

HINDERCLAY PARISH COUNCIL

STANDING ORDERS

The Council's Standing Orders are based on the National Association of Local Councils' Model Orders published in July 2018 and updated in April 2022.

These Standing Orders, although based on the Model Orders, have been modified to suit a smaller council whilst retaining those orders which contain legal and statutory requirement. These are indicated in bold.

Financial Regulations are not included in Standing Orders other than regulations relating to contracts. This is required by The Local Government Act 1972.

1. RULES OF DEBATE AT MEETINGS

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b. To ensure clarity, only one motion may be moved at any one time.
- c. A motion (including an amendment) must have a proposer and a seconder.
- d. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e. A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- f. Discussion shall always be addressed to the Chair.

2. DISORDERLY CONDUCT AT MEETINGS

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

3. MEETINGS GENERALLY

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum three clear days for notice of a meeting does not include the day on which the 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. Public participation shall be included on the agenda for a maximum of fifteen minutes unless directed otherwise by the Chair. Comments must be directed to the Chair.
- f. A question posed by a member of the public shall not require a response at the meeting not start a debate on the question. The Chair may direct that a written or oral reply shall be given.
- g. **Subject to standing order 3(h), 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.**
- h. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission of the Chair.**
- i. **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.**
- j. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- k. **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- l. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors.**
- m. **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- n. **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 voting.

- o.** The minutes of a meeting shall include an accurate record of the following:
 - i.** the time and place of the meeting;
 - ii.** the names of councillors who are present and the names of councillors who are absent;
 - iii.** interests that have been declared by councillors;
 - iv.** the grant of dispensations (if any) to councillors;
 - v.** whether a councillor left the meeting when matters that they held interests in were being considered;
 - vi.** if there was a public participation session; and
 - vii.** the resolutions made.

The draft minutes will be published in accordance with legal requirements.

- p. 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 his right to participate and vote on that matter.**
- q. 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.**
- r.** A meeting shall not exceed a period of 2 hours.

4. COMMITTEES AND ADVISORY GROUPS

- a.** The council may appoint a committee whose terms of reference and members shall be determined by the Council. A committee will meet in public and have an agenda and minutes. Financial matters are excluded from determination by committees. The quorum of a committee must be no less than three members made up from councillors.
- b.** The council may appoint an advisory group who need not meet in public. The council will determine their terms of reference.

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 6 pm.**
- 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 Chair and Vice-Chair (if there is one) of the Council**
- f. The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- g. The Vice-Chair of the Council, if there is one, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h. In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i. In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she shall preside at the annual meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j. Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:**

In an election year, delivery by the Chair 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 Chair of the Council of his/her acceptance of office form unless the Council resolves for this to be done at a later date.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL

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

7. PREVIOUS RESOLUTION

- a. A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9.**

8. VOTING ON CO-OPTION OF A NEW COUNCILLOR

Where more than two persons have been nominated 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 Chair of the meeting.

9. 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. 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 prior to the publication of the agenda.**
- c. A motion received which is not clear in meaning will be rejected by the Proper Officer until it is resubmitted in writing so that it can be understood.**
- d. The Proper Officer will decide on whether or not to include a motion on the agenda and the decision shall be final. If requested, an explanation of its exclusion shall be given by the Proper Officer.**

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

11. MANAGEMENT OF INFORMATION

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

12. 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 Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chair 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 to this effect.

"The Chair 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/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- e. **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f. Any notes or recordings taken at a meeting shall be destroyed once the minutes have been confirmed.

13. CODE OF CONDUCT AND DISPENSATIONS

- a. All councillors shall observe the Code of Conduct adopted by the Council.
- b. Unless he/she/they has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- c. Unless he/she/they has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer OR by a meeting of the Council and that decision is final.
- f. **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.**

14. CODE OF CONDUCT COMPLAINTS

Upon notification by the District or Unitary Council that a councillor 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.

15. PROPER OFFICER

- a. The Clerk to the Council shall be the Proper Officer.
- b. If the Proper Officer (Clerk) is absent or incapacitated, then the Chair will act as the Proper Officer, or if the Chair is not available then the Vice Chair will act as the Proper Officer, and issue the summons for the next meeting of the council at which an acting Proper Officer may be nominated if necessary to undertake the work of the Proper Officer until his/her return.
- c. If the Proper Officer (Clerk) has resigned and a replacement has not been appointed, then the Chair will act as the Proper Officer, or if the Chair is not available then the Vice Chair will act as the Proper Officer, and issue the summons for the next meeting of the council at which an acting Proper Officer may be appointed by resolution to undertake the work of the Proper Officer until a new Proper Officer (Clerk) is employed.
- d. The Proper Officer shall
 - i. **issue the summons at least three clear days before a meeting of the council or a committee and publish the time and place of the meeting and the agenda as required by law;**
 - ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;**
 - iii. **facilitate inspection of the minute book by local government electors;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**
 - v. 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;
 - vi. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - vii. 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);

- viii. arrange for legal deeds to be executed;
 - ix. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its Financial Regulations;
 - x. refer to councillors any planning application notified to the Council as a statutory consultee as soon as possible after receipt for consideration at the next meeting or by calling an additional meeting if necessary or for consideration in accordance with a scheme of delegation if one has been agreed;
 - xi. manage the Council's website
- e. The Proper Officer has the authority of Council to spend up to £500 in the event of an emergency. The Chair or the Vice-Chair (if the Chair is absent) must be notified. (Delegation to the Proper Officer (Local Government Act 1972 s101))

16. RESPONSIBLE FINANCIAL OFFICER (RFO)

The Clerk to the Council shall be the Responsible Financial Officer (RFO).

17. ACCOUNTS AND ACCOUNTING STATEMENTS

The Responsible Financial Officer will conduct all financial matters in accordance with the law, proper practices as detailed in the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide" and the Council's Financial Regulations.

18. 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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. The Council's Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18 (d) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. HANDLING STAFF MATTERS

A matter personal to a member of staff that is being considered by a meeting of the Council shall be considered in private. Written records of meetings and other staffing matters will also be treated as confidential.

20. 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.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- a. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their 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.

22. RELATIONS WITH THE PRESS/MEDIA

Requests from the press or other media for an oral or written comment or statement from the Council, shall be dealt with by the Chair.

23. EXECUTION AND SEALING OF LEGAL DEEDS

A legal deed shall not be executed on behalf of the Council unless authorised by a resolution. It must be signed by two councillors and witnessed by the Proper Officer.

24. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

An invitation to attend meetings of the Council shall be sent, together with the agenda, to the district and county councillors.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

No individual councillor has delegated authority to act on behalf of the Council.

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.

26. STANDING ORDERS GENERALLY

- a.** All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b.** The Proper Officer shall regularly review the Standing Orders and make recommendations to the Council if he/she considers changes appropriate.
- c.** A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer in accordance with Standing Order 9.
- d.** Having taken advice from the Proper Officer, the decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.

Date approved

Date of next review