



Stathern Parish
Council
Standing Orders
2019

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Note: items in bold are mandatory requirements

1. Notification of Meetings

- 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) Agendas and minutes from the previous meeting to be distributed to members of the council by mail or email.
- c) A copy of the agenda and date of the meeting to be available on the notice board and website.

2. Meetings

Attendance and Absence

- a) Meetings shall take place monthly at a date, time and place that the council may direct and all councillors are required to attend.
- b) Notice of absence must be given to the Clerk in advance.
- c) Failure to attend any meetings for a period of six months from the date of the last attended meeting shall result in automatic disqualification of the councillor. Requests for prolonged absence may be made in writing to the council for consideration.
- d) **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.**
- e) **Anything that the Chairman may authorised or do may, in his absence, be done by the Vice-Chairman of the Council.**

Venue and Duration

- 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 meeting shall not exceed a period of two hours.

Public Attendance

- a) **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.**

- b) The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the chairman of the meeting.
- c) A person shall raise his hand when requesting to speak and all comments shall be directed to the chairman.
- d) 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.
- e) 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.
- f) 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.

Filming and Recording Meetings

- a) **Photographing, recording, broadcasting or transmitting the proceedings of a public meeting only is permitted in accordance with the Openness of Local Government Bodies Regulations 2014. A person may not orally report or comment about a meeting as it takes place but otherwise may**
 - i. **Film, photograph or make an audio recording of a meeting**
 - ii. **Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later**
 - iii. **Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- b) **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.**

Voting

- a) The chairman 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.
- b) **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 gave his vote for or against that question.**
- c) **A 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.**
- d) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors.**

Quorum

- a) **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.**
- b) **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.**

3. Disorderly conduct at meetings

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

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 chairman of the meeting.
- b) 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.
- c) A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- d) 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. 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.
- e) A councillor may not move more than one amendment to an original or substantive motion.

- f) The mover of an amendment has no right of reply at the end of debate on it.
- g) 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 of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- h) 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 in exercise of a right of reply.
- i) During the debate of 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.
- j) A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- k) 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 particular standing order(s) excepting those which reflect mandatory statutory requirements.
- l) 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.

5. Annual Meetings and Election Year

- 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 elected councillors take office.**
- 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) **The annual meeting of the council shall take place at 7pm unless otherwise agreed.**

- 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 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 his successor is elected at the next annual meeting of the council.**
- g) **The Vice-Chairman of the Council, 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, he 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 rather than as Chairman, he shall preside at the 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 must give a casting vote in the case of an equality of votes.**
- j) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business of the meeting 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**
 - ii. 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
 - iii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iv. Receipt of the minutes of the last meeting of a committee
 - v. Appointment of members to existing committees
 - vi. Review of the terms of reference for committees
 - vii. Appointment of any new committees
 - viii. Confirmation of arrangements for insurance cover in respect of all insured risks.
 - ix. Review of inventory of land and assets including buildings and office equipment

6. Committees and sub-committees

- a) **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b) **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c) **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d) The council may appoint standing committees /sub committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall permit a committee to determine the number and time of its meetings;
 - iii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - iv. may dissolve a committee.
 - v. Members may include non-councillors although at least one councillor must be appointed.
 - vi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council

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

- a) **The Chairman of the Council may convene an extraordinary meeting of the council at any time. However, if he refuses to call a meeting within 7 days of being requested in writing by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda must be signed by two councillors.**

8. 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 two councillors to be given to the Clerk or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

- b) When a motion has been disposed of, no similar motion may be moved within a further six months.

9. 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.

10. Motions for a meeting that require written notice to be given to the Clerk

- a) A motion shall relate to the responsibilities of the meeting which it is tabled for 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) 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 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c) If the wording or subject of a proposed motion is considered improper, the Clerk 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.
- d) The decision of the Clerk as to whether or not to include the motion on the agenda shall be final.

