

NAVENBY WITH SKINNAND PARISH COUNCIL STANDING ORDERS

Issued 21 Nov 25

Next formal review April 2026

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INTRODUCTION

These Standing Orders (SOs) regulate the activities of Navenby with Skinnand Parish Council (NPC), and Proper Officers and Councillors should make themselves familiar with them.

To save nugatory work in producing and maintaining them and to follow best practice they are based on the model SOs provided by the National Association of Local Councils (NALC). They provide the 'how' of NPC's activities and where relevant refer to our policies, which provide the 'what' and the 'why'. They do not include detailed financial regulations, which are defined in a separate document and are of particular relevance to the Responsible Financial Officer.

The SOs incorporate and reference many statutory requirements placed on a parish council, but it is not possible to cover every aspect of all of them (e.g. our full obligations under data protection legislation) as this would make the document unwieldy and risk it becoming out of step with changing legislation. However, in accordance with the legal principle that ignorance of the law is no excuse, NPC is subject to all relevant statutory requirements, whether or not they are incorporated in our SOs.

The SOs include elements in normal black text, **bold black text**, and [normal blue text](#):

- Those in black type are a direct copy of the NALC model.
 - Anything in bold type is a legal or statutory requirement.
 - Anything in normal type reflects best practice as defined by NALC, including the use of gender-neutral language.
- Those in blue type are NPC additions designed to reflect our local needs and add context where appropriate for new Councillors.

The Parish Clerk will ensure that Councillors review the SOs annually or whenever they need to be amended to reflect changes to our statutory obligations.

Chair of NPC

NAVENBY WITH SKINNAND PARISH COUNCIL STANDING ORDERS

RULES OF DEBATE AT MEETINGS

1. Residents must have sight of the agenda ahead of a PC meeting to see if they have an interest in what is going to be discussed and wish to attend, so making changes to the agenda during a meeting should be the exception rather than the rule, and there are strict criteria to be followed when doing so. Furthermore, there are procedures defined for how agenda items are discussed to make sure they are fully explored, and how they are voted on to ensure that any decision is lawful and cannot be challenged afterwards.
 - a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair.
 - b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
 - c. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
 - d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
 - e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
 - f. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
 - g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
 - h. A Councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
 - i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
 - j. Subject to standing order 1i, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair.
 - k. One or more amendments may be discussed together if the Chair considers this expedient, but each amendment shall be voted upon separately.
 - l. A Councillor may not move more than one amendment to an original or substantive motion.
 - m. The mover of an amendment has no right of reply at the end of debate on it.

n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o. Unless permitted by the Chair, a Councillor may speak only once in the debate on a motion except:

- (1) To speak on an amendment moved by another Councillor.
- (2) To move or speak on another amendment if the motion has been amended since he last spoke.
- (3) To make a point of order.
- (4) To give a personal explanation; or
- (5) To exercise a right of reply.

p. During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

q. A point of order shall be decided by the Chair, and their decision shall be final.

r. When a motion is under debate, no other motion shall be moved except:

- (1) To amend the motion.
- (2) To proceed to the next business.
- (3) To adjourn the debate.
- (4) To put the motion to a vote.
- (5) To ask a person to be no longer heard or to leave the meeting.
- (6) To refer a motion to a committee or sub-committee for consideration.
- (7) To exclude the public and press.
- (8) To adjourn the meeting; or
- (9) To suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s. Before an original or substantive motion is put to the vote, the Chair shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

t. Excluding motions moved under SO 1r, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed **3** minutes without the consent of the Chair of the meeting.

DISORDERLY CONDUCT AT MEETINGS

2. If Councillors adhere to the SOs and the Code of Conduct, they should not be the cause of any disorderly conduct at a meeting. However, members of the public present are unlikely to be familiar with the SOs and are not bound by the Code of Conduct, so Councillors need to be ready to support the Chair in dealing with any disorderly conduct by them.

