



MIDDLETON ST. GEORGE PARISH COUNCIL

STANDING ORDERS – Reviewed March 2022

These Standing Orders were adopted by the Parish Council on 11th April 2022 and replace all previously agreed Standing Orders.

PURPOSE OF THE STANDING ORDERS

These Standing Orders are the written rules of Middleton St. George Parish Council. Standing Orders are essential to regulate the proceedings of a meeting (internal organisational, administrative and procurement procedures and procedural matters). They are not the same as the policies of the Parish Council, but they may refer to them. The Parish Council also has a Procurement Policy.

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 are to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements

Local councils operate within a wide statutory framework. It is not possible for these Standing Orders to contain or reference all the statutory or legal requirements which apply (for example, it is not practical to document all obligations under data protection legislation). However, the **statutory requirements to which a council is subject apply whether or not they are incorporated in the Standing Orders or not.** Those parts of these standing orders which are in **bold type** contain statutory requirements, and because they are 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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1. RULES OF DEBATE AT MEETINGS

Where possible, this council works through open discussion rather than formal debate. However, the following rules of debate are helpful.

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j. Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k. One or more amendments may be discussed together if the chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he/she last spoke;

- iii. to make a point of order;
- iv. to give a personal explanation; or
- v. in exercise of a right of reply.

p. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he 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.

2. DISORDERLY CONDUCT AT MEETINGS

Councillors are expected to behave politely, respectfully and with regard to other peoples' points of view.

a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

b . If a person disregards the request of the chairman to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c. If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

■ Full Council meetings ■ Committee meetings ■ Sub-committee meetings

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **The minimum three clear days' public notice 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 (see MSG Parish Council's Public Participation in Meetings Policy).**
- e. Members of the public may make representations, answer questions and give information at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The time designated for public participation at a meeting in accordance with standing order 3(e) above shall be 15 minutes unless directed by the chairman of the meeting.
- g. Subject to standing order 3(f) above, a member of the public may speak for up to 3 minutes.
- h. In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- ■ i. A person shall indicate when requesting to speak.
- j. A person who speaks at a meeting shall direct his/her comments to the chairman of the meeting.
- k. Only one person should speak at a time. If more than one person wants to speak, the chairman 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. (See MSG Parish Council's Recording in Meetings Policy)**

- ■ 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.** This is to ensure that proceedings are not unduly interrupted, and the council can conduct its business.
- 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 Chairman of the Council may in his/her absence be done by, to or before the Vice-Chairman of the Council (if any).**
- ■ ■ p. **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.**
- ■ ■ 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 chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote.**
See standing orders 5(h) and (i) below for the different rules that apply in the election of the Chairman 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 his/her vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- ■ ■ 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 present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when 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 his/her 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) below 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.

4. COMMITTEES AND SUB-COMMITTEES

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

b. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council, in which case it must consist wholly of councillors (s.102 (3) of the Local Government Act 1972). Members of a committee who are not members of the Parish Council may be appointed (unless otherwise disqualified) in order to provide expertise and guidance – but these non-councillor members will not have voting rights, other than in specific matters

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; *(The Parish Council may wish to use existing Committee Terms of Reference, or draft new ones)*
- 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) , 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 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 or sub-committee.

e. Middleton St George Parish Council currently has the following standing committee:

Finance

Planning.
Policies and Procedures
Parks and Grounds
Community Liaison

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 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 Chairman and Vice-Chairman (if there is one) 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 there is one, 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 shall 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 shall 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 (if there is one) 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 legal agreements) with other local authorities, not-for-profit bodies and businesses, and review of contributions made to expenditure incurred by them;
- 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 policies, procedures and practices in respect of its obligations for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998, and the General Data Protection Regulations (GDPR) 2018 (*see also standing orders 11, 21, and 22 below*);
- 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 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 call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

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

7. PREVIOUS RESOLUTIONS⁴

A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or sub-committee.

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.

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-decision>)

⁴ *Procedure 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. CO-OPTING 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 MSGPC has to notify Darlington Borough Council of a ~~Casual~~ 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. In an election year, however, if the election is uncontested and any seats remain unfilled as a result, the Parish Council may co-opt any person or persons to fill the vacancy or vacancies remaining unfilled, within a period of 35 days of the election, without the Casual Vacancy process being triggered (Representation of the People Act 1985, Section 21).

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. MSGPC 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 electors do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Darlington Borough Council, MSGPC is able to co-opt a person to fill the vacancy.

f On receipt of written confirmation from the Electoral Services Office of the Darlington Borough Council, the ~~casual~~ vacancy can be filled by means of Co-option. The Parish Clerk will then:

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise MSG Parish Council that the Co-option Policy has been instigated

g MSGPC 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. MSGPC 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.

i. 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. Applications received by the Clerk after the given closing date will only be deemed valid if there are extenuating circumstances. In such cases, the Parish Council will consider the reasons provided, and make a decision at the Cooption meeting prior to any cooption procedure (interviews, voting, etc.).

