

KINGTON LANGLEY PARISH COUNCIL

STANDING ORDERS 2024/2025

**FULL REVISION BASED ON NALC MODEL STANDING ORDERS 2018
(ENGLAND) — UPDATED APRIL 2022**

*Standing Orders as Adopted by Kington Langley Parish Council at the meeting on Monday 9
December 2024 Minute No. 125.24*

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INTRODUCTION

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

Model standing orders that are in bold type contain legal and statutory requirements. The National Association of Local Councils recommends that councils adopt them without changing them or their meaning.

1. MEETINGS GENERALLY

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b A minimum of three clear days' notice of a meeting being held is required. **The minimum three clear days does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by** means of the following resolution:
 - i. "In view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded, and they are instructed to withdraw"
 - ii. The special reasons should be stated. If a person's advice or assistance is needed, they may be invited (by names) to remain after the exclusion resolution is passed.
- e Members of the public who wish to make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda, may do so in the Public Participation session before the start of the meeting.
- f The period of time designated for Public Participation prior to a meeting in accordance with standing order 1(e) shall not exceed 10 minutes unless directed otherwise by the Chair of the meeting.
- g Subject to standing order 1(f), a member of the public shall not speak for more than 2 minutes. They may not speak during the main council meeting unless invited to do so by the Chair with the agreement of the members.
- h Any external organisation(s), agent(s) or other party(ies) wishing to make representation on the occasion of a main council meeting must apply in writing to the Clerk not less than four clear days (see Standing Order 1(b)) prior to the date of the meeting. With the agreement of

the Chair or in their absence the Vice-Chair, the Clerk will add the subject of the representation to the agenda to be dealt with prior to Public Consultation and also before the start of the main council meeting. The time allowed for this representation will not exceed 30 minutes which is to include questions from both councillors and any members of the public in attendance.

- i In accordance with standing order 1(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may permit an answer to be given at the meeting if they judge it to be expedient.
- j A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- k 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.
- l **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.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **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.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council.**
- p **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 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.**
- q **Subject to a meeting being quorate, (see standing order 1(u)) all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- r **The Chair 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 their casting vote whether or not they gave an original vote.**
- s **Unless standing orders provide otherwise, voting on a motion shall be by a show of hands. At the request of a councillor, the voting on any motion shall be recorded so as to show whether each councillor present and voting gave their vote for or against that motion or abstained. Such a request shall be made before moving on to the next item of business on the agenda.**

- t The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting
 - ii. the names of councillors who are present and the names of councillors who are absent
 - iii. interests that have been declared by councillors
 - iv. the grant of dispensations (if any) to councillors
 - v. whether a councillor 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.

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

- u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than four.**
- v If a meeting becomes inquorate for a particular agenda item due to a councillor declaring a pecuniary interest in the item in question, the agenda item shall be considered as 'Unfinished Business' and carried forward to the next meeting when the same agenda item may be raised again. The meeting may move to the next agenda item, assuming the quorum is re-established.
- w **If a meeting is inquorate or becomes inquorate as a result of a councillor leaving the meeting 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.
- x A meeting shall not exceed a duration of three hours.

2. ORDINARY COUNCIL MEETINGS & ORDER OF BUSINESS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7:30 pm.**
- d **In addition to the annual meeting of the Council, at least three other statutory meetings shall be held** in the months of September, January and March. Additional meetings shall be held at the discretion of the Council.
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council** and to receive the Chair's and Vice-Chair's acceptances of

office.

- f In the ordinary year of election the Council should aim to fill any vacancies left unfilled at the election by co-option.
- g **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- h **The Vice-Chair of the Council, unless they have resigned or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- i **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- j **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- k Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form**
 - 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
- l At every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent.
- m The second business shall be to record and resolve on notices of absences.
- n The third business shall be after consideration to approve the signing of the Minutes by the person presiding as a correct record.

- o At every meeting other than the Annual Meeting, the person presiding at the meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.
- p The Council's Standing Orders are the responsibility of the Proper Officer and the Council's Financial Regulations are the responsibility of the Responsible Financial Officer. Both should be reviewed annually and the officers responsible for them should present them to the Council for approval.

3. EXTRAORDINARY MEETINGS OF THE COUNCIL

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

4. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- h 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.
- i A councillor may not move more than one amendment to an original or substantive motion.
- j The mover of an amendment has no right of reply at the end of debate on it.
- k 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.
- l Unless permitted by the Chair 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 they last spoke
 - iii. to make a point of order
 - iv. to give a personal explanation or
 - v. to exercise a right of reply.
- m 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 they considers has been breached or specify the other irregularity in the proceedings of the meeting they are concerned about.
- n A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- o 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 their right of reply.

5. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b 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.

6. RESCISSION OF PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer.
- b When a motion moved pursuant to standing order 6(a) has been disposed of, no similar motion may be moved for a further six months.

7. VOTING ON APPOINTMENTS

Where more than two persons have been nominated for a position of Chair or Vice-Chair 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 vote may be settled by the casting vote exercisable by the Chair of the meeting.

8. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

Resolutions on procedural matters may be moved without notice to the Proper Officer and such resolutions may be put to the vote without discussion, as follows:

- 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 appoint a person to preside at a meeting
- v. to change the order of business on the agenda
- vi. to proceed to the next business on the agenda
- vii. to require a written report
- viii. to extend the time limits for speaking
- ix. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest*
- x. to not hear further from a councillor or a member of the public
- xi. to exclude a councillor or member of the public for disorderly conduct
- xii. to temporarily suspend the meeting
- xiii. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements)
- xiv. to adjourn the meeting or
- xv. to close the meeting.

9. MANAGEMENT OF INFORMATION

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

- d **Councillors, the Clerk and the Responsible Financial Officer, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

10. DRAFT MINUTES

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b 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 8(a) i.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and ratified. The ratified minutes shall be signed by the Chair of the meeting and stand as an accurate record of it.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they 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 (xxx) held on [date] in respect of (xxx) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which ratified minutes exist shall be destroyed.

11. CODE OF CONDUCT AND DISPENSATIONS

- a All councillors shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor 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.
- c Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have a non-pecuniary 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.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting or failing that, at the start of the meeting for which the dispensation is required. The dispensation request shall be considered by the Proper Officer.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer or by a meeting of the Council for which the dispensation is required. The decision shall be final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g A dispensation may be granted 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.**

12. CODE OF CONDUCT COMPLAINTS

- a Upon notification by Wiltshire Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 10, report this to the Council.
- b Where the notification in standing order 12(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of 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 Council has agreed what action, if any, to take in accordance with standing order 12(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by Wiltshire Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

13. PROPER OFFICER

- a The Proper Officer is the Clerk. Another staff member may be nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b 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 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. A public notice with agenda of an extraordinary meeting of the Council convened by councillors shall be signed by them.**

See standing order 1(b) for the meaning of clear days for a meeting of a full council.

- ii. **convene a meeting of the Council for the election of a new Chair of the Council occasioned by a casual vacancy in their office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**
 - v. hold acceptance of office forms from councillors;
 - vi. hold a copy of every councillor's register of interests;
 - vii. 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;
 - viii. liaise, as appropriate, with the Council's Data Protection Officer (a role carried out by the Responsible Financial Officer);
 - ix. 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);
 - x. arrange for legal deeds to be executed (*see also standing order 16*);
 - xi. record every planning application notified to the Council and the Council's response to the local planning authority in an electronic file for such purpose;
 - xii. refer a planning application received by the Council to the Chair or in their absence the Vice-Chair 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;
- c Any other duties and responsibilities of the Proper Officer are as laid down in the Job Description of the Clerk.
- d Councillors should have regard to advice from the Proper Officer of the Council where it is given under the officer's statutory duties. Councillors should give reasons for all decisions in accordance with statutory requirements. Where Councillors disagree with the Proper Officer's recommendations in making a decision, particular care should be taken in giving clear reasons for the disagreement.
- e The Proper Officer is given delegated powers to grant approval for requests to park on the three Kington Langley Registered Commons on behalf of the Parish Council and shall report any approvals or non-approvals to be minuted at the next meeting of the Parish Council.

14. RESPONSIBLE FINANCIAL OFFICER

- a The Responsible Financial Officer is responsible for the implementation of all council finance in accordance with the Financial Regulations.
- b The duties and responsibilities of the Responsible Financial Officer are as laid down in their Job Description.
- c The Council shall appoint an appropriate staff member to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

15. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

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

16. EXECUTION AND SEALING OF LEGAL DEEDS

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
Subject to standing order 16(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

17. COMMUNICATING WITH COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor of Wiltshire Council.
- b Council correspondence sent to Wiltshire Council may be copied to the ward councillor(s) representing the area of the council if considered appropriate

18. STANDING ORDERS GENERALLY

- a 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.

- b A motion to add to, 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, with written notice by at least two councillors to be given to the Proper Officer.
- c A copy of these Standing Orders shall be given to each member by the Proper Officer upon delivery to him/her/them of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.