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chair to moderate or improve their conduct, any Councillor or the Chair may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 2b is ignored, the Chair may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

MEETINGS GENERALLY

3. NPC currently runs only full council meetings, but these SOs allow for other types of meeting should this change. The following SOs highlight the different statutory requirements appropriate to the type of meeting being conducted using the following colour codes:

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.** NPC meetings are normally held in the Parish Office. However, if a meeting was to be held elsewhere, such as in one of The Venue's public rooms, and at the same time another hirer was running an event at which alcohol was on sale, the PC meeting must be held in a separate meeting room from which alcohol is excluded.
- 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. **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.** An example of why the public might be excluded from part of a meeting is if we need to discuss a Councillor's welfare, or a staff appraisal or disciplinary issue.

- d. Members of the public may make representations, answer questions, and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. The Clerk should encourage a member of the public who says they will attend a meeting to state their business in advance, ideally in writing, and inform Councillors of this to allow them to prepare a response, so that the issue can be addressed as fully as possible in open forum at that meeting.
- e. The period of time designated for public participation at a meeting in accordance with SO 3d shall not exceed 15 minutes unless directed by the Chair. This is to help avoid the rest of the meeting overrunning.
- f. Subject to standing order 3e, a member of the public shall not speak for more than 3 minutes. This figure is flexible, depending on the number of members of the public present, but if there are different subjects to be raised it is important that everybody is given an appropriate opportunity to speak. If a subject is contentious and there are groups of people wishing to express different views, the Chair must ensure that all sides have the opportunity to do so and may nominate individuals to speak on behalf of each group.
- g. In accordance with standing order 3f, a question shall not require a response at the meeting nor start a debate on the question. The Chair may direct that a written or oral response be given. If the matter is complicated or contentious, it is likely that the Chair will direct that a written response be provided outside of the meeting, allowing Councillors time to properly research the matter responding. It might be necessary for the issue to be included as a formal agenda item for the next meeting so that the wider public is aware of it and has the opportunity to attend the NPC's deliberations.
- h. A person (member of the public, Councillor or invited person) shall raise their hand when requesting to speak and (in the case of a member of the public) stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair may at any time permit a person to be seated when speaking. The Chair will usually only ask a member of the public to stand when there are so many people present that this allows everybody to see and hear them more effectively.
- i. A person (member of the public or Councillor) who speaks at a meeting shall direct their comments to the Chair.
- j. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair shall direct the order of speaking. SOs 3h and i above are to help the Chair manage the meeting.
- k. **Subject to standing order 3l below, 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.**
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- l. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission (e.g. providing a running commentary to a third party by mobile phone); this is to ensure the meeting is not unduly disturbed or compromised by this activity.**
- m. **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.**
- n. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- o. **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. Under such circumstances, choosing an acting Chair is to be the first item on the agenda.**
- p. **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. Email or proxy votes are not permitted because if the voter is not present, they will not have heard all of the discussion on a topic, which might have changed their original position.**
- q. **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**

See SOs 5h and i for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- r. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave 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. *'Local Councils Explained'* states that secret voting is not permitted and all votes should be made by a show of hands. However, LALC advises that at the Chair's discretion, voting can be by other than a show of hands when appropriate, e.g. when voting whether or not to co-opt a new Councillor.
- s. The minutes of a meeting shall include an accurate record of the following:
 - (1) The time and place of the meeting.
 - (2) The names of Councillors who are present and the names of Councillors who are absent.

- (3) Interests that have been declared by Councillors and non-Councillors with voting rights.
- (4) The granting of dispensations (if any) to Councillors and non-Councillors with voting rights.
- (5) Whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered (including times of exit and re-entry).
- (6) If there was a public participation session; and
- (7) The resolutions made.

- t. **A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- u. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(8) for the quorum of a committee or sub-committee meeting.

