

Hesket Parish Council

Standing Orders

Adopted by Full Council on July 14th 2020

1. RULES OF DEBATE AT MEETINGS

- 1.1 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.
- 1.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

2. DISORDERLY CONDUCT AT MEETINGS

- 2.1 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.
- 2.2 If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 2.3 If a resolution made under standing order 2.2 is ignored, the Chair 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

- 3.1 **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.**
- 3.2 **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, unless the meeting is convened at shorter notice.**
- 3.3 **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.**
- 3.4 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.
- 3.5 The period of time designated for public participation at a meeting in accordance with standing order 3.4 shall not exceed fifteen minutes unless directed by the Chair of the meeting.
- 3.6 Subject to standing order 3.5, a member of the public shall not speak for more than five minutes. If a group of persons are present to discuss one point of issue, a spokesperson shall be nominated to speak for said group.
- 3.7 A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- 3.8 **Subject to standing order 3.9, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public, as per the Council's Protocol on the Recording and Filming of Council Meetings.**
- 3.9 **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- 3.10 **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.**
- 3.11 **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.**

- 3.12 **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 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.**
- 3.13 **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- 3.14 **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 their casting vote whether or not they gave an original vote.**
- 3.15 **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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- 3.16 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.
- 3.17 **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.**
- 3.18 **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.**
- 3.19 **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 the next meeting.
- 3.20 A meeting shall not exceed a period of two and a half hours.

4. VIRTUAL MEETINGS

- 4.1 In order to be considered in attendance at any virtual, electronic or digital meeting, a Councillor must be able at the time to hear, and where practicable see, and be so heard and, where practicable, be seen by, other Councillors in attendance and by any member of the public attending the meeting.
- 4.2 Councillors should connect to the meeting shortly before the allocated commencement time and check that their connection is operational.
- 4.3 Councillors should ensure that their microphone is muted other than when they are entitled to speak.
- 4.4 Councillors are only entitled to speak at the invitation of the Chair, other than to:
- i. move a Motion or Amendment without Notice
 - ii. second a Motion
 - iii. move a Motion which may be moved during a debate
 - iv. move a closure Motion
 - v. point of order
 - vi. personal explanation
- 4.5 In any debate, the Chair of the Meeting will ask each Councillor in attendance, to raise their hand to indicate that they wish to speak. The Chair will then indicate when each Councillor wishing to speak should do so.
- 4.6 Each vote will be by a show of hands, while the minutes will record the decision of the meeting.

- 4.7 Any Councillor with a Disclosable Pecuniary Interest in any particular matter must disconnect from the Meeting for that particular item. The Meeting will pause for up to ten minutes for the said Councillor to reconnect once the matter has been dealt with
- 4.8 When confidential, or “exempt” issues are under consideration. The Chair and Councillors should ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings. Any Councillor in remote attendance who failed to disclose that there were in fact persons present who were not so entitled will be in breach of their Code of Conduct responsibilities.
- 4.9 If, during the course of a Meeting, it becomes apparent that a Councillor is no longer in attendance, the Meeting will be paused for a period of up to ten minutes to re-establish their attendance.
- 4.10 After the ten minute period, if it has not been possible to re-establish the attendance of the particular Councillor:
- i. If the Meeting remains quorate, the Meeting continues.
 - ii. If the Meeting is inquorate, it will be adjourned until a suitable alternative time.
- 4.11 If a Councillor is unable to attend for technical or other reasons, the Chair or Clerk may put forward the person’s contribution (e.g. a question).

5. COMMITTEES AND SUB-COMMITTEES

- 5.1 **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 5.2 **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- 5.3 **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**

6. ORDINARY COUNCIL MEETINGS

- 6.1 **In an election year, the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the Councillors elected take office.**
- 6.2 **In a year which is not an election year, the Annual Parish Council Meeting shall be held on such day in May as the Council decides.** In financial year 2020-2021, this obligation does not apply.¹
- 6.3 **If no other time is fixed, the Annual Parish Council Meeting shall take place at 7.30pm.**
- 6.4 **In addition to the Annual Parish Council Meeting, at least three other ordinary meetings shall be held.**
- 6.5 There will ordinarily be bi-monthly meetings held on the second Tuesday of May, July, September, November, January and March. Any deviation will be agreed at a previous meeting.
- 6.6 **The first business conducted at the Annual Parish Council Meeting shall be the election of the Chair and Vice-Chair of the Council.** In financial year 2020-2021, these posts shall carry over until the 2021 Annual Parish Council Meeting.
- 6.7 **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the Annual Parish Council Meeting until their successor is elected at the next Annual Parish Council Meeting.**¹
- 6.8 **The Vice-Chair of the Council, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Parish Council Meeting.**
- 6.9 **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the Annual Parish Council 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.**

¹ As per The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

- 6.10 **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the Annual Parish Council Meeting until a new Chair of the Council has been elected. They 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.**
- 6.11 Following the election of the Chair of the Council and Vice-Chair of the Council at the Annual Parish Council Meeting, the business shall include:
- i. **In an election year, delivery by the Chair of the Council and Councillors of their acceptance of office forms. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form;**
 - ii. Confirmation of the accuracy of the minutes of the last Annual Parish Council Meeting;
 - iii. Review of delegation arrangements to committees, staff and other local authorities;
 - iv. Review and adoption of appropriate standing orders and financial regulations;
 - v. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - vi. Review of inventory of land and other assets including buildings and office equipment;
 - vii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - viii. Review of the Council's and/or staff subscriptions to other bodies;
 - ix. Review of the Council's complaints procedure;
 - x. Review of the Council's policies, procedures and practices;
 - xi. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the
 - xii. Determining the time and place of ordinary meetings of the Council up to and including the next Annual Parish Council Meeting.

