

# STANDING ORDERS FOR GURNARD PARISH COUNCIL

## 1. MEETINGS

- 1.1. Full Council meetings shall be held at Gurnard Village Hall, Westbrook Lane at 7pm unless the council otherwise decides at a previous meeting or in exceptional circumstances. If all business is not completed within 2½ hours, it will be adjourned until the next meeting unless a resolution to suspend Standing Orders in this respect is carried.
- 1.2. **The Statutory Annual Meeting (a) in an election year shall be held on the 4th day after the date of the election or within fourteen days thereafter or (b) in a year which is not an election year, in May.**
- 1.3. All Full Council meetings shall be held on the second Wednesday of the month, except August, unless (1.1) applies.
- 1.4. Planning and other Committee meetings shall be held as required.
- 1.5. **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.**
- 1.6. **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.**
- 1.7. **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**
- 1.8. **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.**
- 1.9. **Subject to standing order 1.10, 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.**
- 1.10. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- 1.11. **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.**
- 1.12. **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).**
- 1.13. **The Chair of the Council, if present, shall preside at a meeting. If the Chair 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-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- 1.14. **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.**
- 1.15. **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**

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three.

- 1.16 **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.

## 2. CHAIR OF MEETING

- 2.1. The person presiding at a meeting may exercise all powers and duties of the Chair in relation to the conduct of the meeting.
- 2.2. A Councillor's period of office as Chair shall not exceed 3 consecutive years unless there are no other nominations at the Annual Meeting.

## 3. PROPER OFFICER

- 3.1. **Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, he or she shall be the Clerk:-**
- 3.1.1. **To receive declarations of acceptance of office.**
  - 3.1.2. **To receive and record notices disclosing personal and prejudicial interests.**
  - 3.1.3. **To receive and retain plans and documents.**
  - 3.1.4. **To sign notices and other documents on behalf of the Parish Council.**
  - 3.1.5. **To certify copies of bye-laws made by IW Council.**
  - 3.1.6. **To sign summonses to attend meetings of the Parish Council**
  - 3.1.7. **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 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) and on the Parish Council website.**
- 3.2. In any other case the proper officer shall be the person nominated by the Council and, in default of nominations, the Clerk.

## 4. QUORUM

- 4.1. Three members shall constitute a quorum.
- 4.2. **If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of declared prejudicial interest, falls below the quorum then the business not transacted at that meeting shall be postponed until the next meeting or on such day as the Chairman may fix.**

## 5. VOTING

- 5.1. Members shall vote by show of hands or, if at least two members so request before the vote, by signed ballot.
- 5.2. If a member so requires, the Clerk shall record the names of the members who vote on any question so as to show whether they voted for, against or abstained.

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- 5.2.1. Subject to (5.2.2) and (5.2.3) below the Chairman 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 though he gave no original vote.
- 5.2.2. 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.
- 5.2.3. The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

## 6. ORDER OF BUSINESS

(In an election year councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer previously authorised by the Council to take such declarations, before the annual meeting commences.)

- 6.1. At each Annual Meeting the order of business shall be
  - 6.1.1. To elect a Chair.
  - 6.1.2. To receive the Chair's declaration of Acceptance of office or, if not received, to decide when it shall be received.
  - 6.1.3. To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.
  - 6.1.4. To elect a Vice-Chair.
  - 6.1.5. To review & approve Standing Orders
  - 6.1.6. To review & approve Financial Regulations
  - 6.1.7. To appoint an Internal Auditor and approve access
  - 6.1.8. To appoint a Planning Committee.
  - 6.1.9. To appoint other Committees if required
  - 6.1.10. To appoint representatives to other Bodies
- 6.2. 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 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
- 6.3. Each year, and before the meeting at which the budget for the next year is approved, the Council shall review the pay and conditions of service of existing employees (See Standing Order 11 below.)
- 6.4. After the first business has been considered (6.2), the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-
  - 6.4.1. To read and consider the minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
  - 6.4.2. Following a decision to approve the minutes, the signing of the minutes by the person presiding confirms them as a correct record.
  - 6.4.3. To deal with business expressly required by statute to be done.
  - 6.4.4. To dispose of business, if any, remaining from the last meeting.
  - 6.4.5. To authorise the signing of orders for payment.
  - 6.4.5. To consider resolutions or recommendations and business in the order in which they have been notified in the summons & agenda.
  - 6.4.6. To consider items for the next meeting
- 6.5. A motion to vary the order of business on the ground of urgency
  - 6.5.1. 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

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6.5.2. Shall be put to the vote without discussion.

## 7. RESOLUTIONS

7.1. Resolutions dealing with the following matters may be moved without notice:-

7.1.1. To appoint a Chair of the meeting.

7.1.2. To receive and correct if necessary the Minutes.

7.1.3. To approve the Minutes.

7.1.4. To alter the order of business.

7.1.5. To proceed to the next business.

7.1.6. To close or adjourn the debate.

7.1.7. To refer the matter to a committee.

7.1.8. To appoint a committee or any members thereof.

7.1.9. To adopt a report.

7.1.10. To amend a resolution.

7.1.11. To give leave to withdraw a resolution or an amendment,

7.1.12. To exclude the public.

(See Standing Order 18.1 below.)