- v. **If a meeting is or becomes inquorate no business shall be transacted, and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
- w. A meeting shall not exceed a period of 2.5 hours. *Routinely, a meeting should not last more than 1.5 hours, which can usually be achieved if Councillors have prepared themselves properly for the meeting and adhere to SO 1t.*

COMMITTEES AND SUB-COMMITTEES

4. *Currently NPC only operates in Full Council, but this section has been retained in case this changes.*

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**

d. The Council may appoint standing committees or other committees as may be necessary, and shall:

- (1) Determine their terms of reference.
- (2) Determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council.
- (3) Permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
- (4) Subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee.
- (5) Subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer seven days before the meeting that they are unable to attend.
- (6) After it has appointed the members of a standing committee, appoint the Chair of the standing committee.
- (7) Permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee.
- (8) Determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three.
- (9) Determine if the public may participate at a meeting of a committee.
- (10) Determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee.
- (11) Determine if the public may participate at a meeting of a sub-committee that they are permitted to attend.
- (12) If required, may dissolve a committee or a sub-committee.

ORDINARY COUNCIL MEETINGS

5. The vast majority of NPC meetings will be ordinary meetings of the Full Council, be that the annual meeting that sets the stage for the year ahead or the routine monthly meeting that keeps business moving forward. These meetings are conducted as follows:

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.**

- b. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6pm. NPC fixes this time at 7pm, in common with all of our other meetings.
- d. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides. NPC usually meets every month.
- e. 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.
- f. The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g. The Vice-Chair of the Council, if there is one, unless he 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.
- h. In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- j. Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
- (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 their acceptance of office form unless the Council resolves for this to be done at a later date.
 - (2) Confirmation of the accuracy of the minutes of the last meeting of the Council.
 - (3) Receipt of the minutes of the last meeting of a committee.
 - (4) Consideration of the recommendations made by a committee.
 - (5) Review of delegation arrangements to committees, sub-committees, staff, and other local authorities.

- (6) Review of the terms of reference for committees.
- (7) Appointment of members to existing committees.
- (8) Appointment of any new committees in accordance with standing order 4.
- (9) Review and adoption of appropriate standing orders and financial regulations.
- (10) Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies, and businesses.
- (11) Review of representation on or work with external bodies and arrangements for reporting back.
- (12) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future.
- (13) Review of inventory of land and other assets including buildings and office equipment.
- (14) Confirmation of arrangements for insurance cover in respect of all insurable risks.
- (15) Review of the Council's and/or staff subscriptions to other bodies.
- (16) Review of the Council's complaints procedure.
- (17) Review of the Council's policies, procedures, and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*).
- (18) Review of the Council's policy for dealing with the press/media.
- (19) Review of the Council's employment policies and procedures.
- (20) Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- (21) Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

6. Extraordinary meetings are a rare occurrence and at Full Council level are likely to be in response to the emergence of an existential threat to the Parish (e.g. response to flooding) or because of a major impediment to the legal or effective running of the Council (e.g. discovery of fraud within the Council or a total breakdown of the working relationship between Councillors or between Councillors and a Proper Officer).

- a. **The Chair of the Council may convene an extraordinary meeting of the Council at any time.** An extraordinary meeting is still subject to the usual notice rules.
- b. **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place, and agenda for such a meeting shall be signed by the two Councillors.** However, such a meeting is still subject to the usual rules for a Council meeting, e.g. must be quorate, have a Chair (not necessarily the extant NPC Chair), etc.
- c. The Chair of a committee may convene an extraordinary meeting of the committee at any time.
- d. If the Chair of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee. Although the timescale and number of committee members required to call an extraordinary meeting are not statutory, in common with most other councils NPC uses the same details as for extraordinary meetings of the Full Council.

PREVIOUS RESOLUTIONS

7. With the relative infrequency the NPC meets and with the constraints on Councillors' time, it is important that business is conducted as efficiently as possible. Furthermore, the Council should present a professional and coherent face to the general public. It is therefore important that issues are discussed and decided properly, so even Councillors who vote against an item are satisfied with the process that delivered that decision. Revisiting a particular decision at a subsequent meeting should be the exception rather than the rule.

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least two Councillors to be given to the Proper Officer in accordance with SO 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to SO 7a has been disposed of, no similar motion may be moved for a further six months.