7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- 7.1 **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- 7.2 **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.**

8. VOTING ON APPOINTMENTS

- 8.1 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 chair of the meeting.

9. MOTIONS FOR A MEETING

- 9.1 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.
- 9.2 No motion may be moved at a meeting unless it is on the agenda.

10. MANAGEMENT OF INFORMATION

See also standing order 18.

- 10.1 **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- 10.2 **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- 10.3 **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- 10.4 **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

11. DRAFT MINUTES

- 11.1 The draft minutes of a preceding meeting will be served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, and as such they shall be taken as read.
- 11.2 There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- 11.3 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.
- 11.4 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.
- 11.5 Subject to the publication of draft minutes in accordance with standing order 10.4 and standing order 18.1 following 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.

12. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3.17.

- 12.1 All Councillors shall observe the code of conduct adopted by the Council.
- 12.2 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 or other interest, as 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.
- 12.3 **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.
- 12.4 A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary 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.
- 12.5 **A dispensation may be granted in accordance with standing orders 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.**

13. CODE OF CONDUCT COMPLAINTS

- 13.1 Upon notification by the District or Unitary 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 9, report this to the Council.
- 13.2 Where the notification in standing order 12.1 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate a Councillor or other person 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 12.4.
- 13.3 The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 13.4 **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.**

14. PROPER OFFICER

- 14.1 The Proper Officer shall be either the Clerk, a Councillor or other person nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 14.2 The Proper Officer shall:
- i. **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, 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).**

See standing order 3.2 for the meaning of clear days for a meeting of a full council.
 - ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
 - iii. **facilitate inspection of the minutes 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 interests;
 - 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. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - ix. 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);
 - x. arrange for legal deeds to be executed;
(see also standing order 21);
 - xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
 - xii. record every planning application notified to the Council and keep a record of the Council's response to the local planning authority;

- xiii. refer a planning application received by the Council to the Chair or in their absence the Vice-Chair of 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; and
- xiv. manage access to information about the Council via the publication scheme.

15. RESPONSIBLE FINANCIAL OFFICER (RFO)

15.1 The Council shall appoint appropriate Councillors or other persons to undertake the work of the RFO when the RFO is absent.

16. ACCOUNTS AND ACCOUNTING STATEMENTS

16.1 “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.

16.2 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.

16.3 The RFO shall supply to each Councillor as soon as practicable after 31st August and 28th February in each year a statement to summarise:

- i. the Council’s receipts and payments (or income and expenditure) for each six month period;
- ii. the bank balances held at the end of the period being reported; and
- iii. bank reconciliation for the period being reported.

16.4 As soon as possible after the financial year end at 31 March, the RFO shall provide:

- i. each Councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the year to date for information; and
- ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.

16.5 The year-end accounting statements shall be prepared in accordance with proper practices 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.

17. FINANCIAL CONTROLS AND PROCUREMENT

17.1 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 on the Council website and in any other manner that is appropriate;
- iv. tenders are to be reported to and considered by the appropriate meeting of the Council.

17.2 The Council is not bound to accept the lowest value tender.

18. HANDLING STAFF MATTERS

- 18.1 A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 9.
- 18.2 The Chair of the Council or in their absence, the Vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of Clerk. The review and appraisal shall be reported in writing and are subject to approval by resolution by the Council.
- 18.3 Subject to the Council's policy regarding the handling of grievance matters, the Proper Officer or appointed Councillor shall contact the Chair or in their absence, the Vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- 18.4 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 Chair or Vice-Chair, this shall be communicated to another member of the Council and shall be reported back and progressed by resolution of Council.
- 18.5 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.
- 18.6 In accordance with standing order 9.1, persons with line management responsibilities shall have access to staff records referred to in standing order 17.5.

19. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 19.

- 19.1 **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- 19.2 **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

20. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

See also standing order 9.

- 20.1 The Council may appoint a Data Protection Officer, but does not have a legal duty to do so.
- 20.2 **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 20.3 **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 20.4 **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.**
- 20.5 **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.**
- 20.6 **The Council shall maintain a written record of its processing activities.**

21. RELATIONS WITH THE PRESS/MEDIA

- 21.1 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.

22. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 13.2 (xii).

- 22.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- 22.2 **Subject to standing order 21.1 any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

23. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

23.1 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.

24. RESTRICTIONS ON COUNCILLOR ACTIVITIES

24.1 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.

25. STANDING ORDERS GENERALLY

25.1 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.

25.2 The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

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