

Standing Orders

Revised: April 2022
Approved: May 2022 & May 2023
Minute: Council 16th May 2023 (8 / 23)

Revision – January 2021

- Adoption of the current version of NALC Model Standing Orders ie “The Model Standing Orders 2018 for England revised in 2020”.
- Key changes:
 - References new legislation.
 - Standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning.
 - Standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs.
 - Addendum. New sections added on
 - Petitions,
 - Protocol for Public Participation in Meetings and
 - Members Guide to declaring interests at meetings.

1. Revision – April 2021

Key changes:

- Removal of the need to second motions
- Removal of the need to stand up to raise a question
- Replacement of ‘Matters Arising’ with ‘Chairman’s updates on actions not covered on the Agenda’

2. Revision – April 2022

Key changes:

- This is version two of Model Standing Orders 2018 (England) updated on April 2022. Update to Model Standing Order 18 only.

Standing Orders

The Standing Orders were approved at the council meeting of 16th May 2023.

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3. Introduction

With the introduction of these standing orders, Sunningdale Parish Council has adopted the National Association of Local Council (NALC) model standing orders as contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. These can be found in a separate document.

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs. It is NALC’s view that all model standing orders will generally be suitable for councils.

Sections 4-29 are the model standing orders. Any additions to these model standing orders required by Sunningdale Parish Council are shown in the Addendum. In this way, it is clear which elements are part of the model standing orders and which are additional. Also, this will make applying updates to the model standing orders easier in the future.

4. Rules of debate at meetings

- 4a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 4b A motion (including an amendment) shall not be progressed unless it has been moved.
- 4c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 4d If a motion (including an amendment) has been moved, it may be withdrawn by the proposer only with the consent of the meeting.

- 4e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 4f 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.
- 4g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- 4h A councillor may move an amendment to his own motion if agreed by the meeting
- 4i 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 of the meeting.
- 4j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- 4k One or more amendments may be discussed together if the chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- 4l A councillor may not move more than one amendment to an original or substantive motion.
- 4m The mover of an amendment has no right of reply at the end of debate on it.
- 4n 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.
- 4o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- I. to speak on an amendment moved by another councillor;
 - II. to move or speak on another amendment if the motion has been amended since he last spoke;
 - III. to make a point of order;
 - IV. to give a personal explanation; or
 - V. to exercise a right of reply.
- 4p 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.
- 4q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- 4r When a motion is under debate, no other motion shall be moved except:
- I. to amend the motion;
 - II. to proceed to the next business;
 - III. to adjourn the debate;
 - IV. to put the motion to a vote;
 - V. to ask a person to be no longer heard or to leave the meeting;
 - VI. to refer a motion to a committee or sub-committee for consideration;
 - VII. to exclude the public and press;
 - VIII. to adjourn the meeting; or
 - IX. to suspend standing order(s) excepting those which reflect mandatory statutory or legal requirements.

- 4s 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.
- 4t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

5. Disorderly conduct at meetings

- 5a 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.
- 5b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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.
- 5c If a resolution made under standing order 2(b) is ignored, the chairman 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.

6. Meetings generally

Full Council meetings

Committee meetings

Sub-committee meetings

BOLD black print is a legal and statutory requirement.

Full Council	6a	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.
Full Council	6b	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.
Committee	6c	The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
Full Council Committee	6d	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. <i>Note: This is in line with the Government's 'Open and Accountable Local Government guide' (2014), examples of confidential information include discussing the conduct of employees, negotiations of contracts or terms of tender, or the early stages of a legal dispute)</i>
	6e	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.

	6f	The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
	6g	Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
	6h	In accordance with standing order 3(e), a question 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.
	6i	A person shall raise his hand when requesting to speak
	6j	A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
	6k	Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
Full Council Committee	6l	Subject to standing order 3(m), 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. <i>Note: (i) In line with the Government’s ‘Open and Accountable Local Government guide’ (2014) and s40 of the Local Audit and Accountability Act 2014 members of the public may film, photograph, make sound recordings or use social media to report the proceedings of any Council meeting at which they are entitled to be present.</i> <i>(ii) persons may not orally report or comment about a meeting as it takes place if he (she) is present at the meeting.</i>
Full Council Committee	6m	A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
Full Council Committee	6n	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.
Full Council	6o	Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).
Full Council	6p	The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
Full Council Committee Sub-committee	6q	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.
Full Council Committee Sub-committee	6r	The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. <i>See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.</i>

