



# Kings Worthy Parish Council

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## Standing Orders

Approved: Monday, 25 March 2024

## 1. MEETINGS

- 1.1 Meetings of the Council shall be held on the last Monday of each month, with the exception of August and December, commencing at 7.30 pm unless the Council decides otherwise at a previous meeting.
- 1.2 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.
- 1.3 The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- 1.4 If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.
- 1.5 The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- 1.6 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- 1.7 In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- 1.8 If no other time is fixed, the annual meeting of the Council shall take place at **6pm**.
- 1.9 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.
- 1.10 A summons to attend and agenda for each meeting shall be sent to each member of the Council, to arrive at least three clear days before the date of the meeting, unless in an emergency where less notice may be given. Similar public notice shall also be given of each meeting.
- 1.11 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.
- 1.12 The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- 1.13 The Annual Parish Meeting is a public meeting required by statute and shall be held on the between 1<sup>st</sup> March and 1<sup>st</sup> June, at which any elector for the Parish then present may speak at any time on matters arising of direct concern.
- 1.14 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.

- 1.15 The terms under which public participation takes place are defined in the Part 7, Section 40 of the Local Audit and Accountability Act (2014) and under the Parish Council's Rules for Parish Council and Sub-Committee Meetings document.
- 1.16 Subject to standing order 1.16, 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.
- 1.17 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 1.18 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).
- 1.19 Members of the public will have the opportunity to ask questions during the meeting when the Chairman adjourns the formal meeting for this purpose. During public speaking, a Council member attending a committee meeting for which they are not a member, will be treated as a member of public.
- 1.20 There shall be no smoking at meetings of the Council and its Committees.
- 1.21 All meetings of the Council and its Committees can be carried out virtually if, due to Government restrictions or to ensure the safety of the Councillors, it is not possible or practical to hold the meetings in person. The meetings can be held virtually using an appropriate medium e.g. Zoom or similar.
- 1.22 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.
- 1.23 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/their right to participate and vote on that matter.
- 1.24 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.

## **2. CHAIRMAN OF MEETING**

- 2.1 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).
- 2.2 The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the

Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

- 2.3 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- 2.4 In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- 2.5 In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- 2.6 The election of a Chairman and / or Vice-Chairman, where required, shall be the first item of business.

### **3. PROPER OFFICER**

- 3.1 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.
- 3.2 The Proper Officer shall:
  - 3.2.1 at least three clear days before a meeting of the council, a committee or a sub-committee,
    - Serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
    - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
  - 3.2.2 Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;
  - 3.2.3 Facilitate inspection of the minute book by local government electors;
  - 3.2.4 Receive and retain copies of byelaws made by other local authorities;
- 3.3 The Clerk, and/or an approved representative, shall record the proceedings of the Council and Committee meetings.
- 3.4 If the Clerk is absent, the person presiding at the Meeting may record the proceedings or may appoint another to do so.

#### **4. QUORUM**

- 4.1 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council (4 members) are present and in no case shall the quorum of a meeting be less than three.
- 4.2 Three members of the council shall constitute a Quorum for any Committee.
- 4.3 If a Quorum is not present when the Council meets, or if during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest, falls below the Quorum, the meeting shall close with immediate effect. Business not transacted at the meeting shall be transacted at the next meeting, or on such a day as the Chairman may fix.
- 4.4 A motion to suspend Standing Orders shall not be moved unless at least six members of the Council are present.

#### **5. VOTING**

- 5.1 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/their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- 5.2 The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her/their casting vote whether or not he/she/they gave an original vote.

#### **6. VOTING ON APPOINTMENTS**

- 6.1 Whenever two or more persons are nominated for any position to be filled by the Council a ballot shall be held at which all the votes shall be given in writing. The voting slips shall be counted by the clerk in front of those at the meeting. If the meeting is taking place virtually, ballot voting can be performed using the virtual voting function.
- 6.2 If the ballot does not result in an overall majority, the name of the person having the least number of votes shall be struck off the list and a fresh ballot taken, and so on until an absolute majority of votes is given in favour of one person.
- 6.3 Where there is an equality of votes, the presiding officer shall have the deciding or casting vote. If there is an equality of votes for the post of chairman, the retiring chairman, or retiring vice-chairman in his/her/their absence, shall give a casting vote, whether or not he/she/they are still to be a member of the council. Where possible this casting vote should enforce a revote.
- 6.4 In the case of a vacancy in the position of councillor occurring within 12 months of the Parish Council election, candidates who were not elected shall be invited to put themselves forward, but the vacancy should still be generally advertised. Appointments are to be made with a total or majority agreement of councillors.

