

# **EUXTON PARISH COUNCIL STANDING ORDERS**



Adopted April 2019 Revised September 2020

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# 1. Council Business and Meetings

## 1.1. Meetings

**Meetings of the Council commence at 7.15 pm and finish at 9.30 pm and shall normally be held on the third Thursday of each month (except August and December) at Euxton PC Community Centre, Wigan Road, Euxton - unless the Council otherwise decides at a previous meeting. Items on the Agenda not reached by 9.30 pm shall be deferred to the next meeting.**

## 1.2. Annual Meeting

**The Statutory Annual Meeting in an Election year shall be held on the fourth day after the date of the election or within fourteen days thereafter and, in a year which is not an election year, shall be held on any day in May.**

## 1.3. Presiding at Meetings

- 1.3.1. **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.**
- 1.3.2. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**

## 1.4. Proper Officer

- 1.4.1. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 1.4.2. The Proper Officer shall:
- 1.4.2.1. **at least three clear days before a meeting of the council, a committee or a sub-committee:-**
- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
  - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 1.16.2 below for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- 1.4.2.2. subject to standing order 1.9 below, include on the agenda all motions in the order received unless a councillor has given written notice at least seven (7) days before the meeting confirming his withdrawal of it;
- 1.4.2.3. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- 1.4.2.4. **facilitate inspection of the minute book by local government electors;**
- 1.4.2.5. **receive and retain copies of byelaws made by other local authorities;**
- 1.4.2.6. hold acceptance of office forms from councillors;
- 1.4.2.7. hold a copy of every councillor's register of interests;
- 1.4.2.8. 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;
- 1.4.2.9. liaise, as appropriate, with the Council's Data Protection Officer;
- 1.4.2.10. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 1.4.2.11. 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);

- 1.4.2.12. arrange for legal deeds to be executed;
- 1.4.2.13. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- 1.4.2.14. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- 1.4.2.15. refer a planning application received by the Council to the Chair or in his 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 and;
- 1.4.2.16. manage access to information about the Council via the publication scheme.

## 1.5. Quorum

1.5.1. The quorum is three or one third of the total membership, whichever is greater.

**1.5.2. If a quorum is not present when the Council meets or if during a meeting the number of Councillors falls below the quorum, no business may be transacted and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.**

## 1.6. Voting

**1.6.1. Members shall vote by show of hands except for appointments under 1.7.1.1 to 1.7.1.6 below which shall, if a member requests it, be by a secret ballot to be conducted by the Clerk.**

**1.6.2. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

**1.6.3. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

**1.6.4. If a member so requires, the Clerk shall record the names of the members who votes on any motion or amendment so as to show whether they voted for or against it.**

**1.6.5. Subject to 1.6.5.1 and 1.6.5.2 below, the Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote, even if he gave no original vote.**

1.6.5.1. If the person presiding at the Annual Meeting would have ceased to be a member of the council but for statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term in office he/she may not give an original vote in an election for Chair but shall give a casting vote in the case of an equality of votes.

1.6.5.2. The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

## 1.7. Order of Business

**1.7.1 At each AGM the first business shall be:**

**1.7.1.1. To elect a Chair (in accordance with standing order 1.7.2.1 below)**

**1.7.1.2. To receive the Chair's declaration of Acceptance of office or, if not received, to decide when it shall be received.**

**1.7.1.3. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**

**1.7.1.4. To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.**

**1.7.1.5. To elect a Vice Chair**

**1.7.1.6. To appoint committees and representatives.**

1.7.2. After the first business has been completed at the Annual Meeting and at any other full council meeting the order of business, unless the Council otherwise decide on the grounds of urgency, shall be:

- 1.7.2.1. **to appoint a Chair if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received**
- 1.7.2.2. Apologies
- 1.7.2.3. Declarations of Interest
- 1.7.2.4. To consider accuracy of the Minutes, provided a copy has been circulated to each member not later than the day of issue of the summons the Minutes may be taken as read, **approve the signing of the Minutes by the Chair of the meeting as a correct record.**
- 1.7.2.5. To answer questions/queries from the public.
- 1.7.2.6. To deal with business expressly required by statute to be done.
- 1.7.2.7. Dispose of business, if any remaining from the last meeting.
- 1.7.2.8. To authorise the sealing of documents.
- 1.7.2.9. To receive and consider reports from officers of the Council.
- 1.7.2.10. To authorise the signing of orders for payment.
- 1.7.2.11. To receive and consider reports and minutes of committees and advisory committees.
- 1.7.2.12. To consider motions or recommendations in the order in which they have been notified.
- 1.7.2.13. Any further matters, not specified in the summons, must be considered urgent and notified and accepted by the Chair before commencement of the meeting. No legal decisions can be made.

