



# **Kirkburton Parish Council**

## **Standing Orders**

**2019**

The standing orders in **bold type** should not be ignored or substantively amended unless the legislation out of which they are born changes. If the Council wants to slightly alter the wording of the standing orders in bold type, any such amendments must not have the effect of undermining, overriding or conflicting with statutory requirements.

The standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at (i) highlighting matters that merit regulation by standing orders and (ii) encouraging use of standing orders to regulate routine administrative arrangements.

A co-opted member refers to a member of the public, who has been elected onto a Committee, normally to represent an organisation. Although not Councillors, they are still required to abide by the Code of Conduct and to complete a Register of Interests. They are able to partake in the meetings, but they do not have a vote.

This should not be confused with members of Council, who have been elected to fill a casual vacancy by co-option. These Councillors have exactly the same standing as the members, who have gone through the public election process.

Once again, the Council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

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# 1 Meetings

## ■ 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.**
- ■ d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
  - e Subject to standing order 1(d) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any matter over which the Council has a power at the start of each Council, Committee and Sub-Committee meeting.
  - f The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes.
  - g Subject to standing order 1(e) above, each member of the public is entitled to speak once only and shall not speak for more than 3 minutes. Standing orders 1(e) and 1(f) shall be at the discretion of the Chairman.
  - h In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The Chairman may direct that a written or oral response be given.
  - i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
  - j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated when speaking.
  - k Any person speaking at a meeting shall address his comments to the Chairman.
  - l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- ■ m **In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

Members of the public wishing to make a recording are requested to notify the Chairman before the start of the meeting, so arrangements can be made for people not wishing to be included in the recording, including minors.
- ■ n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**

- ■ o **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- ■ ■ p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
- ■ ■ q **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- See standing orders 2(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.**
- r **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request shall be made before the vote is taken.**
- s The minutes of a meeting shall include an accurate record of the following:
  - i. *the time and place of the meeting;*
  - ii. *the names of Councillors present and absent;*
  - iii. *interests that have been declared by Councillors and co-opted members of committees with or without voting rights;*
  - iv. *whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;*
  - v. *if there was a public participation session; and*
  - vi. *the resolutions made.*
- t If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- ■ ■ u **A Councillor or a Co-opted Committee Member with or without voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on his right to participate and vote on that matter.**
- ■ ■ v **The Code of Conduct adopted by the Council shall apply to Councillors and Co-opted Committee Members in respect of the entire meeting.**
- ■ ■ w **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also standing orders 7 and 8 below.)**
- x **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 3. See Standing Order No 15 (b) for the quorum of a Committee or Sub-Committee.**
- ■ ■ y **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting shall be adjourned to another meeting.**
- z Meetings shall not normally exceed a period of 2 hours, but if they do consideration shall be given to providing a break.

## 2 Ordinary Council Meetings

*See also standing order 1 above*

- 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 the Council shall be held on the third Thursday in May.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j At the annual meeting of the Council, the order of business shall be as follows:
  - i. **To elect a Chairman of the Council.**
  - ii. **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
  - iii. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
  - iv. **To decide when any declarations of acceptance of office which have not been received as provided by law, shall be received.**
  - v. To elect a Vice-Chairman of the Council.
  - vi. To review terms of references and delegation arrangements for committees and sub-committees.
  - vii. Receipt of nominations to existing committees and sub-committees.
  - viii. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
  - ix. To review delegation arrangements to employees and other local authorities.
  - x. To appoint representatives to outside bodies and review the arrangements for reporting back.
  - xi. To inspect any deeds and trust investments in the custody of the Council as required.
  - xii. To set the dates, times and place of ordinary meetings of the full council for the year ahead and set the frequency of meetings for the committees for the year ahead.

