

Torver Parish Council Standing Orders

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Reviewed on 21st May 2024

How to use these standing orders

These Standing Orders are the written rules of Torver Parish Council. Their purpose is to ensure that:

- the various statutory requirements that apply to the Parish Council as a whole, and to councillors (“Members”) and the Clerk as individuals, are met;
- meetings are conducted in an orderly and effective manner;
- all decisions taken are properly recorded; and
- expenditure is properly budgeted for and approved by Members before it is incurred.

These standing orders do not include the Council’s financial regulations. The financial regulations are contained in a separate document with the purpose of:

- regulating the financial affairs and accounting procedures of the council
- setting out the key tasks of the Responsible Financial Officer.

The Council’s standing orders and financial regulations should be read in conjunction with other Council policies and documents, such as:

- The Council’s policy on dealing with the press and media
 - The Council’s Code of Conduct; and
 - The Council’s policy on handling letters of complaint from the public.
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Standing orders

1. Rules of debate at meetings

- a. Motions shall be considered in the order that they appear on the agenda. Agendas shall be ordered as follows:
 - i. Issues raised by members of the public
 - ii. Apologies for absences, declarations of interest etc
 - iii. Minutes of previous meetings
 - iv. Matters brought forward from previous meetings
 - v. Financial and Governance issues
 - vi. Other motions and amendments
 - vii. Items of a confidential nature
- b. A motion or amendment shall not be progressed unless it has been moved and seconded. If a motion or amendment has been seconded, it may be withdrawn by the proposer only with the consent of the seconder at the meeting.
- c. An amendment is a proposal to remove or add words to a motion. An amendment can only be made by the proposer of the original motion and shall not be considered unless a request is made to the chairman in advance of the meeting.
- d. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman. One or more amendments may be discussed together if the chairman considers this expedient but each amendment shall be voted upon separately.
- e. Unless permitted by the chairman of the meeting, a councillor may only speak once in the debate on any single motion except to raise a point of order. All comments must be relevant to the agenda item under discussion.
- f. During the debate of a motion, all remarks should be addressed to the Chairman. A councillor may interrupt only on a point of order, at which point 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 about.
- g. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- h. When a motion is under debate, a decision can only be moved to:
 - i. amend the motion;
 - ii. proceed to the next business;
 - iii. adjourn the debate;
 - iv. put the motion to a vote;
 - v. ask a person to stop speaking or to leave the meeting;
 - vi. refer a motion to a sub-committee or future meeting for further consideration;
 - vii. exclude the public and press;
 - viii. adjourn the meeting; or
 - ix. suspend particular standing order(s) (excepting those reflecting mandatory statutory requirements)
- i. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

- j. No speech by the mover of the resolution should exceed three minutes and no other speech should exceed two minutes, except by consent of the chairman of the meeting. The mover of a resolution shall have the right to reply at the end of the debate for a period not exceeding one minute.
- k. Representatives of other organisations, including (but not restricted to) Cumbria Constabulary, other emergency services, District and County Councillors, and South Lakeland National Park Authority, may be invited to attend meetings or to speak at Council meetings at the discretion of the Chairman but will not be allowed to vote. They shall be entitled to receive copies of agendas, minutes and other relevant documentation upon request but no speech should exceed five minutes without the consent of the chairman in advance.

2. Voting at meetings

- a. **Members shall vote by show of hands.**
- b. **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.**
- c. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors with voting rights present and voting.**
- d. **The chairman of a meeting shall 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.**
- e. **Three council members shall constitute a quorum. If a quorum is not present at the start of the meeting or if during the meeting the number of members falls below the quorum, no further business can be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to the next meeting or to such other day as the Chairman decides.**
- f. 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. any declarations of interests, and whether any persons declaring an interest left the meeting when matters that they held interests in were being considered;
 - iv. if there was a public participation session; and
 - v. the resolutions made.

