

# **MERTON PARISH COUNCIL**

## **STANDING ORDERS.**

This document sets out Merton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

<b>Document Number:</b>	<b>MPC 001</b>
<b>Approved by Resolution Number:</b>	<b>RR2019/024</b>
<b>Minutes Reference:</b>	<b>8.5.19 (a)</b>
<b>Ratified on:</b>	<b>13<sup>th</sup> May 2019</b>
<b>Frequency of review:</b>	<b>Annually at Annual Parish Council Meeting in May</b>
<b>Version Number:</b>	<b>3.0</b>

**Version Control and Revisions: See end of document**

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Signed *S. Papworth* Chairman

Date 13.5.19

The original signed document is held by the Clerk.

# MERTON PARISH COUNCIL STANDING ORDERS

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### 1. Rules of debate at meetings

- a Items on the agenda shall be discussed in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b Once a consensus has been obtained on the item, a Councillor will propose a motion to adopt the decision.
- c The motion must be seconded by another Councillor, after which, the full council will vote.
- d In the event of a tied vote, the Chairman will have a casting vote, or may defer the topic for further discussion at a subsequent meeting.

### 2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above 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.

### 3. Meetings generally

- a **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.**
- b **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.**
- c Members of the public may speak at a meeting that they are entitled to attend, at the allotted time in the proceedings, and in respect of items on the agenda.
- d A person who speaks at a meeting shall direct their comments to the Chairman of the meeting.
- e **Photographing, recording, broadcasting or transmitting the proceedings of a**

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meeting by any means is not permitted without the Council's consent.

- f **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.**
- g **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 any).**
- h **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, 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.**
- i A meeting is quorate when 50% of the eligible Councillors are present.
- j **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- k 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.
- l **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.**
- m **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.**
- n The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. interests that have been declared by councillors
  - iv. whether a councillor left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- o **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.**

## **4. Ordinary council meetings**

- 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 new councillors elected take office.**

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- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d 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 directs.**
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f The Chairman of the Council, unless he has 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.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman and Vice-Chairman, the business of the AGM will 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 their 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. Review and adoption of appropriate standing orders and financial regulations;
  - iv. Review of any delegation arrangements.
  - v. Review of representation on or work with external bodies and arrangements for reporting back;
  - vi. Review of inventory of land and assets including buildings and office equipment;
  - vii. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - viii. Review of the council's and/or staff subscriptions to other bodies;**

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- ix. Review of the council's complaints procedure;
  - x. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 & GDPR 2018 ;
- k In addition to the AGM, the Parish Council will meet on the second Monday of alternate months through the year.

## **5. Extraordinary meetings of the council**

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

## **6. Previous Resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 8 below.
- b When a motion moved pursuant to standing order 6(a) above has been disposed of, no similar motion may be moved within a further six months.

## **7. Voting on appointments**

- a 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.

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

- a 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.
- b Any motion submitted to the Proper Officer shall be made in writing no later than 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

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- c If the Proper Officer considers the wording of a motion received in accordance with standing order 8(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 clear days before the meeting.
- d If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting 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.
- e Subject to standing order 8(d) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- g Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

### **9. Motions at a meeting that do not require written notice**

- a 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 resolve to approve absences;
  - iii. to move to a vote;
  - iv. to defer consideration of a motion;
  - v. to move to proposals on new planning applications
  - vi. to move to proposal on approval of payments
  - vii. Motions specifically addressing an agenda item
  - viii. to appoint a person to preside at a meeting;
  - ix. to change the order of business on the agenda;
  - x. to proceed to the next business on the agenda;
  - xi. to require a written report;
  - xii. to appoint an internal group and their members;
  - xiii. to appoint representatives to external bodies
  - xiv. to extend the time limits for speaking;
  - xv. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest, this may be done by the following motion “I propose we move to Part II” further information must be available to the press and public as to why they are excluded upon request;
  - xvi. to not hear further from a councillor or a member of the public;
  - xvii. to exclude a councillor or member of the public for disorderly conduct;
  - xviii. to temporarily suspend the meeting;
  - xix. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xx. to adjourn the meeting; or
  - xxi. to close a meeting.

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## 10. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 11. 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 9(a)(i) above.
- c 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.
- d If the chairman 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 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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be replaced by the approved minutes.

## 12. Code of conduct and dispensations

*See also standing order 3(s) above.*

- 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 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.