### 3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following:
- i. **Sign and serve on Councillors by delivery or post or email at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
  - iii. Subject to Standing Orders 4 and 5, include on the agenda all motions in the order received unless a Councillor has given written notice at least 7 clear days before the meeting, confirming his withdrawal of it.
  - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)(i) above.**
  - v. Make available for inspection the minutes of meetings.
  - vi. **Receive and retain copies of byelaws made by other local authorities.**
  - vii. **Receive and retain declarations of acceptance of office from Councillors.**
  - viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - ix. Keep proper records required before and after meetings;
  - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xii. Manage the organisation, storage of and access to and destruction of information held by the Council in paper and electronic form.
  - xiii. Arrange for legal deeds to be signed by 2 Councillors and witnessed (*See also standing orders 14(a) and (b).*)
  - xiv. Arrange for 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.
  - xv. Record all planning applications lodged within the Council area, circulate to all Councillors and Issue to Council meetings. Also make them publicly available, as appropriate.
  - xvi. Manage access to information about the Council via the publication scheme; and
  - xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

- c In addition, the Clerk to the Council has the delegated authority to undertake the following on behalf of the Council:
  - i. To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman and take his/her view into account.
  - ii. To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000.
  - iii. To order Christmas trees, hanging baskets and poppy wreaths in accordance with the Council's most recent decision on the matters.
  - iv. To take any action regarding minor repairs (up to a cost of £1,000) and to report minor matters to the relevant authority.

Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time, and shall be reported to the next available Council meeting.

## **4 Motions requiring written notice**

- a In accordance with standing order 3(b) (iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting. Clear days do not include the day of the notice or the day of the meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 7 clear days before the meeting.
- d If the wording or subject of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e Having consulted the Chairman or Councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5 Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.



- vii. To move to a vote.
  - viii. To defer consideration of a motion.
  - ix. To require a written report.
  - x. To proceed to the next business on the agenda.
  - xi. To close or adjourn debate.
  - xii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - xiii. To dissolve a committee or sub-committee.
  - xiv. To note the minutes of a meeting of a committee or sub-committee.
  - xv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xvi. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvii. To authorise legal deeds to be signed by two Councillors and witnessed.  
*(See standing orders 14(a) and (b) below.)*
  - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xix. To extend the time limit for speeches.
  - xx. To exclude the press and public for all or part of a meeting for all or part of a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
  - xxi. To not hear further from a Councillor or a member of the public.
  - xxii. To exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxiii. To give the consent of the Council if such consent is required by standing orders.
  - xxiv. **To suspend a particular standing order unless it reflects mandatory statutory requirements.**
  - xxv. To adjourn the meeting.
  - xxvi. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxvii. To answer questions from Councillors.
  - xxviii. To close a meeting.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 6 Rules of Debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(f) above, a motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the Councillor who proposed it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder and the meeting.
- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.

- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor; to move or speak on another amendment if the motion has been amended since he last spoke; to make a point of order; to give a personal explanation or 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 irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a Councillor's 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 for him 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;
  - ix. to suspend any standing order/s, except those which reflect mandatory statutory requirements.
- t In respect of standing order 6(s)(iv) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.

## 7 Code of Conduct (England)

- a All Councillors and Co-opted Committee members with or without voting rights shall observe the Code of Conduct adopted by the Council.
- b Unless he has been granted a dispensation, a Councillor or a co-opted Committee member with or without voting rights, shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a Councillor or a co-opted Committee member with or without voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or Committee or Sub-Committee for which the dispensation is required, and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 7(d) and (f) above, dispensations requests shall be considered at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 7(e) above if having regard to all relevant circumstances the following applies:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area or**
  - iii. **it is otherwise appropriate to grant a dispensation.**
- i All Councillors shall undertake training in the Code of Conduct within 6 months of the delivery of the declaration of acceptance of office.

## 8 Questions

- a A Councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.
- d A person to whom a question has been put may decline to answer.

## **9 Minutes**

- a If the draft minutes of a preceding meeting have been circulated to Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall 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.