## 7. ORDER OF BUSINESS

At the ANNUAL MEETING OF THE COUNCIL (AGM) the first business shall be:

- 7.1 In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date;
- 7.2 The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- 7.3 The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.
- 7.4 The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- 7.5 In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- 7.6 The Chairman and Vice-Chairman shall hold their respective office for no more than four years in succession.
- 7.7 In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date;
- 7.8 To receive the Vice-Chairman's Declaration of Office.
- 7.9 To appoint Representatives to Outside Bodies, with the exception of appointments to school governing bodies which are made for a term of four years and considered as and when requested by the Local Education Authority.

At this and ordinary Council meetings the remaining order of business shall be:

- 7.10 To accept apologies. Members submitting apologies at short notice, i.e. on the date of meeting shall notify the Chairman of the Council, if unable to speak to the Clerk.
- 7.11 Members of the public will have the opportunity to ask questions during the meeting when the Chairman adjourns the formal meeting for this purpose. This will be the agenda item given over to Public Question time; the Chair will make it clear that there is a time limit (usually of 5 minutes) per subject. The Chair will ask for a spokesperson where a group has

attended on a particular item. If no spokesperson be nominated, then the 5 minutes will be divided evenly.

From time to time the chair person may invite members of the public to speak at other times during the meeting at his/her/their discretion.

This rule will apply to all Parish Council and sub-committee meetings that are open to the public.

- 7.12 To confirm the minutes previously circulated, which shall be signed by the Chairman as a correct record, subject to any agreed amendments.
- 7.13 To dispose of matters arising from the last Meeting.
- 7.14 To receive reports and minutes of Committees.
- 7.15 To receive such communications as the presiding Chairman may wish to place before the Council.
- 7.16 To receive the report of the City Council representative.
- 7.17 To receive the report of the County Council representative.
- 7.18 To authorise the signing of payments by the Finance committee, as listed in the payment listing.

At the ANNUAL PARISH MEETING the order of business shall be:

- 7.19 To receive a report from the Chairman of the Council.
- 7.20 To receive reports from the City Councillors for the Parish relating to activities of Winchester City matters affecting the Parish.
- 7.21 To receive a report from the County Councillor for the Parish relating to the activities of Hampshire County Council on matters affecting the Parish.
- 7.22 To consider any matters raised by the electors of the Parish of Kings Worthy affecting the Parish by prior notice.
- 7.23 Guest speakers at the Annual Parish Meeting will normally speak at the end of the meeting. At all other Council or Committee Meetings, guest speakers will normally speak after the receipt of apologies for absence.
- 7.24 A motion to vary the order of business at any meeting, on the grounds of urgency, may be proposed by any member and may be put to the vote without a seconder or any discussion

## **8. RESOLUTIONS MOVED ON NOTICE**

Motions dealing with the following matters may be moved with notice:

- 8.1 Except as provided by Standing Order 9, no motion may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk no later than three clear days before the next meeting of the Council.

- 8.2 Notice of a motion received shall be notified in the summons to the meeting unless written confirmation of withdrawal of the motion is received.
- 8.3 If a motion specified in the summons is not moved it shall, unless postponed by the council, be treated as withdrawn.
- 8.4 If the subject matter of a motion is within the province of a Committee of the Council it shall, upon being moved and seconded, stand referred to that Committee unless the Chairman considers it to be a matter of urgency.
- 8.5 Every motion shall be relevant to a matter over which the Council has the power, or which affects the inhabitants of the Parish.

## **9. RESOLUTIONS MOVED WITHOUT NOTICE**

- 9.1 To appoint a Chairman of the Meeting.
- 9.2 To correct or approve the Minutes.
- 9.3 To alter the order of business, proceed to the next business, adjourn or close the debate.
- 9.4 To appoint a Committee or any members thereof.
- 9.5 To refer a matter to a Committee.
- 9.6 To adopt a report.
- 9.7 To amend a motion.
- 9.8 To suspend Standing Order, in compliance with Standing Order 4.3.
- 9.9 To exclude the public or the press.
- 9.10 To silence or eject from the Meeting a member named for misconduct.
- 9.11 To invite a member of the Council having an interest in the subject matter under debate to remain.
- 9.12 To agree the adoption of reports and recommendations of Committees or the Proper Officer of the Council and any consequent resolutions.
- 9.13 To set a time limit for speeches.
- 9.14 To give the consent of the Council where such consent is required by these Standing Orders.

