



STANDING ORDERS

Issue Status: 8 **Last Updated:** 10.01.2026 **Last Reviewed:** 01.05.2026
Originated by: Parish Clerk Venetia Davies & Cllr. Ken Brown
Approved by: Cuddington Parish Council **Date:** 27.05.2026
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1. INTRODUCTION

Cuddington Parish Council's (the Council) Standing Orders are essential rules and guidelines for making decisions in the Council and regulate meeting procedures. Standing Orders text in **bold type** are compulsory as they are laid down by statute. Text in red type may be changed or updated.

2. RULES OF DEBATE AT MEETINGS

Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairperson of the meeting.

3. MEETINGS GENERAL

Committee meetings shall be conducted as follows:-

- 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. **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.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e. Members of the public may make representations, ask questions, answer questions, and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The period of time designated for public participation at a meeting in accordance with standing order 2(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g. Subject to standing order 2(f), a member of the public shall not speak for more than 5 minutes.
- h. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- i. 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.
- j. **Subject to standing order 2(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

- k. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- l. 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.**
- m. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in his absence be done by, to or before the Vice-Chairperson of the Council (if there is one).**
- n. The Chairperson of the Council, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson of the Council (if there is one) if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- o. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- p. The Chairperson 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.**
- q. 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.**
- r. The minutes of a meeting shall include an accurate record of the following:**
 - i. the time and place of the meeting.**
 - ii. the names of councillors who are present and the names of councillors who are absent.**
 - iii. interests that have been declared by councillors and non-councillors with voting rights.**
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights.**
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered.**
 - vi. if there was a public participation session.**
 - vii. the resolutions made.**
- s. 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.**

4. 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.

5. 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 councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- 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 decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson
- f (if there is one) of the Council.
- g The Chairperson 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.
- h The Vice-Chairperson of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council.
- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but shall give a casting vote in the case of an equality of votes.
- j In an election year, if the current Chairperson of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairperson of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairperson of the Council and shall give a casting vote in the case of an equality of votes.
- k Following the election of the Chairperson of the Council and Vice-Chairperson (if there is one) of the Council at the annual meeting, the business shall include:-
 - i. In an election year, delivery by the Chairperson 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 Chairperson of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council.
 - iii. Receipt of the minutes of the last meeting of a committee.

- iv. Consideration of the recommendations made by a committee.
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities.
- vi. Appointment of members to existing committees.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of representation on or work with external bodies and arrangements for reporting back.
- ix. Review of inventory of land and other assets including buildings and office equipment.
- x. Confirmation of arrangements for insurance cover in respect of all insurable risks.
- xi. Review of the Council's and/or staff subscriptions to other bodies.
- xii. Review of the Council's complaints procedure.
- xiii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.
- xiv. Review of the Council's policy for dealing with the press/media.
- xv. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL

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

7. ELECTIONS, CO-OPTIONS AND VOTING APPOINTMENTS

- a. Local Elections are run by the principal authority. There is no role for a local council (parish council) in relation to ordinary elections. They are governed by Rules 2006 (The 2006 Rules") which applies to the election of councillors to a parish or community council. For detailed information consult "The 2006 Rules". Where there is a casual vacancy the initial role of the local council is public notification of the vacancy. If an election is required to fill a casual vacancy it is run by the principal authority. If no election is required, the local council controls the process of co-option. If the power of co-option is not exercised within working 35 days; the principal authority may then exercise its powers.

b. Insufficient Candidates at Ordinary Election

Where an insufficient number of candidates is validly nominated at an ordinary local council election to fill the vacancies on the council, those who have been validly nominated are automatically elected as councillors. Provided that those elected constitute at least a quorum (three or one third of the total number of councillors, whichever is the greater), the Council (e.g. those elected unopposed) may co-opt any person or persons to fill the vacancies.

a. Co-Option

If no by-election is called, the Council will, as soon as practicable, after the expiry of the 14 day period fill any vacancy by co-option. But if the vacancy falls within the six month period before the next ordinary election, then the Council may, but need not, fill the vacancy. It must still give public notice of the vacancy.

Before exercising the power of co-option, the Council does not have to give public notice of any vacancy, although it may do so if it wishes. In practice, the giving of public notice is a sensible way to attract possible candidates for co-option.

Decisions made by the Council about whether-or-not to co-opt when vacancies remain unfilled after an ordinary election and who to co-opt when any casual vacancy arises should be transparent. Decisions about co-option which are made at Council meetings when the public have been excluded will not eliminate the need for a council to explain, for example to unsuccessful candidates, the reasons for its decisions.

b. Voting on Appointments

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

If a person wishes to table an item and have it included on the agenda, they must give the Proper Officer at least 7 clear days before the meeting.