## **10 Disorderly Conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman of the meeting, there has been a breach of standing order 10(a) above, the Chairman of the meeting shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be no longer heard or excluded from the meeting, and the motion, if seconded, shall be put to a vote without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11 Previous Resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof shall bear the names of 9 Councillors of the Council and shall be received by the Clerk at least 7 clear days before the date of the meeting, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12 Voting on Appointments / Co-option Procedures**

- a Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

- b **Co-option Procedures - Casual Vacancies**  
On confirmation from Electoral Services that a casual vacancy must be filled by co-option, the Clerk will insert an advertisement into the press notifying there is a vacancy with the reason for it and confirming there is to be a co-option. The advertisement must also state the rules for eligibility and direct interested parties to write to the Clerk confirming their eligibility to sit on the Parish Council, including a short statement explaining the reasons s/he wants to become a Parish Councillor. There will be a deadline for responses of not less than 3 weeks from the date of the insertion. The date of the meeting when the co-option is to be made will be stated in the advertisement.

Nominees must also be made aware that canvassing of Council members will disqualify them from standing for the vacancy (see Standing Order 21).

**At the Meeting**

At the Council meeting when the co-option takes place, each nominee will be invited to speak for up to 3 minutes. When all the nominees have spoken the Chairman shall seek proposers and seconders for each nomination (whether or not they have spoken) and the vote will follow. The voting process will follow standing order 12(a) above. In order to be co-opted onto the Council, the candidate must receive an absolute majority of the vote of those present and voting.

- c **After the full Parish Council Elections**  
In the event of vacancies following the close of nominations for the full Parish Council elections, the Clerk shall follow the above procedure to fill the vacancies and the co-option(s) will take place at the first possible Parish Council meeting.

## 13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

## 14 Execution and Sealing of Legal Deeds

*See also standing order 5(a)(xvii) above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 14(a) above, any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

# 15 Committees

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number of meetings until the next Annual Meeting;
  - iii. may permit committees to determine the dates of their meetings;
  - iv. shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - v. may permit a committee to appoint its own chairman at the first meeting of the committee;
  - vi. may in accordance with standing orders, dissolve a committee at any time.
  
- b The quorum of committees shall be half of the total of voting members, but not less than three.
  
- c **Management & Finance Committee**
  - i The Line Manager shall be a non-voting member of the Management & Finance Committee and shall attend meetings to report on management and related staffing issues.
  - ii The Management & Finance Committee shall have delegated authority to take decisions on staffing hours in excess of core hours needed to enable projects to be completed or to deal with exceptional issues.
  - iii Consideration shall be given to maintaining continuity in the membership of the Management & Finance Committee over the 4-year term.
  
- d **Staffing Committee**

The Staffing Committee shall deal with Human Resource issues and other contractual matters. It shall have delegated authority to make all decisions relating to staff and their employment, excepting recruitment, termination, resignation and decisions in excess of core hours (as described in 15(d)(ii) above) and shall operate in accordance with Standing Order 26.
  
- e The Chairman and Vice Chairman, ex-officio, shall be voting members of every committee.

## 16 Sub-Committees

*See also standing order 1 above*

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
- b The quorum of all sub-committees shall be half of the total number of voting members and not less than three.
- c The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

## 17 Extraordinary Meetings

*See also standing order 1 above*

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue 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 sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by not less than one quarter of the committee members, those Councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 Councillors.

## 18 Advisory Committees

*See also standing order 1 above*

- a The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-Councillors.

## 19 Accounts and Financial Statement

- 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, which shall be reviewed at least annually.

- c The Responsible Financial Officer shall supply to each Councillor a budget analysis on a quarterly basis. As soon as practicable after 31 March and 30 September the Responsible Financial Officer shall supply a statement summarising the Council's receipts and payments for the half-year and the balances held at the end of a half-year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## 20 Estimates/Precepts

- a **The Council shall approve written estimates for the coming financial year** at its December meeting.
- b In the first instance the Responsible Financial Officer in consultation with the Chairman shall produce draft budget proposals for consideration by the Management & Finance Committee at a meeting to be held in November each year. In conjunction with the budget proposals, the Responsible Financial Officer shall produce financial information covering receipts & payments of the current financial year, budget comparisons and projected income/expenditure to the year-end.
- c All members shall receive a copy of the budget proposals and associated financial information and they will be invited to table amendments to be considered by the Committee. Committees shall also have the opportunity to submit proposals to the Management & Finance Committee.
- d Management & Finance Committee will make recommendations to Council for consideration at its December Parish Council meeting when the decisions on the budget and precept for the following year will be taken.
- e Members are invited to submit amendments to the proposals to be considered by Council in advance of the meeting to the Responsible Financial Officer, in order that the viability and legality of the proposals can be checked before the meeting.
- f The dates of the various stages of the process will be notified each year.