VOTING ON APPOINTMENTS

8. Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

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

9. Although the Proper Officer is responsible for issuing a PC meeting calling notice and producing the agenda, Councillors may submit items for the agenda as detailed below.

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. [This figure allows for the submitted motion to be amended if required and still meet the timeline defined at 9d below.](#)
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9b, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9b is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least five clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final. [LALC advise that this is because it is the Proper Officer's signature that appears on the agenda, but if SO 9e above has been followed this situation is unlikely to arise.](#)
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

10. The following motions may be moved at a meeting without written notice to the Proper Officer:
 - a. To correct an inaccuracy in the draft minutes of a meeting.
 - b. To move to a vote.
 - c. To defer consideration of a motion.
 - d. To refer a motion to a particular committee or sub-committee.
 - e. To appoint a person to preside at a meeting.
 - f. To change the order of business on the agenda.
 - g. To proceed to the next business on the agenda.

- h. To require a written report.
- i. To appoint a committee or sub-committee and their members.
- j. To extend the time limits for speaking.
- k. To exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest.
- l. To not hear further from a Councillor or a member of the public.
- m. To exclude a Councillor or member of the public for disorderly conduct.
- n. To temporarily suspend the meeting.
- o. To suspend a particular standing order (unless it reflects mandatory statutory or legal requirements).
- p. To adjourn the meeting; or
- q. To close the meeting.

MANAGEMENT OF INFORMATION

See also SO 20 and 21.

11. In its day-to-day business NPC handles personal data of its Proper Officers, Councillors and members of the public and must comply with the UK General Data Protection Regulation 2018 (GDPR) and the Data Protection Act 2018 (DPA) for how it is all stored, handled and disposed of. The following provides an overview of how NPC must manage personal and other sensitive information.

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. **Councillors, staff, the Council's contractors, and agents shall not disclose confidential information or personal data without legal justification.**

DRAFT MINUTES

12. The minutes of NPC meetings are important as they provide a legal audit trail of the Council's decisions and activities, but to keep them as concise as possible, they do not provide a detailed record of the sometimes-lengthy discussion that led to a disposal decision. The acid test of effective minutes is whether a member of the public not present at the meeting can understand what the agenda item was, why it was raised, how it was disposed of and, if appropriate, why a particular disposal option was selected. In addition to recording whether a motion was accepted or rejected, NPC routinely records abstentions and the number of votes for and against. If a Councillor feels particularly strongly about a motion, they can insist that individual Councillors' votes are recorded by name. The following SOs stipulate how minutes are drafted, approved and publicised.

a. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read. This assumption applies equally to any documents provided ahead of the meeting.

b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10a.

c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

'The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but this view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.'

e. If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place. Our expenditure routinely exceeds £100K so we do not publish draft minutes.

f. Subject to the publication of draft minutes in accordance with SOs 12e and 20a, 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.

CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

13. Where a Councillor has a personal and/or financial interest in a particular agenda item, unless granted a dispensation they are usually obliged to leave the meeting so that there can be no question that they influenced its outcome. It is the personal responsibility of the individual to declare this interest as other Councillors and the Proper Officer may not be aware of it.

- a. All Councillors and non-Councillors with voting rights shall observe the [NALC](#) code of conduct adopted by the Council.
- b. Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which he had the interest. [The time of the individual's exit and re-entry should be recorded in the minutes to provide an audit trail of this withdrawal.](#)
- c. Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest ([i.e. non-financial](#)) if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest. [NPC does require this, and the withdrawal should be recorded in the minutes as per 13b above.](#)
- 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:
- (1) The description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates.
 - (2) Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
 - (3) The date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - (4) An explanation as to why the dispensation is sought.
- g. Subject to SOs 13d and f, a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13e if having regard to all relevant circumstances any of the following apply:**
- (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.**
 - (2) **Granting the dispensation is in the interests of persons living in the Council's area; or**

- (3) **It is otherwise appropriate to grant a dispensation.**

CODE OF CONDUCT COMPLAINTS

14. **Upon notification by the Principal Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.** For NPC, the Principal Council is NKDC's Monitoring Officer, who may be approached by a Councillor, Proper Officer or member of the public if they wish to raise a complaint about NPC collectively or a particular individual. However, in the first instance it is good practice to try to address the issue at NPC level.