### **1.8. A motion to vary the order of business:**

- 1.8.1. may be proposed by the Chair or by any member and, if proposed by the Chair, may be put to the vote without being seconded, and
- 1.8.2. shall be put to the vote without discussion.

### **1.9. Motions for a meeting that require written notice to be given to the Proper Officer**

- 1.9.1. 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.
- 1.9.2. 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 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 1.9.3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 1.9.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 1.9.4. If the Proper Officer considers the wording of a motion received in accordance with standing order 1.9.2 above 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 10 clear days before the meeting.
- 1.9.5. 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.
- 1.9.6. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 1.9.7. Motions received shall be recorded and numbered in the order that they are received.
- 1.9.8. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

### **1.10. Resolutions Moved Without Notice**

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

- 1.10.1. to correct an inaccuracy in the draft minutes of a meeting;

- 1.10.2. to move to a vote;
- 1.10.3. to defer consideration of a motion;
- 1.10.4. to refer a motion to a particular committee or sub-committee;
- 1.10.5. to appoint a person to preside at a meeting;
- 1.10.6. to change the order of business on the agenda;
- 1.10.7. to proceed to the next business on the agenda;
- 1.10.8. to require a written report;
- 1.10.9. to appoint a committee or sub-committee and their members;
- 1.10.10. to extend the time limits for speaking;
- 1.10.11. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- 1.10.12. to not hear further from a councillor or a member of the public;
- 1.10.13. to exclude a councillor or member of the public for disorderly conduct;
- 1.10.14. to temporarily suspend the meeting;
- 1.10.15. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- 1.10.16. to adjourn the meeting; or
- 1.10.17. to close the meeting.

## 1.11. Appointments

- 1.11.1. 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
- 1.11.2. Councillors to be considered for the office of Chair or Vice Chair of the Council should have preferably served a minimum on Council of three consecutive years.
- 1.11.3. **The Chair 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.**
- 1.11.4. **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.**

## 1.12. Rules of Debate

- 1.12.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- 1.12.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 1.12.3. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- 1.12.4. 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.
- 1.12.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 1.12.6. 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.
- 1.12.7. 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.

- 1.12.8. A councillor may move an amendment to his 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.
- 1.12.9. 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 of the meeting.
- 1.12.10. Subject to standing order 1.12.11 below only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- 1.12.11. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- 1.12.12. A councillor may not move more than one amendment to an original or substantive motion.
- 1.12.13. The mover of an amendment has no right of reply at the end of debate on it.
- 1.12.14. 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.
- 1.12.15. Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
- 1.12.15.1. to speak on an amendment moved by another councillor;
  - 1.12.15.2. to move or speak on another amendment if the motion has been amended since he last spoke;
  - 1.12.15.3. to make a point of order;
  - 1.12.15.4. to give a personal explanation; or
  - 1.12.15.5. to exercise a right of reply.
- 1.12.16. 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.
- 1.12.17. A point of order shall be decided by the Chair of the meeting and his decision shall be final.
- 1.12.18. When a motion is under debate, no other motion shall be moved except:
- 1.12.18.1. to amend the motion;
  - 1.12.18.2. to proceed to the next business;
  - 1.12.18.3. to adjourn the debate;
  - 1.12.18.4. to put the motion to a vote;
  - 1.12.18.5. to ask a person to be no longer heard or to leave the meeting;
  - 1.12.18.6. to refer a motion to a committee or sub-committee for consideration;
  - 1.12.18.7. to exclude the public and press;
  - 1.12.18.8. to adjourn the meeting; or
  - 1.12.18.9. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- 1.12.19. Before an original or substantive motion is put to the vote, the Chair 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.
- 1.12.20. Excluding motions moved under standing order 1.12.18 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 Chair of the meeting

## **1.13. Rescission of Previous Resolution**



- 1.13.1. A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least six members of the Council.
- 1.13.2. When a special resolution has been disposed of, no similar resolution may be moved with a further six months. This Standing Order shall not apply to resolutions moved in pursuance of a report or recommendations of a committee.