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

The following motions may be moved at a meeting without written notice to the Clerk

- a) to correct an inaccuracy in the draft minutes;
- b) to move to a vote or defer consideration of a motion
- c) to refer a motion to a particular committee or sub-committee;
- d) to appoint a person to preside at a meeting in the Chair/Vice Chair's absence;
- e) to change the order of business on the agenda and to proceed to the next item.

- f) to require a written report;
- g) to appoint a committee or sub-committee and their members;
- h) to extend the time limits for speaking;
- i) to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- j) to not hear further from a councillor or a member of the public;
- k) to exclude a councillor or member of the public for disorderly conduct;
- l) to temporarily suspend the meeting;
- m) to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- n) to adjourn the meeting; or
- o) to close a meeting.

12. Handling confidential or sensitive 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.**

13. 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.
- 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, 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.”

- 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 destroyed.

14. Code of conduct and dispensations

- a) All councillors shall observe the code of conduct adopted by the council.
- b) Unless he has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c) Unless he has been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d) **Dispensation requests shall be in writing and submitted to the Clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required. A request shall confirm:-
 - i. The description and nature of the disclosable pecuniary interest or other interest to which the request relates
 - ii. Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and vote
 - iii. The date of the meeting for which the dispensation is sought
 - iv. An explanation as to why the dispensation is sought.
- e) A decision as to whether to grant a dispensation shall be made by the councillors and that decision is final.
- f) **A dispensation may be granted if 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.**

15. Code of conduct complaints

- a) Upon notification of a complaint that a councillor with voting rights has breached the council's code of conduct, the Clerk shall report this to the council.
- b) Where the notification relates to a complaint made by the Clerk, the Clerk 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
- 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;
- d) **Upon notification by the District or Unitary Council that a 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**

16. Responsible Finance Officer

- a) The council shall appoint appropriate an appropriate person to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- b) The Proper Officer shall be the clerk.

17. Proper Officer

The Proper Officer shall:

- a) **at least three clear days before a meeting of the council, serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
- b) **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 the councillors is signed by them.**
- c) **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office**
- d) facilitate inspection of the minute book by local government electors

- e) **receive and retain copies of byelaws made by other local authorities**
- f) retain a copy of every councillor's register of interests
- g) 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
- h) receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary
- i) manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form
- j) arrange for legal deeds to be executed
- k) 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
- l) record every planning application notified to the council and the council's response to the local planning authority and refer to the Chairman within two working days of receipt, to facilitate and extraordinary meeting, if the nature of a planning application requires consideration before the next council meeting.
- m) manage access to information about the council via the publication scheme

18. Accounts and accounting statements

- a) All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- b) The Clerk 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
- c) 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 Clerk 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, or income and expenditure) 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.

19. 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 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 including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].
- b) Financial regulations shall be reviewed regularly and at least every two years 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 [£60,000] shall be procured on the basis of a formal tender.**
- 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 Clerk
 - v. tenders shall be opened by the Clerk 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.

- e) Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU**
- g) **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public, shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

20. 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 12 above.
- b) Any persons responsible for all or part of 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
- c) The council shall keep all written records relating to employees secure.

21. Requests for information

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.

Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman.

22. Relations with the press/media

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.

23. Execution and sealing of legal deeds

Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

24. Communicating with Borough councillors

An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor of Melton Borough Council.

25. Restrictions on councillor activities

- i. 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.

26. Standing orders generally

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.

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 (4) councillors to be given to the Clerk in accordance with standing order 9 above.

The Clerk shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.

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

27. Responsibilities under the data protection legislation

- ii. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- iii. **The Council shall have a written policy in place for responding to and managing a personal data breach.**

- iv. **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.**
- v. **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.**
- vi. **The Council shall maintain a written record of its processing activities.**

Standing Orders are taken from NALC's Model Standing Orders

Adopted by the Parish Council on 14th March 2017

Updated to include GDPR and adopted by the Parish Council on 14th May 2019