Applications by proxy will still need to provide the required information in 8i above, by the given date.

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 MSGPC. 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. This will be followed by any questions to the candidates by Parish Councillors. Candidates will then leave the room and Parish Councillors will consider the applications and take a decision. This will be by show of hands unless there are more candidates than vacant seats, when a voting paper will be given to each Parish Councillor present to vote for one candidate. The voting paper will be handed back to the Clerk.

m. An absolute majority vote is required for each candidate from all members present and entitled to vote. 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. Each candidate needs to have a majority vote to be able to be co-opted.

n. The candidates will be asked to return to the meeting when the result will be given to them. The successful candidates will be asked to complete the Declaration of Acceptance of Office before joining the meeting and Register of Members Interests Forms can be completed at the conclusion 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 that 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

The following motions may be moved at a meeting without written notice to the Proper Officer;

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. MANAGEMENT OF INFORMATION *(see also Standing Order 21)*

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. RECORDING OF ABSENCES

- a. If a councillor wishes his/her 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 genuine 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. The 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 whether the Council 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

Full Council meetings ● Committee meetings ● Sub-committee meetings ●

- 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. Subject to the publication of draft minutes in accordance with standing order 13(j) below, and standing order 21, 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.
- j. 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.**

14. CODE OF CONDUCT AND DISPENSATIONS

See also Standing Order 3(u) above.

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c. Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council's code of conduct. He/She may return to the meeting after it has considered the matter in which he/she had the interest.
- d . **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by 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 14(d) and (f) above, dispensations requests shall be considered before the meeting or, if this is not possible, at the start of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 14(e) above if having regard to all relevant circumstances 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 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 or

non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the Parish Council.

b. Where the notification in standing order 15(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 15(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 that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

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

16. PROPER OFFICER

The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent. MSGPC have nominated the Clerk to be the Proper Officer

The Proper Officer shall:

i. at least three clear days before a meeting of the council, a committee and a sub- committee

- **serve on councillors, by delivery or post at their residences 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) 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. 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;
- iii. **convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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. retain acceptance of office forms from councillors;
 - vii. retain a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, GDPR and generally rights exercisable under data protection legislation, in accordance with and subject to the Council's policies and procedures relating to the same;
 - ix. liaise, as appropriate, with 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. manage the organisation, storage of, access to 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; (*See also standing order 24 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; refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council AND the Chairman of the Planning Committee (if there is one) 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 OR the Planning Committee.
 - xv. manage access to information about the council via the publication scheme; and
 - xvi. 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 24 below.*

17. RESPONSIBLE FINANCIAL OFFICER

The council shall appoint appropriate member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. MSGPC have nominated the Clerk to be the Responsible Financial Officer

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 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 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 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.

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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- vi. procurement policies (subject to standing order 19(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 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

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. tenders are to be submitted in writing in a sealed marked envelope 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.
- 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 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016**
- h. 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 19(d).**

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, together with one other Councillor agreed by the full Council, shall upon a resolution conduct a review of the performance and annual appraisal of the work of each employee. However, whilst the annual appraisal of the Clerk must be carried out by the Chairman, or in his absence the Vice-Chairman together with one other Councillor, the Council may delegate the Clerk, along with the Chairman, if the Council so decides, to carry out the

appraisal of the employees that the Clerk manages. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Parish Council. The Parish Council has a Staff Appraisal Policy and Appraisal Forms.

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, (or to the chairman or vice-chairman of its committees or sub-committees), this shall be communicated to another member of the Parish Council, which shall be reported back and progressed by resolution of the Parish Council (and committee or sub-committee, where applicable).

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 20(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 20(f) and (g) above shall be provided only to Clerk and the Chairman of the Parish Council.

21. REQUESTS FOR INFORMATION AND RESPONSIBILITIES TO PROVIDE INFORMATION *(see also standing order 22)*

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. If gross annual income or expenditure (whichever is higher) does not exceed £25,000, the Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2014.

c. If gross annual income or expenditure (whichever is the higher) exceeds £200,000, the Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

d. 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, the Data Protection Act 1998, and the GDPR May 2018.

e. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Parish Council.

22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION (below is not an exclusive list) (*see also standing order 11*)

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

23. WORKING 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 MSG Parish Council's Communication Policy).

24. EXECUTION AND SEALING OF LEGAL DEEDS (*See also standing orders 16(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 24(a) above, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

The above is applicable to a Council without a common seal

25. 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 ward councillor has no special rights above those of an ordinary member of the public. (*page 137, The Parish Councillor's Guide, 20th 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.

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.