3. Meetings generally

- a. Meetings of full Council shall be held on the first Thursday of every other month commencing at 19.30pm, unless the Council decides otherwise and has minuted this decision at a previous meeting.
- b. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside and anything authorised or required to be done by the Chairman may in his absence be done by the Vice-Chairman. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor chosen by the councillors present at the meeting shall preside and may exercise all powers and duties of the Chairman in relation to the conduct of the business at meeting.**
- c. **A minimum of three clear days' public notice must be given before each Council meeting. This three clear days' notice period does not include the day on which notice was issued, the day of the meeting, any Sunday or public holiday, or a day appointed for public thanksgiving or mourning.**

- d. All Council meetings shall finish not later than two and a half hours after commencement. Any business not completed shall be carried over to the next meeting or such other date as the Chairman may decide providing this decision has been minuted.
- e. **Meetings of full Council 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.**
- f. Members of the public may make representations, ask and answer questions and give evidence at full Council meetings in respect of the business on the agenda, providing that they give notice of their intention to do so in writing to the Chairman at least one full day in advance..
- g. The period of time designated for public participation at a meeting shall not exceed 20 minutes unless directed by the Chairman of the meeting.
- h. No individual member of the public shall speak for more than five minutes.
- i. Questions asked by members of the public shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given at a later date.
- j. A person shall raise his hand when requesting to speak at the meeting and should not start to speak until invited to do so by the Chairman. A person who speaks at a meeting shall direct his comments to the Chairman of the meeting, and only one person shall speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- k. Smoking shall not be permitted during meetings at any time.
- l. Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted in accordance with [The Openness of Local Government Bodies Regulations 2014](#) and 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**

4. Committees and sub-committees

- a. The Council may appoint sub-committees or other committees as may be necessary, and shall, subject to approval at full Council meeting :
 - i. determine their terms of reference;
 - ii. permit the committee or subcommittee to determine the number and time of its meetings;
 - iii. appoint and determine the terms of office of members of such a committee;
 - iv. appoint the chairman of the committee or sub-committee;
 - v. determine the place, notice requirements and quorum for a meeting of a committee or sub-committee , which shall be no less than three;
 - vi. determine if the public and press are permitted to attend the meetings or will be permitted to speak at the meetings, and also the advance public notice, if any, that will be required;
 - vii. dissolve the committee or sub-committee.
- b. **Terms of reference, membership and any arrangements for the formal delegation of decision making powers to committees or sub-committees should be confirmed in writing prior to the committee's inaugural meeting.**

- c. Unless the council determines otherwise, any members of an advisory committee or sub-committee may be non-councillors.

5. Annual meetings

- a. The annual meeting of the Council shall take place in May each year.
- b. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Parish Council.
- c. 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.
- d. 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.
- e. If the current Chairman of the Council has not been re-elected 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.
- f. If the current Chairman of the Council has been re-elected 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.
- g. Following the election of the Chairman and Vice-Chairman at the annual meeting of the council, the business of the annual meeting shall include:
 - i. Confirmation of the appointment of other Council members following co-option or public vote
 - ii. Delivery by the Chairman and councillors of their acceptance of office forms;
 - iii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iv. Receipt of the minutes of the last meeting of any council committees or sub-committees;
 - v. Consideration of any recommendations made by these committees;
 - vi. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vii. Review of the terms of reference for committees and sub-committees;
 - viii. Appointment of members to existing committees and sub-committees;
 - ix. Appointment of any new committees in accordance with standing order 4 above;
 - x. Review and adoption of appropriate standing orders and financial regulations;
 - xi. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xii. Review of the council's subscriptions to other bodies;
 - xiii. Review of the council's complaints procedure;
 - xiv. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - xv. Review of the council's policy for dealing with the press and media.

6. Extraordinary meetings of the council and committees and sub-committees

- a. The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by at least two councillors, any two

councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by at least two councillors.

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

7. Previous resolutions

- a. A resolution shall not be reversed within six months except by a special resolution, which requires written notice bearing the names of at least three councillors given to the Proper Officer in accordance with standing order 9 below.
- b. When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a. Nominations to council elections, and the timing of and procedures for carrying out local elections and counting votes, shall take place in accordance with procedures determined by South Lakeland District Council.
- b. 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 to be appointed shall be decided by current members' vote at the next Council meeting. A tie in votes may be settled by the casting vote of the chairman of the meeting.

9. Motions that require prior written notice

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and shall relate to the performance of the council's statutory functions, powers and obligations.
- b. No motion may be moved at a meeting unless it is on the agenda. Members may put an item or notice of resolution on the agenda by giving written notice of its wording to the Proper Officer at least 7 clear days prior to the meeting to which the agenda relates. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda, correct obvious grammatical or typographical errors in the wording of the motion. If the Proper Officer considers the wording of any motion received is not clear in meaning, the Proper Officer shall request the mover to resubmit the motion in writing in a form that can be understood, at least 3 clear days before the meeting.
- d. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting to consider whether the motion shall be included in the agenda or rejected.
- e. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f. Final agendas and supporting information shall be delivered to each member at least three clear days before the date of the meeting, along with the summons convening the meeting.
- g. Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h. Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