PROPER OFFICER

15. Under section 112 of the Local Government Act (LGA) 1972, a parish or town (local) council shall appoint such officers as necessary for the proper discharge of their functions; these posts are salaried and recommended pay levels are issued each year by NALC. The most senior of these officers is the 'Proper Officer', often referred to as 'the Clerk (to the council)', although in larger councils they can be known by other terms, such as Chief Executive. On parish councils, the Proper Officer (Clerk) is often the only officer, providing advice on the full spectrum of issues covered by a range of officers on a larger, higher-level council, so they are critical to its effective functioning. The Clerk is not a secretary, or the personal assistant of the Chair or any individual Councillor, but is the Proper Officer to the Council in law. They are employed by, and therefore answerable to, the Council as a whole only and are instructed to carry out actions only by full council or by committees with delegated powers.

a. 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.

b. The Proper Officer shall:

(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).**

(2) **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).** *See standing order 3(b) for the meaning of clear days for a meeting.*

(3) Subject to SO 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least two days before the meeting confirming their withdrawal of it.

(4) Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office.

(5) **Facilitate inspection of the minute book by local government electors.**

- (6) **Receive and retain copies of byelaws made by other local authorities.**
- (7) Hold acceptance of office forms from Councillors.
- (8) Hold a copy of every Councillor's register of interests.
- (9) Assist with responding to requests made under Freedom of Information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures.
- (10) Liaise, as appropriate, with the Council's Data Protection Officer (if there is one).
- (11) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- (12) Assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980).
- (13) Arrange for legal deeds to be executed. *See also SO 23.*
- (14) Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations.
- (15) Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- (16) Refer a planning application received by the Council to the Chair or in their absence the Vice-Chair (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- (17) Manage access to information about the Council via the publication scheme.
- (18) Retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. (*See also SO 23.*)

RESPONSIBLE FINANCIAL OFFICER

16. The Responsible Financial Officer (RFO) is the officer who provides day-to-day financial management of a council, complying with the legal framework for local authorities, current legislation, statements of recommended practice and accounting codes of practice. Dependent on a parish council's preference, the role of RFO can be merged with that of the Proper Officer (Clerk) or be held by a separate individual. NPC has chosen to have a separate Clerk and RFO as this allows them to deputise for each other during periods of leave and sickness. The Council shall appoint appropriate staff member(s) to undertake the work of the RFO when the RFO is absent.

ACCOUNTS AND ACCOUNTING STATEMENTS

17. [Accounts and accounting statements are explained in greater detail in NPC's Financial Regulations, which are of particular relevance to the RFO, but the following provides a brief overview.](#)

- a. 'Proper practices' in SOs refer to the most recent version of 'Governance and Accountability for Local Councils – a Practitioners' Guide.'
- b. All payments by the Council shall be authorised, approved, and paid in accordance with the law, proper practices, and the Council's financial regulations.
- c. The RFO shall supply to each Councillor as soon as practicable after 30 June, 30 September, and 31 December in each year a statement to summarise:
 - (1) The Council's receipts and payments (or income and expenditure) for each quarter.
 - (2) The Council's aggregate receipts and payments (or income and expenditure) for the year to date.
 - (3) The balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends [and underspends \(i.e. complete an EOY forecast\)](#).
- d. As soon as possible after the financial year end on 31 March, the RFO shall provide:
 - (1) Each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - (2) To the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return (AGAR), as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

FINANCIAL CONTROLS AND PROCUREMENT

18. [Parish councils receive public funding, so it is critical that they have effective and transparent financial controls, which are audited annually. Because the purchases they make and the contracts they let are often of low value, it can be difficult to comply with the requirements of 18a\(5\) and 18c](#)

below. However, this should not preclude such transactions from going ahead as long as a clear and credible audit trail is provided to explain any non-compliance.