Full Council	6s	Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
	6t	The minutes of a meeting shall include an accurate record of the following: <ul style="list-style-type: none"> i. the time and place of the meeting; ii. the names of councillors who are present and the names of councillors who are absent; iii. interests that have been declared by councillors and non-councillors with voting rights; iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights; v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered; vi. if there was a public participation session; and vii. the resolutions made.
Full Council Committee Sub-committee	6u	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.
Full Council	6v	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. <i>See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.</i>
Full Council Committee Sub-committee	6w	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.
	6x	A meeting shall not exceed a period of 2 hours, unless a motion made by the Chair of the meeting is approved by members to extend the meeting beyond this time.

7. Committees and sub-committees

7a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

7b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

7c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

7d The Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. 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;

- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, 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 3 days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. 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;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. 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;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

8. Ordinary council meetings

- 8a **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.**
- 8b **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.**
- 8c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- 8d **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.**
- 8e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- 8f **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.**
- 8g **The Vice-Chairman of the Council, if there is one, 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.**
- 8h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**

- 8i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- 8j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the Annual Parish Council meeting, the business shall include:
- I. **In an election year, delivery by the Chairman 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 Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - II. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - III. Receipt of the minutes of the last meeting of a committee;
 - IV. Consideration of the recommendations made by a committee;
 - V. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - VI. Review of the terms of reference for committees;
 - VII. Appointment of members to existing committees;
 - VIII. Appointment of any new committees in accordance with standing order 4;
 - IX. Review and adoption of appropriate standing orders and financial regulations;
 - X. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - XI. Review of representation on or work with external bodies and arrangements for reporting back;
 - XII. 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;
 - XIII. Review of inventory of land and other assets including buildings and office equipment;
 - XIV. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - XV. Review of the Council's and/or staff subscriptions to other bodies;
 - XVI. Review of the Council's complaints procedure;
 - XVII. 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*);
 - XVIII. Review of the Council's policy for dealing with the press/media;
 - XIX. Review of the Council's employment policies and procedures;
 - XX. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - XXI. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

9. Extraordinary meetings of the council, committees and sub-committees

- 9a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 9b **If the Chairman 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.**
- 9c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the

committee or a sub-committee at any time.

- 9d If the chairman of a committee or a sub-committee does not call an extraordinary meeting within 7 days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

10. Previous resolutions

- 10a 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 standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 10b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

11. Voting on appointments

- 11a 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 chairman of the meeting.

12. Motions for a meeting that require written notice to be given to the Proper Officer

- 12a 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.
- 12b 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 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 12c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- 12d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) 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 5 clear days before the meeting.
- 12e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 12f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

- 12g Motions received shall be recorded and numbered in the order that they are received.
- 12h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

13. Motions at a meeting that do not require written notice

13a The following motions may be moved at a meeting without written notice to the Proper Officer:

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

14. Management of information

See also standing order 20.

- 14a **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.**
- 14b **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).**
- 14c **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.**
- 14d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

15. Draft minutes

Full Council meetings
Committee meetings
Sub-committee meetings

	15a	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.
	15b	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).
	15c	The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
	15d	If the chairman 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 chairman 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.”
Full Council Committee Sub-committee	15e	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.
	15f	Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) 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.

16. Code of conduct and dispensations

See also standing order 3(u).

- 16a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 16b 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- 16c 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 they have another interest 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.

- 16d **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.
- 16e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 16f A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- 16g Subject to standing orders 13(d) and (f), 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.
- 16h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - 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.**

17. Code of conduct complaints

- 17a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- 17b Where the notification in standing order 14(a) 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 staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- 17c The Council may:
- a. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 17d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting**

rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

18. Proper officer

18a 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.

18b 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 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 3(b) 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;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. 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;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. 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);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if there is one) of the Planning Committee 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 Planning committee;

- xvi. manage access to information about the Council via the publication scheme; and
- xvii. 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 standing order 23).

19. Responsible financial officer

19a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

20. Accounts and accounting statements

- 20a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- 20b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- 20c 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 Council’s receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. 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.
- 20d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. 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
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- 20e 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.

21. Financial controls and procurement

21a 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. the assessment and management of financial risks faced by the Council;
- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
- iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
- v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.