## 21 Canvassing of and Recommendations by Councillors

- a Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment and to nominees applying to be co-opted onto the Council in the event of a vacancy.



## **22 Restrictions on Councillor Activities**

- a Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **23 Handling Confidential / Sensitive Information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential information or sensitive information which for special reasons would not be in the public interest.
- c A Councillor in breach of the provisions of standing order 23(b) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **24 Matters affecting Council Employees**

- a A matter personal to a member of staff that is being considered by a meeting of Council, Committee, Sub-Committee or the Line Manager is subject to Standing Order 23 above.
- b The line management of Council staff is delegated to a nominated Councillor, who shall be a past Chairman and be elected for a period of four years at the start of each Council term of office.
- c The Staffing Committee has delegated authority to make all decisions relating to staff and their employment, excepting recruitment, termination, resignation and decisions in excess of core hours (as described at Standing Order No 15(e) above.
- d The Line Manager shall report to and take instructions from the Staffing Committee, and report back on the proposed action.
- e The Council will be informed at the earliest opportunity of action, recommendations or decisions taken in relation to staff and their employment.
- f If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Committee has excluded the press and public from the meeting pursuant to standing order 1(d) above.
- g Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Line Manager or, in his absence, the Chairman of the Council of any absence occasioned by illness or urgency and that person shall report such absence to the Staffing Committee at its next meeting.
- h The Line Manager shall conduct a review of the performance and/or appraisal of the Clerk to the Council; the Clerk to the Council shall conduct reviews of the performance and/or appraisal of all other Council staff and written records shall be maintained. The reviews and/or appraisals shall be reported back and shall be subject to approval by resolution by the Staffing Committee.
- i Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Line Manager or in his absence, the Chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be progressed in accordance with the Council's Discipline & Grievance Policy.

- j Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Council's employees relates to the Line Manager, it shall be reported to the Chairman or another member of the Staffing Committee, which shall be reported back and progressed by resolution of the Staffing Committee in accordance with the Council's discipline & grievance procedures.
- k Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- l The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- m Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- n Only persons with line management responsibilities shall have access to employee records referred to in standing orders 24(g) and (h) above if so justified.
- o Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 24(g) and (h) above shall be provided only to the post holder and/or the Line Manager.

## **25 Freedom of Information Act 2000**

- a. Correspondence from, and notices served by, the Information Commissioner shall be referred to the Proper Officer, who shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
- a Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

## **26 Relations with the Press/Media**

All requests from the press or other media for an oral or written statement or comment from the Council, its Councillors or staff shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

## **27 Liaison with Unitary Councillors**

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillors of Kirklees representing its electoral wards.

## 28 Financial Matters

- 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 control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Independent Internal Auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 28(c) below) including the setting of values for different procedures where the 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 **Any 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 28(d) below.**
- d Any formal tender process shall comprise the following steps:
  - i. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - ii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iii. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer at an appropriate Committee meeting;
  - iv. tenders are then to be assessed and reported to the appropriate meeting of Council.
- e Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## 29 Responsible Financial Officer

The Council shall appoint appropriate staff member/s to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 30 Code of Conduct Breaches

Notifications of alleged breaches of the code of conduct shall be directed to the Council's Monitoring Officer at Kirklees Council.

## 31 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 agreed by a Council resolution. It may also be proposed by a special motion, the written notice signed by at least nine Councillors to be given to the Proper Officer, in accordance with standing order 4 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.
- e A Councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

These Standing Orders were adopted on 16 April 2015, and amended on 19 May 2016 and 2 August 2018.