- a. The Council shall consider and approve financial regulations drawn up by the RFO, which shall include detailed arrangements in respect of the following:
 - (1) The keeping of accounting records and systems of internal controls.
 - (2) The assessment and management of financial risks faced by the Council.
 - (3) 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.
 - (4) The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - (5) Whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services, or the execution of works shall include, as a minimum, the following steps:
 - (1) A specification for the goods, materials, services, or the execution of works shall be drawn up.
 - (2) An invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process.
 - (3) Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
 - (4) Tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed.
 - (5) Tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is**

subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

HANDLING STAFF MATTERS

19. A parish council has paid staff so must comply with employment law in the same way as any other employer; the following provides specific direction on managing sickness absence, appraisals and grievances.

- a. A matter personal to a member of staff that is being considered by a meeting of the HR committee is subject to SO 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the HR committee or, if he is not available, the Vice-Chair (if there is one) of the HR committee of absence occasioned by illness or other reason and that person shall report such absence to the HR committee at its next meeting.
- c. The Chair of the HR committee or in their absence, the Vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the HR committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the HR committee or in their absence, the Vice-Chair of the HR committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the HR committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the member of staff relates to the Chair or Vice-Chair of the HR committee, this shall be communicated to another member of the HR committee, which shall be reported back and progressed by resolution of the HR committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance, or disciplinary matters.
- g. In accordance with SO 11a, persons with line management responsibilities shall have access to staff records referred to in standing order 19f.

RESPONSIBILITIES TO PROVIDE INFORMATION

See also SO 21.

20. Freedom of Information (FOI) legislation provides very specific detail on what information should be published, the timelines for responding to an FOI request and the limited reasons why such a request can be refused. The Clerk will take the lead on producing a response to any FOI request.

- a. In accordance with freedom of information (FOI) legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b. The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

Below is not an exclusive list: see also SO 11.

21. Because of the complexity of data protection legislation and the potential severity of sanctions for non-compliance, the Clerk will lead for NPC on establishing and managing data protection procedures. However, as in all areas, while the Clerk is responsible for this task, it is the Council collectively that is accountable for ensuring it is done effectively.

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

RELATIONS WITH THE PRESS/MEDIA

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

EXECUTION AND SEALING OF LEGAL DEEDS

See also SOs 15b(13) and (18).

23. For NPC, it is very unlikely that we will need to execute a legal deed, but the following SO is retained for the sake of completeness.

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

- b. **Subject to standing order 23(a), any two Councillors may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

The above is applicable to a Council without a common seal (i.e. NPC).

COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

24. **NKDC has a policy that specific District Councillors are nominated to attend each parish council meeting within their district. This regular face-to-face interaction allows NKDC to pass key information and retain a feel for what issues are concerning a particular parish, and allows the parish council to seek assistance in resolving them if required.**

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

RESTRICTIONS ON COUNCILLOR ACTIVITIES

25. **The following SOs are of particular relevance to Councillors with planning portfolios. Before attempting to enter private property to view trees or sites where changes are requested, an appointment with the resident must be made via the Parish Clerk.**

- a. Unless duly authorised no Councillor shall:
- (1) Inspect any land and/or premises which the Council has a right or duty to inspect; or
- (2) Issue orders, instructions, or directions.

STANDING ORDERS GENERALLY

26. **There are more than 10,000 parish councils in England, of various sizes and with varying responsibilities. Although any SO in bold is mandatory and therefore cannot be amended or suspended, the remainder are advisory or best-practice and can be amended to best meet the needs of an individual council, although it is advisable to provide an audit trail for any such amendment.**

- a. All or part of a SO, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's SOs, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Proper Officer in accordance with SO 9.

c. The Clerk shall provide a copy of the Council's SOs to a Councillor as soon as possible.

d. The decision of the Chair of a meeting as to the application of SOs at the meeting shall be final.