### **1.14. Confidential Business**

Councillors, staff, the Council's contractors and agents shall not disclose confidential information (being any business declared to be confidential by the Council, a committee, or a sub-committee as the case may be) or personal data without legal justification.

### **1.15. Extraordinary Meetings of the Council, Committees and Sub-Committees**

- 1.15.1. **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- 1.15.2. **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- 1.15.3. The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

### **1.16. Generally**

- 1.16.1. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- 1.16.2. **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.**

## **2. Admission of the Public and Press to Meetings**

### **2.1. Public Access**

- 2.1.1. **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.**
- 2.1.2. 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

### **2.2. Public right to speak**

- 2.2.1. 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.
- 2.2.2. The period of time designated for public participation at a meeting in accordance with standing order 2.2.1 above shall not exceed 20 minutes unless directed by the Chair of the meeting.
- 2.2.3. Subject to standing order 2.2.2 above, a member of the public shall not speak for more than 3 minutes.
- 2.2.4. In accordance with standing order 2.2.1 above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- 2.2.5. Other than provided for in Paras 2.2.1 to 2.2.3 inclusive members of the public have no right of audience other than during the agenda item intended for public participation. The

Chair of the Council may with the agreement of the Meeting provide for a person to speak if it is felt that to do so would aid in the discussion and decision making relating to a properly moved motion on the agenda or an amendment thereto.

### **2.3. Recording/film/photo/video Capture of Council Meetings**

- 2.3.1. **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.**
- 2.3.2. **Subject to standing order 2.3.3 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.**
- 2.3.3. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

### **2.4. Conduct at meetings**

- 2.4.1. A person shall raise his hand when requesting to speak.
- 2.4.2. A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- 2.4.3. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- 2.4.4. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct. Improper behaviour includes persons talking amongst themselves or otherwise distracting (or attempting to distract) a councillor during a meeting.
- 2.4.5. If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting 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.
- 2.4.6. If a resolution made under standing order 2.4.5 above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **3. Conduct**

### **3.1. The Code of Conduct**

- 3.1.1. All councillors and any non-councillors with voting rights shall observe the code of conduct adopted by the Council as it applies to Parish Councils and as part of their acceptance of office have agreed to be bound by this Code.
- 3.1.2. Any breach of the Code of Conduct could be referred to the Monitoring Officer at Chorley Council.

### **3.2. Interests of Councillors and Non-councillors with voting rights**

- 3.2.1. 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. When declaring an interest, Councillors should refer to the Code of Conduct which they have agreed to abide by, and guidance supplied with it, as to their further involvement in the meeting
- 3.2.2. 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 interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 3.2.3. 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

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.

### 3.3. Dispensations

- 3.3.1. **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.
- 3.3.2. 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.
- 3.3.3. A dispensation request shall confirm:
- 3.3.3.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - 3.3.3.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - 3.3.3.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - 3.3.3.4. an explanation as to why the dispensation is sought.
- 3.3.4. Subject to standing orders 3.3.1 above and 3.3.3 above, a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required
- 3.3.5. **A dispensation may be granted in accordance with standing order 3.3.1 above if having regard to all relevant circumstances any of the following apply:**
- 3.3.5.1. **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;**
  - 3.3.5.2. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - 3.3.5.3. **it is otherwise appropriate to grant a dispensation.**

### 3.4. Code of conduct complaints

- 3.4.1. Upon notification by Chorley Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the councillor's code of conduct, the Proper Officer shall, subject to standing order 6.1 below, report this to the Parish Council.
- 3.4.2. Where the notification in standing order 3.4.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of the Parish Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Parish Council has agreed what action, if any, to take in accordance with standing order 3.4.4 below.
- 3.4.3. The Parish Council may:
- 3.4.3.1. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - 3.4.3.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 3.4.4. **Upon notification by Chorley Council that a councillor or non-councillor with voting rights has breached the Councillor's code of conduct, the Parish Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

### 3.5. Restrictions on Councillor Activities

No member of the Council or committee/sub-committee shall in the name of, or on behalf of the Council;

- 3.5.1. inspect any lands or premises which the Council has a right or duty to inspect, or
- 3.5.2. issue orders unless authorised to do so by the Council or the relevant committee/sub-committee.