21b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

21c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**

21d 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:

- I. a specification for the goods, materials, services or the execution of works shall be drawn up;
- II. 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;
- III. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- IV. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- V. 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;
- VI. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

21e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

21f Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

22. Handling staff matters

- 22a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- 22b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of Council or, if he is not available, the vice-chairman (if there is one) of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- 22c The Chairman of Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the staff member. The review and appraisal shall be reported in writing and are subject to approval by resolution by the Council.
- 22d 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 chairman of Council or in his absence, the vice-chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- 22e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the staff member relates to the chairman or vice-chairman of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council .
- 22f 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.
- 22g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

23. Responsibilities to provide Information

See also standing order 21.

- 23a **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.**
- 23b If gross annual income or expenditure (whichever is the higher) exceeds £200,000 **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

24. Responsibilities under data protection legislation

(Below is not an exclusive list).

See also standing order 11.

- 24a The Council shall appoint a Data Protection Officer.
- 24b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 24c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 24d **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.**
- 24e **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.**
- 24f **The Council shall maintain a written record of its processing activities.**

25. Relations with the press/media

- 25a 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.

26. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii).

- 26a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 26b **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.

27. Communicating with Royal Borough of Windsor and Maidenhead councillors

- 27a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Royal Borough of Windsor and Maidenhead.
- 27b Unless the Council determines otherwise, a copy of each letter sent to the Royal Borough of Windsor and Maidenhead shall be sent to the ward councillor(s) representing the area of the Council.

28. Restrictions on councillor activities

- 28a Unless duly authorised no councillor shall:
- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

29. Standing orders generally

- 29a 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.
- 29b 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 2 Sunningdale Parish Councillors to be given to the Proper Officer in accordance with standing order 9.
- 29c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- 29d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Addendum – Sunningdale Parish Council specific standing orders

30. Working parties

In addition to committees and sub-committees (see Section 4), Sunningdale Parish Council allows for the appointment of working parties as defined below: -

- a Working parties or ‘task-and-finish’ groups are occasionally set up for a short-term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A working party cannot make a decision on behalf of the council, but they can explore options and present these to the council for a decision.
- b The members of a working party may include non-councillors.
 - a The council
 - i. shall determine the terms of reference of the working party;
 - ii. shall permit a working party to determine the number and time of its meetings;
 - iii. shall appoint and determine the terms of office of members of such a working party;
 - iv. shall permit a working party to appoint its own chairman at the first meeting of the working party;
 - v. shall determine the quorum for a meeting of a working party, which shall be no less than three;
 - vi. may dissolve a working party.

31. Order of business for ordinary meetings

- a At ordinary meetings, business will usually be dealt with in the following order: -
 - Attendance and receiving any apologies for absence
 - Disclosures of interest by members (and employees) in items on the agenda
 - Agreeing the minutes of the last meeting and signing them
 - Chairman’s updates on actions not covered on the Agenda
 - Announcements from the chair
 - Public Adjournment
 - Councillors Questions and Business Motions
 - Business from previous meetings
 - Receive recommendations from committees
 - Other business placed on the agenda
- b The order of business may be changed by the meeting by motion put by the chair.

Note: It should be noted that newly elected members cannot act as councillors until they have made their declarations of acceptance of office and undertakings to observe the Code of Conduct. It is desirable for these to be completed before the commencement of the meeting.

32. Petitions

Petitions are defined here as ‘Motions brought to council by residents of Sunningdale’.

- a Petitions may be received at (ordinary) meetings of the council provided that the petition is received by the clerk no later than mid-day three working days before the day of the meeting and is signed by at least 10 electors within the parish.
- b Petitions may only be about a matter for which the council has a responsibility, or which affects the parish.
- c Petitions will not be received by the council which are in furtherance of a person’s individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government minister.
- d A petition will not be received by the council where the issue it concerns has been the subject of a petition in the last six months or a decision of the Council in the last six months.
- e One signatory to the petition may speak on the petition for no more than 5 minutes.

No discussion shall take place on the petition. A member may move that the petition be referred to the next meeting or to a committee or to another body. Once seconded, the motion will be voted on without discussion.

33. Member’s Guide to declaring Interests in Meetings

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they must make the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests, they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members’ Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interest

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) are defined in full in the Code of Conduct but include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.

- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where: a) that body has a piece of business or land in the area of the relevant authority, and b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Proper Officer in advance of the meeting.