10. Motions that do not require written notice

- a. The following procedural motions may be moved at a meeting without written notice to the Proper Officer, and may be put to the vote without further discussion;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to appoint a person to preside at a meeting;
 - iii. to proceed to the next business on the agenda;
 - iv. to extend the time limits for speaking;
 - v. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - vi. to exclude a councillor or member of the public for disorderly conduct;
 - vii. to temporarily suspend the meeting;
 - viii. to adjourn the meeting; or
 - ix. to close a meeting.
- b. A motion to close a debate and proceed to voting may be moved at any time but must be proposed and seconded without further comment. The Chairman may refuse such a motion if he feels the question before the Council has not been fully debated.

11. Handling confidential or sensitive information

- a. No member of the Council or person attending the meeting shall disclose to any other person, not being a member of the Council, any business declared to be confidential.
- b. The agenda, papers that support Council business, and the minutes of a meeting shall not include confidential or sensitive information.

12. Draft minutes and other items circulated for information

- 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.
- b) No discussion should take place in relation to the minutes of previous meetings, other than to confirm their accuracy. Corrections to the minutes should be made by resolution and initialled by the chairman.
- c) Items “for information only” should be circulated to members in advance of the meeting by email and shall be taken as read with no further discussions on these matters taking place at the following meeting, except insofar as they relate to current notices of motions and agenda items.
- d) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

- a. **All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.**
- b. **Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary or**

non-pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

- c. **Dispensation requests shall be made 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. The decision as to whether or not to grant a dispensation shall be made by the Proper Officer, and that decision is final.**
- d. A dispensation request shall confirm:
 - i. 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 in a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding 12 months) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- e. **A dispensation may be granted 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 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.**

14. Code of conduct complaints

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

15. Proper Officer

- a) The Proper Officer of the Council shall be the clerk. Duties and responsibilities of the Proper Officer are set out in these Standing Orders and in the Clerk's Conditions of Service and Job Description.
- b) Notwithstanding any specific duties and responsibilities it shall also be the duty of the Clerk to advise members on the content and interpretation of these Standing Orders and on the conduct of Council business generally.

c) The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee or a sub-committee, serve on councillors a summons by email confirming the time, date, and place of the meeting.**
- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
- iii. include on the agenda all motions received (subject to standing order 9 above);
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council.

16. Responsible Financial Officer

- a. The Responsible Financial Officer for the Council shall be the clerk. Duties and responsibilities of the Responsible Financial Officer are set out in these Standing Orders, the Council's Financial Regulations and in the Clerk's Conditions of Service and Job Description.

17. Accounts and accounting statements

- a. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the balances held at the end of the quarter being reported; and
 - ii. a comparison of actual expenditure against budget to date which highlights any actual or potential overspends.
- d. **As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide each councillor with the draft accounting statements for the year in the form of Section 1 of the annual return, for consideration and review.**

- e. The year-end accounting statements shall be prepared in accordance with proper practices and shall apply the form of accounts (receipts and payments, or income and expenditure) and accounting policies, determined and approved by the Council each year.
- f. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. budget setting and precepting arrangements;
 - iii. procurement, tendering and awarding of contracts;
 - iv. banking arrangements;
 - v. the assessment and management of financial risks faced by the council;
 - vi. 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;
 - vii. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

19. Handling letters of complaint from the public

- a. Letters of complaint received from members of the public should be handled in accordance with the Council's policy in respect of dealing with complaints.

20. Requests for information

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

21. Relations with the press/media

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

22. Execution and sealing of legal deeds

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

- b. Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures. The details of any legal deeds executed should be formally minuted.

23. Disorderly conduct at Meetings

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct. If this request is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include asking the person behaving improperly to cease speaking or leave the meeting, or temporarily suspending or closing the meeting.

24. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect;
 - ii. authorise, incur or commit the council to items of expenditure;
 - iii. enter into correspondence on the Council's behalf; or
 - iv. issue orders, instructions or directions on the Council's behalf..

25. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements (which are highlighted in this document in **bold**), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting. The reason for any suspension shall be minuted.
- b. A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by written notice.
- c. The Proper Officer shall provide a copy of the council's Standing Orders to all councillors as soon as possible after he has delivered his acceptance of office form.
- d. In these Standing Orders words implying one gender shall include all genders and the singular includes the plural (and vice versa).
- e. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.