

HEYWOOD PARISH COUNCIL

Standing Orders

These Standing Orders were adopted by Heywood Parish Council at its meeting on 14 May 2018, minute 11.2.

In accordance with Local Government Act 1972 Sch 12 para 42.

1. Rules of debate at meetings

1.1 Motions on the agenda shall be considered in the order they appear, unless the order is changed at the discretion of the Chairman.

1.2 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.

1.3 Contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

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 Chairman of the meeting shall request such person(s) to moderate or improve their conduct.

2.2 If any 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.

2.3 If a resolution made under standing order 2(b) above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

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 the notice is 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.

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. Exclusion of the public from part or all of a meeting shall be by a resolution which give

reasons for that exclusion.

3.4 Members of the public may make representations, answer questions and give evidence at meeting which they are entitled to attend in respect of the business on the agenda.

3.4 The period of time designated for public participation at a meeting shall not exceed 15 minutes, unless directed by the Chairman. Subject to this standing order, a member of the public shall not speak for more than 3 minutes. All comments shall be directed to the Chairman.

3.5 In accordance with standing order 3.4, a question shall not require a response at the meeting nor start a debate. The Chairman may direct that a written or oral response be given later.

3.6 A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.

3.7 A person who speaks at a meeting shall direct his comments to the Chair.

3.8 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.

3.9 Subject to standing order 3.10, 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.

3.10 A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

3.11 The press shall be provided for reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

3.12 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.

3.13 The Chairman, if present, shall preside at a meeting. If the Chairman is absent, the Vice-Chairman, if present, shall preside. If both the Chairman and Vice-Chairman are absent, the Councillors present shall choose a Councillor to preside at the meeting.

3.14 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.

3.15 The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote whether or not he gave an original vote.

3.16 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 showing whether each Councillor voted for or against that question.

3.17 The minutes of a meeting shall include an accurate record of the following:

- i. The time and place of the meeting;
- ii. The names of Councillors present and absent;
- iii. Interests declared by Councillors;
- iv. Whether a Councillor left the meeting when matters in which he held an interest were being considered;
- v. If there was a public participation session; and
- vi. The resolutions made.

3.18 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.

3.19 No business may be transacted at a meeting unless a quorum of three members is present. If a meeting is or becomes inquorate, no business shall be transacted and the meeting shall be closed.

3.20 A meeting shall not exceed a period of 2 ½ hours.

4. Ordinary Council Meetings

4.1 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.

4.2 In a year which is not an election year the Annual Meeting of the Council shall be held on the second Monday in May at a time to be decided.

4.3 In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held on the second Monday in the months of January to the, February and March. Six additional meetings shall be held on the second Monday in the months of April, June, July, September, October, and November.

4.5 The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.

4.6 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.

4.7 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.

4.8 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 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 shall give a casting vote in the case of an equality of votes.

4.9 In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.

4.7 Following the election of the Chairman of the Council and Vice Chairman, the business of the Annual Meeting shall include:

- In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms, unless the Council resolves for this to be done at a later date.
- In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form, unless the Council resolves for this to be done at a later date;
- confirmation of the accuracy of the minutes of the last meeting of the Council;
- review and adoption of appropriate standing orders and financial regulations;
- review of assets;
- review of the Council's and/or staff subscriptions to other bodies;
- review of the Council's complaints procedure;
- review of the Council's procedures in respect of its obligations under the Freedom of Information Act 2000 and the Data Protection Act 1998 (GDPR 2018).
- confirmation of arrangements for insurance cover in respect of all insurance risks;
- review of the Council's policy for dealing with press and media;
- review of the Council's employment policies and procedures;
- review of the Council's expenditure incurred under s137 of the Local Government Act 1972 or the general power of competence;
- determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of the Council.

5. Extraordinary meetings

5.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

5.2 If the Chairman of the Council does not call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by two Councillors, any two Councillors may

convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.

6. 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.

7. Draft minutes

7.1 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.

7.2 There shall be no discussion about the draft minutes except in relation to their accuracy. If the Chairman of the meeting considers the minutes to be accurate, he shall sign the minutes.

7.3 The Council 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.

7.4 Subject to the publication of draft minutes in accordance with standing order 7.3 and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes of the meeting for which approved minutes exist shall be destroyed.

8. Management of Information

8.1 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.

8.2 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).

8.3 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.

8.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

9. Code of Conduct and Dispensations

9.1 All councillors shall observe the Code of Conduct adopted by the Council.

9.2 Unless he has been granted a dispensation, a councillor 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.

9.3 Unless he has been granted a dispensation, a councillor 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.

9.4 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.

9.5 A decision as to whether to grant a dispensation shall be by a meeting of the Council and that decision is final.

9.6 A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

9.7 Subject to standing orders 9.4 and 9.6, a dispensation request shall be considered at the beginning of the meeting of the Council.

9.8 A dispensation may be granted in accordance with standing order 9.7 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.

10. Complaints

Any complaint about a Councillor, an employee of the Parish Council or administration or procedures of the Parish Council shall be dealt with in the manner stipulated by the Code of Practice for Handling Complaints.

11. Proper officer

11.1 The Proper Officer shall be the Clerk, or another person nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

11.2 The Proper Office shall serve on Councillors a signed summons to attend a meeting of the Council, by email, at least three clear days before the meeting, confirming the time, place and agenda. Public notice of the time, place and agenda shall also be published.

11.3 The Proper Officer shall:

- a. 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).
- b. 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;
- c. convene a meeting of the 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. hold acceptance of office forms from councillors;
- g. hold a copy of every councillor's register of interests;
- h. 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;
- i. liaise, as appropriate, with the Council's Data Protection Officer;
- j. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- k. 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);
- l. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

- m. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- n. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman 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;
- o. manage access to information about the Council via the publication scheme.

12. Responsible Financial Officer, accounts and accounting statements

12.1 The Responsible Financial Officer shall be the Clerk.

12.2 The Council shall appoint an appropriate person to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

13. Accounts and Accounting Statements

13.1 "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

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

13.3 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:

- the Council's receipts and payments (or income and expenditure) for each quarter;
- the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- 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.

13.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- 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; and
- 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.

13.5 The year-end accounting statements shall be prepared in accordance with proper practices and apply the receipts and payments form of accounts 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.

14. Financial Controls

14.1 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:

- the keeping of accounting records and systems of internal controls;
- the assessment and management of financial risks faced by the Council;
- the work of the independent internal auditor in accordance with proper practices and receipt of regular reports from the internal auditor, which shall be required at least annually;
- the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
- whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.

14.2 Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

(See HPC Financial Regulations)

15. Responsibilities under Data Protection Legislation

15.1 The Council shall appoint a Data Protection Officer subject to current legislation.

15.2 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

15.3 The Council shall have a written policy in place for responding to and managing a personal data breach.

15.4 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.

15.5 The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and kept up to date.

15.6 The Council shall maintain a written record of its processing activities.

16. Responsibilities to provide information

16.1 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.

16.2 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

(See HPC Publication Scheme)

17. Relations with the Press and 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.

18. Communicating with Unitary Councillors

18.1 An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillors representing the Ethandune and Westbury North wards of Wiltshire Council.

18.2 Unless the Council determines otherwise, a copy of each letter sent to Wiltshire Council shall be sent to the ward Councillor(s) representing the area.

19. Restrictions on Councillor Activities

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.

20. Standing orders generally

20.1 All or part of a standing order may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

20.2 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 2 councillors to be given to the Proper Officer at least 7 days before the next meeting.

20.3 The Proper Officer 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.

20.4 The decision of the Chairman of a meeting as to the application of Standing Orders at a meeting shall be final.