## **10. AMENDMENTS TO RESOLUTIONS**

- 10.1 Amendments must be moved after the minutes are proposed and before a seconder is requested.
- 10.2 Amendments shall be relevant to the motion and shall not have the effect of negating the motion before the Council.
- 10.3 Only one amendment may be moved and discussed at a time.



- 10.4 If an amendment is lost, other amendments may be moved on the original motion. If any amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment be moved.
- 10.5 An amendment shall be to: omit words, omit words and insert others or to insert or add words.
- 10.6 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 10.7 The mover of a motion shall have a right to reply immediately before a motion is put to the vote.
- 10.8 If an amendment is proposed the mover of the amendment shall be entitled to a reply immediately before the amendment is put to the vote.
- 10.9 A member exercising a right to reply shall NOT introduce a new matter.
- 10.10 After the right to reply has been exercised or waived, a seconder will be asked for and a vote shall be taken without further discussion.

## **11. RIGHT OF REPLY**

- 11.1 The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed, the mover of the amendment shall be entitled to a reply immediately before the amendment is put to the vote. A member exercising a Right of Reply shall NOT introduce a new matter.
- 11.2 After the Right of Reply has been exercised or waived, a vote shall be taken without further discussion.

## **12. RESCISSION OF PREVIOUS RESOLUTION**

- 12.1 A decision (whether affirmative or negative) of the Council and its Committees shall NOT be reversed within six months save by a special motion, the written notice of which must bear the names of a least seven members of the Council.
- 12.2 When a special motion has been disposed of, no similar motion may be moved within a further six months.

## **13. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

- 13.1 If any question arises at a meeting of the Council or a Committee relating to the appointment, promotion, dismissal, salary, superannuation, conditions of service or as the conduct of any Employee of the Council, a motion to exclude the public and press shall be moved by the Chairman, seconded and put without debate.
- 13.2 The appointment of the Clerk to the Council shall be the responsibility of a Committee comprising of the Chairman and Vice-Chairman and at least one other member of the Council.

- 13.3 The appointment of other members of staff shall be the responsibility of a Committee comprising of the Clerk, The Chairman and The Vice-Chairman and another member of any other committee not represented by the above, in consultation with the Parish Council.

#### **14. RESOLUTIONS ON EXPENDITURE**

- 14.1 Any Motion which if carried would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or one of its Committees, or reduce the revenue at the disposal of the Council or one of its Committees, or which would involve capital expenditure, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it, shall consider whether it desires to report thereon.

#### **15. EXPENDITURE**

- 15.1 Payments shall be authorised by two members of the Council.
- 15.2 Expenditure may be approved by a Committee without reference to the Council provided the sum involved is within its annually approved budgetary provisions.
- 15.3 A schedule of all payments made by faster payment, cheque, direct debits and Standing Orders shall be presented to the Finance Committee for approval.

#### **16. EXECUTION AND SEALING OF DOCUMENTS/LEGAL DEEDS**

- 16.1 A legal deed shall not be executed on behalf of the Council unless agreed by the full council.
- 16.2 Subject to standing order 16.1, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

#### **17. COMMITTEES AND SUB COMMITTEES**

- 17.1 In addition to the appointment of Standing Committees at the Annual General Meeting, the Council may at any time appoint or dissolve such Committees as considered necessary, subject to any statutory provisions.
- 17.2 No member shall hold office in all Committees of the Council, excepting the Chairman and Vice-Chairman of the Council.
- 17.3 A Committee consisting of all members of the Council is not legally a Committee.
- 17.4 All Councillors are expected to join at least one Committee.
- 17.5 Committees of the Council shall have such delegated authority as laid down in the Terms of Reference of the Committee.
- 17.6 The election of the Chairmen of Committees shall take place at the first Meeting of the new Committee.
- 17.7 At the first meeting of a Committee after the Annual Meeting, the first order of business shall be to elect a Chairman and Vice-Chairman of the Committee.
- 17.8 Chairmen and Vice-Chairmen of Committees shall hold office until the next Annual Meeting of the Council.