A Member with a DPI should state in the meeting: **‘I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.’**

Or, if making representations on the item: **‘I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to the Public Adjournment agenda item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion on the item and not take part in the vote.’**

Personal interests

These are interests which the Council has decided should be disclosed, under s29(2) Localism Act 2011. A Personal Interest is:

- i. any body of which you are in a position of general control or management and to which you are elected appointed or nominated by the Council;
- ii. any body of which you are a member, or have a close association or which you are in a position of general control, influence or management and that body:
 - exercises functions of a public nature; or
 - is in receipt of any grant from the Council; or
 - is directed to charitable purposes; or
 - is one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).
- iii. Membership of any private club, society or association operating within the Borough Council’s area, where you hold a position of general control or management
- iv. any other connection or association which a member of the public may reasonably think may influence you when you make a decision on Council matters and acting as a Councillor. e.g. the decision relates to a close family member or friend and could have a substantial benefit to them.

Members with a Personal Interest should state at the meeting: **‘I wish to declare a Personal Interest in item x because xxx’**. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.

Prejudicial Interests

This is Personal Interest which a reasonable fair minded and informed member of the public, with knowledge of all the facts, would reasonably believe is so significant that it influences your judgement of the public interest, in other words, you have the appearance of being biased towards a decision before actually making it. This would include where you have predetermined a matter. It is not enough for you to make

reassurances that you are in fact not biased, but what it appears like, in the view of a reasonable and fair-minded informed member of the public.

The mere existence of local knowledge, or connections within the local community, will not in itself amount to a prejudicial interest. There must be some factor that might positively appear to harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

A Member with a Prejudicial interest should state in the meeting: **‘I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.’**

Or, if making representations in the item: **‘I declare a Prejudicial Interest in item x because xxx. As soon as we come to the Public Adjournment agenda item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion on the item and not take part in the vote.’**

34. Protocol for Public Participation in meetings of the Full Council and its Committees

Under section 3 of our Standing Orders, members of the public have a legal right to attend council and committee meetings of Sunningdale Parish Council. It should be noted, however, that these are not public meetings; they are meetings conducted in public, and the law does not allow members of the public to take part in the debates.

As Sunningdale Parish Council meets and makes its decisions in public and is committed to community engagement, members of the public, the press, the police and Borough Councillors are invited to attend all meetings.

This council is keen to hear the views of the residents of Sunningdale and therefore gives them the opportunity to speak within our Order of Business (see above).

We do this by temporarily adjourning the meeting to allow the public an opportunity to speak.

The protocol for Public Participation is as follows:

- Members of the public are asked to respect the fact that this is a meeting to conduct council business and interruptions are not permitted. Interjections during Council business are not permitted and individuals who disrupt business in any way may be asked to leave.
- The protocol exists to ensure that public participation is conducted politely, respectfully and in a structured and measured way within a reasonable timeframe.
- The Chairman controls this session, other Councillors do not participate. All communication at the meeting shall be through the chairman. Councillors and members of the public must respect the role of the chairman. Councillors may not address questions raised by residents except through and with the permission of the chairman. Residents may not address individual councillors except through and with the permission of the chairman. The chairman’s decision is final on public participation.
- The time allocated for public participation sessions shall not exceed 15 minutes unless allowed by the Chair of the meeting.

- The Chairman will request each speaker to identify themselves and confirm their residency status or representative body.
- A resident shall not speak for more than five minutes. In the event that more than one resident wishes to ask a question on the same subject, a spokesperson will be nominated to ask that question.
- Only one person is permitted to speak at a time and the order of speaking shall be directed by the Chair.
- Any question shall not require a response at the meeting nor start a debate on the question.
- Public participation is restricted to items of business on the agenda or those which have been notified to the Chairman of the Meeting 2 weeks prior. The chairman may decide to address it immediately or carry it forward for a response at a later date.
- Written questions received in advance of the meeting are encouraged. If provided in advance this will make it easier for a question to be answered.
- Residents should be aware that rather than bringing questions to the entire council and those members of the public present, questions may be posted or emailed to the parish clerk. This would apply to business which is not on the Agenda. Items may be suggested no later than 2 weeks before each Parish Council meeting, however the agenda is subject to the approval of the chairman and the clerk.
- Any items raised will be documented in the minutes with any actions.