9. MANAGEMENT OF INFORMATION

See also standing order 18.

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

10. DRAFT MINUTES

The accuracy of draft minutes, including any amendment(s) made to them,

shall be confirmed by resolution and shall be signed by the chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.

The draft minutes shall be published on its notice boards and website not later than one month after the meeting has taken place.

11. CODE OF CONDUCT AND DISPENSATIONS

Refer to Councils Code of Conduct Policy.

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. A councillor or non-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. **Dispensation requests shall be in writing and submitted to the Proper Officer.**
- d. **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.**

12. CODE OF CONDUCT COMPLAINTS

Upon notification by the Buckinghamshire County 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.

13. PROPER OFFICER

- a. The Proper Officer shall be either (i) the Clerk or (ii) other staff member nominated by the Council to undertake the work of the Proper Officer. The Council has nominated the Clerk as the Property Officer.
- b. The Proper Officer shall:-
 - at least three clear days before a meeting of the Council, a committee (or a sub-committee)**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

- i. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least (3) days before the meeting confirming his withdrawal of it.
- ii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- iii. **facilitate inspection of the minute book by local government electors.**
- iv. **receive and retain copies of byelaws made by other local authorities.**
- v. hold acceptance of office forms from councillors.
- vi. hold a copy of every councillor's register of interest.
- vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures.
- viii. liaise, as appropriate, with the Council's Data Protection Officer.
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed.
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations.
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xiv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman 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.
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

14. RESPONSIBLE FINANCIAL OFFICER

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

15. 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 (or income and expenditure) for each quarter.
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date.
 - iii. the balances held at the end of the quarter being reported and
 which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end on 31st March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information.
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- c. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

16. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Clerk/RFO, 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
 - iv. practices and the receipt of regular reports from the internal auditor which shall be required at least annually
 - v. whether contracts with an estimated value below £60,000 due to the special circumstances are exempt from a tendering process or procurement exercise
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. 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
 - (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process
 - iii. to orders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
 - iv. 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.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders is bound to accept the lowest value tender.
- e. Where the value of a contract is likely to exceed thresholds specified by Government then the Council must consider whether the contract is subject to the requirements of the current procurement legislation. If so, the Council shall follow the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by in s.135 of the Local Government Act 1972 ("the 1972 Act") and the Public Procurement Act 2023.**

17. 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 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Council or, if he is not available, the vice-chairman of absence occasioned by illness or other reason and that person shall report such absence to at the next Council meeting.
- c. The chairman of Council, or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chairperson of the Council or in his absence, the Vice-Chairperson in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Clerk relates to the Chairperson or Vice-Chairperson of the Council, this shall be communicated to another member of Council which shall be reported back and progressed by resolution of the Council.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

18. RESPONSIBILITIES TO PROVIDE INFORMATION

- a. 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.
- b. The Council shall publish information in accordance with the requirements of the **Smaller Authorities (Transparency Requirements) (England) Regulations 2015**.
- c. The Council publishes all its information e.g. organisational, contact, financial, strategies, decisions, policies and procedures, services, on the Council's website, minutes of meetings, and on notice boards. See *Freedom of Information Policy*.

19. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

Refer to Privacy Data Policy

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

20. EXECUTION AND SEALING OF LEGAL DEEDS

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

21. COMMUNICATING WITH COUNTY OR UNITARY COUNCILLORS

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 OR Unitary Council *representing the area of the Council*.

22. PUBLICITY

- a. Advertising is not used as a means of giving financial support to any publication associated with a political party.
- a. Publicity relating to individuals involved directly in an election should not be published. Only factual information which identifies the names, wards, and parties of candidates at elections. No publicity should be issued which seeks to influence voters.
- b. There will be no publishing or expenditure in commissioning hard copy or on any website, newsletters, or similar communications which seek to emulate commercial newspapers in style or content.

- c. Publications, e.g. newsletters, websites, notices, should only include information for the public about the business, services and amenities of the Council or other local service providers.
- d. Publicity about individual councillors may include their phone number, e-mail address and business contact details, together with their role in the Council; but personal image making should be avoided. As a matter of personal safety, any publicity should not include the personal home addresses of councillors.
- e. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status. Advertisements for staff should not be placed in party political publications.

23. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

24. COMMUNICATING WITH UNITARY COUNCILLORS

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of Buckinghamshire Council who represents Cuddington.

25. REVIEW of STANDING ORDERS GENERALLY

Standing Orders will be **reviewed** annually at the Annual General Meeting where any amendments will be subject to approval.

END