- 17.9 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- 17.10 The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- 17.11 Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- 17.12 The sub-committee shall report to its parent Committee.
- 17.13 The Quorum of a Committee or sub-committee shall be three of its members.
- 17.14 All Standing Orders apply equally to meetings of Committees or sub-committees.
- 17.15 Committees shall be empowered to invite any Council member or other person (in a non-voting consultative capacity), as the situation demands.
- 17.16 A Council member NOT a member of a Committee may attend the proceedings of that Committee and may speak with the permission of the Chairman but may not vote. Non-Committee members attending Committee meetings shall sit where directed by the Chairman.
- 17.17 A Council member's right to speak at a meeting of a Committee of which he/she/they are not a member is laid down in Standing Order 1.7
- 17.18 The Chairman of the Committee, sub-committee or working party, or the Chairman of the Council, may summon an additional meeting of that body at any time. Additional meetings shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted.
- 17.19 Members of Committees shall vote by show hands, and if there is an equality of votes, the Chairman shall have a second or casting vote except in the case of election of councillors which will be by ballot.
- 17.20 The Standing Order on Rules of Debate and on Interests of Members in Contracts and other matters, shall apply to Committee and sub-committee meetings.

## **18. TERMS OF REFERENCE**

- 18.1 The Terms of Reference of a Committee shall be agreed by the Council from time to time and at least once in a financial year.

## **19. INTEREST OF MEMBERS**

- 19.1 If any member or officer of the Council has any pecuniary interest, as defined by the National Code of Local Government Conduct, shall declare it and shall withdraw from the meeting unless:
  - 19.1.1 The disability has been removed by dispensation of the District Council.

19.1.2 The Council or Committee invite the member/officer to remain.

19.1.3 The contract, proposed contract or other matter under consideration is part of the report of a Committee and not itself the subject of debate.

19.2 The Clerk shall record declarations of interest in the Minutes.

19.3 Any member who has a personal interest defined by the National Code of Local Government Conduct in any matter shall forthwith disclose that interest but may remain, speak and vote, unless the interest is clear and substantial, in which case the member shall withdraw from the room.

19.4 Involvement in the affairs of another public body or voluntary organisation etc. by a member who has been appointed as a representative of the Council shall not, in the absence of any other relevant considerations, be construed as a relevant and substantial interest. In that situation the member should disclose the interest but may remain and participate fully in the meeting.

19.5 If a candidate for any appointment within the gift of the Council is to his/her/their knowledge related to any Councillor or the holder of the Office concerned, he/she/they and the person to whom he/she/they are related, shall disclose the relationship in writing to the Parish Clerk. A candidate who fails to do so, shall be disqualified for the appointment in question, and if appointed may be dismissed without notice. The Parish Clerk shall report to the Council or appropriate Committee any such disclosure.

## **20. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

20.1 Canvassing of members or of any Committee, directly or indirectly, for any paid appointment under the Council shall disqualify the candidate for such appointment. This shall be made known to every candidate.

20.2 Members of the Council shall not solicit for any person or any paid appointment under the Council. However, this will not preclude a member from providing a reference for any candidate for an appointment.

## **21. QUESTIONS**

21.1 A member may ask the Chairman any question on any matter in relation to which the Council has powers or duties, provided that the question is submitted to the Clerk or the Chairman if the Clerk is unavailable, at least three clear working days prior to the Meeting.

21.2 Every question shall be put and answered without discussion. Supplementary questions may be asked arising from the answer given. The answers shall not be discussed.

21.3 A member, with or without notice, may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council, if the question is put before the Council's consideration of the proceedings is finished.

21.4 A person to whom a question has been put may decline to answer or may elect to provide a written answer at a later date.

21.5 No question shall be asked by a member of the public or comment made except during that part of the meeting set aside for that purpose.

21.6 If, in the opinion of the Chairman, a question is frivolous or otherwise unsuitable, the question shall be disallowed.

## **22. RULES OF DEBATE**

22.1 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by Resolution and must be initialled by the Chairman.

22.2 The Chairman shall indicate the order in which members may speak.

22.3 No speech shall contain offensive expressions or impute motives in reference to any member.

22.4 No speech by the mover of a Resolution shall exceed five minutes except by consent of the Chairman.

22.5 When a resolution is under debate no other resolution shall be moved except the following:

- To amend the resolution
- To proceed to the next business
- To adjourn the debate
- That the question be now put
- That a member named be not further heard
- That a member named to leave the meeting
- That the resolution be referred to a Committee
- To exclude the public
- To adjourn the meeting

22.6 A member shall not speak more than once on any motion, except to move an amendment, on a point of order, to move the closure, or in personal explanation.