7.1.13. To silence or eject from the meeting a member named for misconduct.

(See Standing Order 9 below.)

7.1.14. To give the consent of the Council where such consent is required by these Standing Orders.

7.1.15. To suspend any Standing Order.

(See Standing Order 23.1 below.)

7.1.16. Resolutions of the Council shall not be reversed within 6 months except by special resolution (the written notice whereof bears the names of at least 4 members of the Council or Committee), unless the information upon which the resolution was made has fundamentally changed.

## 8. CORRECTIONS TO MINUTES

8.1. No discussion shall take place upon the minutes except their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chair. Alternatively, the correction can be included in the minutes of the immediately following meeting.

8.2. Once draft minutes are published, no amendments can be made until the subsequent meeting.

## 9. DISORDERLY CONDUCT

9.1. No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

9.2. If, in the opinion of the Chair, a member has broken the provision of item (9.1) of this Order, the Chair shall express the opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.

9.3. If either of the motions mentioned in item (9.2) is disobeyed, the Chair may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.

## 10. VOTING ON APPOINTMENTS (INCLUDING CO-OPTION)

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- 10.1. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person (ie: at least one more vote for one than all others), the name of the person(s) having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

## 11. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 11.1. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded (See Standing Order 18.1.)

## 12. EXPENDITURE

- 12.1. Authority for the payment of money and/or invoices shall be given by resolution of the Council, except for items purchased with the Petty Cash account.
- 12.2. The details of Petty Cash expenditure added to the Parish Clerk's monthly expenses will be given at each meeting.

## 13. COMMITTEES AND SUB-COMMITTEES

- 13.1. **The Council may at the Annual Meeting appoint standing committees and at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-**
- 13.1.1. **Shall not appoint any member of a committee so as to hold office later than the Annual Meeting, and**
- 13.1.2. May at any time dissolve or alter the membership of the committee.
- 13.2. The Chair or Vice-Chair shall be members of every committee.
- 13.3. Every committee shall, at its first meeting before moving to any other business, elect a Chair and may elect a Vice-Chair who shall both hold office until the next Annual Meeting of the Council.
- 13.4. The Chairman of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of no less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- 13.5. **Every Committee may appoint Sub-Committees for purposes to be specified by the committee.**
- 13.6. The Chair or Vice-Chair of the Committee shall be members of every Sub-Committee appointed by it, unless they signify that they do not wish to serve.
- 13.7. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- 13.8. Except where ordered by the Council in the case of a Committee, or by the Council or by the appropriate Committee in the case of a Sub-Committee, the quorum of a Committee or Sub-Committee shall be 3.
- 13.8. Minutes of all Committee meetings will be kept and made available to the Council.

## 14. VOTING IN COMMITTEES

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- 14.1. **Members of Committees and Sub-Committees shall vote by show of hands or, if at least two members so request, by signed ballot.**
- 14.2. **Chairs of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**
- 14.3. In the event of planning applications being advertised for the Parish of Gurnard when no planning meetings are scheduled (for example August and the Christmas closedown) all papers shall be emailed to members for their comments. If there is a consensus of opinion, the clerk can collate the comments and forward to the Local Planning Authority (IW Council) on behalf of the council. If there are differences of opinion, or the applications are deemed controversial, or if they are for a development the clerk will call a meeting at an appropriate time for members to debate the applications and make formal comments.

## **15. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

- 15.1. **A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.**

## **16. INTERESTS**

- 16.1. **If any member has a pecuniary interest within the meaning of the Localism Act 2011 & the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in any item to be discussed he/she shall, while it is under consideration by the Council, withdraw from the meeting unless:-**
  - 16.1.1. **The disability imposed upon him/her by those sections has been removed by the granting of a dispensation by the Parish Council or**
  - 16.1.2. **The matter to be discussed forms part of a report of a Parish Council Committee and is not itself the subject of debate.**
  - 16.1.3. Section 18.7 of these Standing Orders applies
- 16.2. **Dispensation request 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.**
- 16.3. **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. INSPECTION OF DOCUMENTS**

- 17.1. **A member may for any purpose of his duty as such (but not otherwise) inspect any document in the possession of the Council or a Committee, and if copies are available shall, on request, be supplied with a copy.**
- 17.2. All Minutes kept by the Council and by any Committee shall be made available for the inspection by any member of the Council.