## 4. Council Committees

### 4.1. Appointment of Committees

- 4.1.1. The Council may appoint standing committees or other committees as may be necessary, and:
- 4.1.1.1. shall determine their terms of reference;
  - 4.1.1.2. shall 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;
  - 4.1.1.3. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - 4.1.1.4. shall, subject to standing orders 4.1.3 below and 4.1.4 below, appoint and determine the terms of office of members of such a committee;
  - 4.1.1.5. may, subject to standing orders 4.1.3 below and 4.1.4 below, 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 (7) days before the meeting that they are unable to attend;
  - 4.1.1.6. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
  - 4.1.1.7. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
  - 4.1.1.8. shall 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;
  - 4.1.1.9. shall determine if the public may participate at a meeting of a committee;
  - 4.1.1.10. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - 4.1.1.11. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - 4.1.1.12. may dissolve a committee or a sub-committee.
- 4.1.2. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 4.1.3. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- 4.1.4. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

## 5. Finance

### 5.1. 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.

### 5.2. Accounts and Accounting Statements

- 5.2.1. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- 5.2.2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- 5.2.3. 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:
- 5.2.3.1. the Council's receipts and payments (or income and expenditure) for each quarter;
  - 5.2.3.2. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

- 5.2.3.3. the balances held at the end of the quarter being reported and
- 5.2.3.4. which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 5.2.4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - 5.2.4.1. 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
  - 5.2.4.2. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- 5.2.5. 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.

### 5.3. Financial Controls and Procurement

- 5.3.1. 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:
  - 5.3.1.1. the keeping of accounting records and systems of internal controls;
  - 5.3.1.2. the assessment and management of financial risks faced by the Council;
  - 5.3.1.3. 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;
  - 5.3.1.4. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - 5.3.1.5. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- 5.3.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 5.3.3. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- 5.3.4. 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:
  - 5.3.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - 5.3.4.2. 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;
  - 5.3.4.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - 5.3.4.4. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - 5.3.4.5. 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;

- 5.3.4.6. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- 5.3.5. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 5.3.6. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- 5.3.7. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## 6. Information Management

### 6.1. Record Keeping

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

### 6.2. Minutes of meetings

- 6.2.1. The minutes of a meeting shall include an accurate record of the following:
- 6.2.1.1. the time and place of the meeting;
  - 6.2.1.2. the names of councillors who are present and the names of councillors who are absent;
  - 6.2.1.3. interests that have been declared by councillors and non-councillors with voting rights;
  - 6.2.1.4. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - 6.2.1.5. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - 6.2.1.6. if there was a public participation session; and
  - 6.2.1.7. the resolutions made.
- 6.2.2. 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.

- 6.2.3. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- 6.2.4. 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.
- 6.2.5. 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 his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*
- 6.2.6. Subject to the publication of draft minutes in accordance standing order 6.3 below 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.

### 6.3. Publication of Information

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

### 6.4. Data Protection

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

## 7. Staffing Matters

### 7.1. Personnel Committee

- 7.1.1. A matter personal to a member of staff that is being considered by a meeting of the Council OR the Personnel committee is subject to standing order 6.1 above.
- 7.1.2. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel committee or, if he is not available, the vice-Chair (if there is one) of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel committee at its next meeting.
- 7.1.3. The Chair of the Personnel committee or in his absence, the vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel committee.
- 7.1.4. 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 Personnel committee or in his absence, the vice-Chair of the Personnel committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel committee.

- 7.1.5. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Chair or vice-Chair of the Personnel committee OR this shall be communicated to another member of the Personnel committee] which shall be reported back and progressed by resolution of the Personnel committee.

## 7.2. Access to staff records

- 7.2.1. 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.
- 7.2.2. In accordance with standing order 6.1.1 above, persons with line management responsibilities shall have access to staff records referred to in standing order 7.2.1 above.

## 8. Sealing of Documents

- 8.1.1. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- 8.1.2. **Subject to standing order 8.1.1 above any two members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.**

## 9. Standing Orders Generally

- 9.1.1. All or part of a standing order, 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.
- 9.1.2. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least (6) councillors to be given to the Proper Officer in accordance with standing order 1.9 above.
- 9.1.3. A printed copy of these Standing Orders shall be given to each member by the Clerk, upon delivery of the member's declaration of acceptance of office.
- 9.1.4. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.