22.7 A personal explanation shall be confined to a material part of a former speech, for the purpose of clarification.

22.8 A further Amendment shall not be moved until the Council has disposed of every Amendment previously moved.

22.9 The mover of a resolution or of any amendment shall have a right of reply.

22.10 Members shall address the Chairman.

22.11 A motion or amendment may be withdrawn with unanimous consent, without discussion.

## **23. CLOSURE**

23.1 At the end of any speech, a member may without comment move "that the question may now be put", "that the debate now be adjourned", or "that the Council now adjourn".

If such a motion is seconded, and the Chairman is of the opinion that the question before the Council has been sufficiently debated, the Chairman shall put the motion. If the motion "that the question be not put" is carried the Chairman shall call upon the mover to exercise or waive his/her/their right of reply and shall put the question immediately after the right has been exercised or waived.

- 23.2 The adjournment of a debate or of the Council shall not prejudice the mover's right of reply upon resumption.

## **24. DISORDERLY CONDUCT**

- 24.1 No member shall, at a meeting, persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in a manner as to scandalise the Council or bring it into contempt or ridicule.
- 24.2 If, in the opinion of the Chairman, a member has broken the provision in paragraph 24.1 above, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard, or that the member named do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- 24.3 If either of the motion mentioned in paragraph 24.2 is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
- 24.4 In the event of a general disturbance which renders the dispatch of business impossible the Chairman may, without question put, adjourn the meeting for such a period or to such place as he/she/they in his/her/their discretion shall consider expedient.
- 24.5 If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn him/her. If he/she/they continues the interruption the Chairman shall order his/her/their removal from the meeting. In the case of a general disturbance, the Chairman shall order that part of the room be cleared.

## **25. ATTENDANCE AT COUNCIL MEETINGS**

- 25.1 Any member who fails to attend a meeting of the Council or of a Committee of which he/she/they are a member, for six consecutive months shall be deemed to have resigned from the Council or Committee unless leave of absence has been granted by the Council before the expiration of the six-month period referred to above.
- 25.2 A record of members' attendance at meetings shall be kept by the Clerk.
- 25.3 Members shall submit apologies to the Clerk of the council prior to the date of any meeting of the Council and its Committees.
- 25.4 Members submitting late apologies i.e. on the day of the meeting, and where unable to speak to the Clerk personally, shall advise the Chairman of the meeting prior to that meeting.

## **26. MANAGEMENT & PUBLICATION OF INFORMATION**

- 26.1 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.

- 26.2 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).
- 26.3 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.
- 26.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- 26.5 Subject to the publication of draft minutes as soon practicable and in accordance with standing order 26.3 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, unless a Freedom of Information request is received.
- 26.6 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.
- 26.7 The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

## **27. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- 27.1 The Council may appoint a Data Protection Officer.
- 27.2 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her/their personal data.
- 27.3 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 27.4 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.
- 27.5 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.
- 27.6 The Council shall maintain a written record of its processing activities.

## **28. INSPECTION OF DOCUMENTS**

- 28.1 A member may, for the purpose of his/her/their duty as such, (but not otherwise) inspect any document in the possession of the Council, and if copies are available, shall be supplied with a copy for the purposes of carrying out his/her/their duty only.

28.2 All Minutes kept by the Council and by any Committee shall be open for inspection by any member of the Council, and all Minutes of the Council and its Committees, except those where the press and public have excluded by virtue of the Public Bodies Admission to Meetings Act 1960, shall be available for inspection by members of the press and public.

## **29. ACCOUNTS AND FINANCIAL STATEMENTS**

29.1 Except as provided in paragraph (b) below, or by Statute, all Accounts for payments and claims upon the Council shall be laid before the Council or its Finance Committee.

29.1.1 Where it has been necessary to make a payment prior to its authorisation by the Council or its Finance Committee, such payments shall be certified as to their correctness by the appropriate Officer and reported to members. Such payments may be as a result of urgency or, the need to comply with a supplier's payment terms, or to comply with regulative requirements

29.1.2 All payments ratified under sub-paragraph (a) of this Standing Order shall be separately included in the next Schedule of Payments laid before the Council or the Finance Committee.