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- 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.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the council for which the dispensation is required and that decision is 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 Subject to standing orders 12(d) and (f) above, dispensations requests 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 for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 12(e) above if having regard to all relevant circumstances the following applies:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. granting the dispensation is in the interests of persons living in the council's area or**
  - iii. it is otherwise appropriate to grant a dispensation.**

### **13. Code of conduct complaints**

- a Upon notification by the District 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 above, report this to the council.
- b Where the notification in standing order 13(a) above 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 13(d) below.
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

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- d Upon notification by the District 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.**

### **14. Proper Officer**

- a The Proper Officer shall be the Clerk.
- b The Proper Officer shall:
- i. at least three clear days before a meeting of the council, serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.  
*See standing order 3(a) above for the meaning of clear days for a meeting of the full council*
  - ii. give public notice of the time, place and agenda at least three clear days before a meeting of the council (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
  - iii. subject to standing order 8 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it;
  - iv. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office;
  - v. facilitate inspection of the minute book by local government electors;
  - vi. receive and retain copies of byelaws made by other local authorities;
  - vii. retain acceptance of office forms from councillors;
  - viii. retain a copy of every councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998 & GDPR 2018, in accordance with and subject to the council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - xii. arrange for legal deeds to be executed;  
*See also standing order 21 below.*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
  - xiv. record every planning application notified to the council and the council's response to the local planning authority in a book or other record medium, for such purpose;
  - xv. refer a planning application received by the council to 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;
  - xvi. manage access to information about the council via the publication scheme;
  - xvii. To sign notices and other documents on behalf of the council.
  - xviii. Facilitate a request from a member for any purpose of their duty as such (but not otherwise), inspect any document in the possession of the Council or a group

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and if copies are available shall, on request, be supplied for the like purpose with a copy.

### **15. Responsible Financial Officer**

- a The council shall appoint appropriate member to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

### **16. Accounts and accounting statements**

- a “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide.
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the council’s receipts and payments for each quarter;
  - ii. the council’s aggregate receipts and payments 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.
- d 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 for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

### **17. Financial controls and procurement**

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. 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

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- 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. procurement policies (subject to standing order 17(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000
  - vi. Where the expenditure is expected to be in excess of £500 but below £3000, the Clerk will strive to obtain 3 estimates for full council consideration, unless under **LGA 1972 s135**, the Council exempt any contract from any such provision when the Council are satisfied that the exemption is justified by special circumstances.
  - vii. Where the expenditure is expected to be in excess of £3000 but below £5000, 3 quotes/estimates will be obtained for full council consideration, unless under **LGA 1972 s135**, the Council exempt any contract from any such provision when the Council are satisfied that the exemption is justified by special circumstances.
  - viii. Up to a maximum of £200 can be spent on emergency matters by the Clerk following notification of the Chairman and this matter to be discussed and ratified at the next scheduled meeting of the Parish Council.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5,000 shall be procured on the basis of a formal tender as summarised in standing order 17(d) below, the Council exempt any contract from any such provision when the Council are satisfied that the exemption is justified by special circumstances.
- d 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.
- e The council is not bound to accept the lowest value tender.

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- f Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

### **18. Handling staff matters**

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 10 above.
- b The chairman or in their absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of The Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Council.
- c Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the chairman or in their absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- d Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by The Clerk relates to the 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.
- e Any persons responsible for the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- g Only persons with line management responsibilities shall have access to staff records referred to in standing orders 18(e) and (f) above if so justified.
- h Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(e) and (f) above shall be provided only to (post holder) and/or the Chairman of the Council.

### **19. Requests for information**

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 & GDPR 2018.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Parish Council. The said committee shall have the power to do anything to facilitate compliance with the

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Freedom of Information Act 2000.

### **20. Relations with the press/media**

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

### **21. Execution of legal deeds**

*See also standing orders 14(b)(xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 22(a) above, 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.*

### **22. Communicating with District and County Councillors**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of relevant correspondence will be sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

### **23. Restrictions on councillor activities**

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

### **24. Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory 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 or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 8 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered their acceptance of office form.

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- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



**Revision History**

<b>Date</b>	<b>Version</b>	<b>Notes</b>
08-May-2017	1.0	Adopted NALC model
11-Mar-2019	2.0	Section 1 re-written Removed section on committees and sub-committees Removed gender specific terms
13-May-2019	3.0	Removal of “or resolution via email” from S/O 14 XV as practice not legal