## **18. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

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- 18.1. **The public and press shall be admitted to all meetings of the Council, its Committees and Sub-Committees. The Council may, however, temporarily exclude the public by means of the following resolution:**  
“That in accordance with Section 1 (2) of the Public Bodies (Admission to Meetings) Act of 1960 the Public and Press will be excluded from the following item, having due regard to the confidential nature of the business to be discussed.”
- 18.2. The Clerk shall afford the Press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 18.3. Any member of the public wishing to make representation to the council, on an agenda item which is considered to be the business of this council, may speak at a council meeting before and during the discussion for a period not exceeding 5 minutes prior to the Council or Committee making its decision. Members of the Council will then be allowed, at the discretion of the Chairman, to ask questions to the member of the public.
- 18.4. Where a group of members of the public wishes to make representation on an item which is considered to be the business of this council, and is listed on the agenda, they will be required to nominate a representative, from among themselves, to speak for a maximum of 5 minutes to express the views of the group.
- 18.5. The Chair reserves the right to limit the number of speakers on any given item of business and his/her decision will be final.
- 18.6. If, after speaking for the allotted time, any member of the public or group persistently interrupts and does not usefully contribute to the debate; the Chair, after due warning to that person/s, may order that they be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order.
- 18.7. Any Member of the Council, with a pecuniary interest in any item before the council, will be entitled to attend the meeting to make representation, give evidence or answer questions in the same way as any member of the public and under the same constraints laid down by the council in these standing orders, before leaving the council chamber.

## 19. CONFIDENTIAL BUSINESS

- 19.1. No member of the Council, or of any committee or sub-committee, shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- 19.2. Any member in breach of the provision of item (19.1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

## 20. LIAISON WITH WARD COUNCILLORS

- 20.1. Agendas of Full Council and Committee meetings shall be sent, together with supporting papers, to the IW Councillor for Gurnard.

## 21. PLANNING APPLICATIONS

- 21.1. The Clerk shall, as soon as it is received, enter in a data file kept for the purpose the following particulars of every planning application notified to the Council.
  - 21.1.1. The date on which it was received:
  - 21.1.2. The place to which it relates:
  - 21.1.3. a summary of the nature of the application

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## 22. CODE OF CONDUCT ON COMPLAINTS

- 22.1. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner as recommended in the Parish Council's Code of Practice for dealing with complaints, adopted on 14th October 2003.
- 22.2. **Upon notification by the Isle Of Wight 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.**

## 23. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 23.1. Any or every part of the Standing Orders, except those printed in bold type, may be suspended by resolution in relation to any specific item of business.
- 23.2. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 24. DELEGATED POWERS

- 24.1. Delegated powers are given to the Planning Committee to make decisions on planning applications, which require comment between Full Council meetings, and to the Facilities Committee to make decisions on behalf of the Parish Council including authorisation of revenue expenditure including repair, replacement or other work, within budget headings, subject to a limit of £2000.
- 24.2. Where emergency or urgent action is required in between meetings the Clerk, in consultation with the Chair (or Vice-Chair in the Chair's absence) and 2 other Parish Councillors, is empowered to take appropriate action on the Parish Council's behalf, subject to this action being confirmed at the next Full Council meeting.
- 24.3. Delegated powers are given to the Clerk, where there is no monthly Parish Council meeting, to pay wages due to employees as they become due, provided the procedures for making payment as laid down in Financial Regulations are adhered to, and confirmation of payment is approved at a subsequent meeting. (see also section 6.3 of Financial Regulations)

## 25. STANDING ORDERS TO BE GIVEN TO MEMBERS

- 25.1. A copy of these Standing Orders shall be given to each member by the Clerk.

## 26. EMERGENCY COVER

Should the Clerk be unable to carry out duties due to long term sickness or similar, a locum Clerk service will be arranged by the Chair through either:

- 26.1 Deputy Clerk (if appointed).
- 26.2 A Member, other than the Chair, may agree to act as Clerk for no payment
- 26.3 A Locum Clerk, perhaps arranged through the IWSLCC
- 26.4 By private arrangements, an appropriately qualified Clerk or Deputy Clerk serving in another Parish



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Any appropriately qualified Clerk fulfilling the role under 26.1, 26.3 or 26.4 shall also act as Proper Officer for the period concerned.

## **27 MANAGEMENT OF INFORMATION**

- 27.1 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.**
- 27.2 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).**
- 27.3 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.**
- 27.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **28 RESPONSIBILITIES TO PROVIDE INFORMATION**

- 28.1 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.**

## **29 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- 29.1 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 29.2 The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 29.3 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.**
- 29.4 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.**
- 29.5 The Council shall maintain a written record of its processing activities.**

Adopted 7th June 2005, Reviewed and amended 11th April 2006, Reviewed and amended 12th June 2007, Reviewed and amended 11th September 2007, Reviewed and amended 13th November 2007, Reviewed and amended 13th May 2008, Reviewed 9th June 2009, Reviewed and amended 11th May 2010, Reviewed 10th May 2011, Reviewed and amended 15th May 2012, Reviewed and amended 12th March 2013, Reviewed 8th May 2014, Reviewed and amended 14 May 2015, Amended 12 November 2015. Reviewed and amended 12 May 2016. Reviewed and amended 12 January 2017. Reviewed and amended 11 May 2017. Reviewed and amended 9 May 2018. Reviewed 8<sup>th</sup> May 2019. Reviewed and amended 10<sup>th</sup> July 2019. Reviewed 9 September 2020. Reviewed 19<sup>th</sup> May 2021, updated 9<sup>th</sup> June 2021. Reviewed 11<sup>th</sup> May 2022. Reviewed 10<sup>th</sup> May 2023.