND PROCUREMENT

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts

- and/or orders of payments; and
- v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

20. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11 above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Council or, if he is not available, the Vice Chairman of the Council of absence occasioned by illness or other reason and that person shall report such absence to the Parish Council at its next meeting.
- c The Chairman of the Parish Council or in his absence, the Vice Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of each employee. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Parish Council
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Parish Council or in his absence, the Vice Chairman of the Parish Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Parish Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by employee relates to the Chairman or Vice Chairman of the Parish Council, this shall be communicated to another member of the Parish Council, which shall be reported back and progressed by resolution of the Parish Council.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to Clerk and the Chairman of the Parish Council.

21. REQUESTS FOR INFORMATION

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Parish Council.

22. RELATIONS WITH THE PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media (see Bishopton Parish Council's Communication Policy).

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

24. COMMUNICATING WITH DARLINGTON BOROUGH COUNCILLORS

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillors of Darlington Borough Council representing the area of the council.
- b A district councillor has no special rights above those of an ordinary member of the public." (page 137, The Parish Councillor's Guide, twentieth edition). If ward councillors attend meetings of the Parish Council, requests to speak will be at the discretion of the Chairman, as in the case of members of the public.
- c Unless the Parish Council determines otherwise, a copy of each letter sent to Darlington Borough Council shall be sent to the ward councillor(s) representing the area of the council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26. STANDING ORDERS GENERALLY

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

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