29.2 The Clerk shall supply to each member at the ordinary meeting after the end of the Financial Year, a Statement of Receipts of Payments, and shall produce Accounts by way of an Income and Expenditure Account, a Balance Sheet and a Statement of Supporting Particulars for presentation and approval by the Parish Council subject to Audit, prior to 30 September following the end of the previous Financial Year.

## **30. UNAUTHORISED ACTIVITIES**

30.1 No member of the Council, or of any Committee, or sub-committee or working party, shall in the name of or on behalf of the Council.

30.1.1 Inspect any lands or premises which the Council has a right of duty to inspect without the permission of the owner or occupier.

or

30.1.2 Issue orders unless authorised to do so by the Council or the relevant Committee or sub-committee.

## **31. ESTIMATES**

31.1 The Council shall approve written estimates for the coming financial year no later than its January meeting.

31.2 Any Committee, sub-committee or working party desiring to incur expenditure, shall normally formulate Recommendations to the Council for consideration at its November meeting.

## **32. CONFIDENTIAL BUSINESS**

32.1 No member of the Council or any Committee or sub-committee shall disclose to any person not a member of the Council, any business declared to be confidential by the Council or one of its Committees.



32.2 Any member in breach of the provisions of paragraph 30.1 of this Standing Order shall be removed from any Committee of the Council by the Council.

### **33. URGENT BUSINESS**

33.1 Where no meeting of the Parish Council or one of its Committees is scheduled within the necessary time scale to enable a decision concerning an urgent matter to be taken, the Parish Clerk may in consultation with the Chairman and Vice Chairman of the Council (or the Committee concerned) determine an urgent matter. All such decisions taken utilising this Standing Order shall be reported to the next meeting of the Parish Council (or the relevant Committee) for information, and the Clerk shall provide the necessary information, including reasons for urgency, to enable the Parish Council or one of its Committees to be satisfied that the delegated power has been properly used.

### **34. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

34.1 See standing order 1.13 – 1.16 including the exclusion of the public and press from meetings.

34.2 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.

34.3 If any member of the public interrupts the proceedings of any meeting, the Chairman may after due warning, order that he/she/they be removed from the Council Chamber.

34.4 No member shall make any declaration to the press or public on any issue subject of debate by the Council.

34.5 The Clerk, Chairman of the Council or Chairman of the relevant Committee may make such declarations as are within the boundaries of agreed Council policy.

### **35. DELEGATED AUTHORITY**

35.1 Authority to act on behalf of the Council may be delegated only in one of the following ways:

- To a Committee of the Council
- To the Proper Officer of the Council
- To another local authority

### **36. LIAISON WITH DISTRICT AND COUNTY COUNCILLORS**

36.1 District and County Councillors shall be invited to attend meetings of the Parish Council as deemed necessary.

### **37. FINANCIAL AND CONTRACT STANDING ORDERS**

37.1 The Parish Council's financial and contract Standing Orders shall be as set out in the document headed "Kings Worthy Parish Council Financial Regulations", produced in accordance with and following the enactment of the current Audit and Account Regulations.

37.2 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 referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts

Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).

37.3 These financial regulations will also cover whether contracts with an estimated value below £25,000 are exempt from a tendering process or procurement exercise.

37.4 Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

## **38. INTERPRETATION OF STANDING ORDERS**

38.1 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

## **39. CODE OF CONDUCTION AND DISPENSATIONS**

39.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

39.2 Unless he/she/they 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/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.

39.3 Unless he/she/they 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/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.

39.4 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.

39.5 A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.

39.6 A dispensation request shall confirm:

39.6.1 the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

39.6.2 whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

39.6.3 the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

39.6.4 an explanation as to why the dispensation is sought.

39.7 Subject to standing orders 39.4 and 39.6, a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

39.8 A dispensation may be granted in accordance with standing order 39.5 if having regard to all relevant circumstances any of the following apply:

39.8.1 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;

39.8.2 granting the dispensation is in the interests of persons living in the Council's area; or

39.8.3 it is otherwise appropriate to grant a dispensation.

#### **40. CODE OF CONDUCT ON COMPLAINTS**

40.1 Upon notification by the District or Unitary 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, report this to the Council.

40.2 Where the notification in standing order 39.9 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair 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 39.12.

40.3 The Council may:

40.3.1 Provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;

40.3.2 seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

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

#### **41. STANDING ORDERS TO BE GIVEN TO MEMBERS**

41.1 A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her/they of the member's Declaration of Acceptance of Office.

41.2 Standing Orders should be reviewed at least once in each financial year.