

## Husthwaite Parish Council - Standing Orders adopted 21<sup>st</sup> May 2019

1. Meetings of Husthwaite Parish Council shall be held bi-monthly in Husthwaite Village Hall commencing at 7.30p.m. unless the Council decides otherwise at a previous meeting.
2. **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.** Smoking is not permitted at any meeting of the Parish Council.
3. **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. 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. The Annual Meeting of the Council shall take place at 7pm.**
4. **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.** Ordinary meetings of Husthwaite Parish Council shall normally be held on the third Tuesday in the months of May, July, September, November, January and March.
5. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time. If the Chairman 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. A public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.**
6. **At least three clear days prior to a meeting, a summons to the meeting and agenda shall be sent to every Parish Councillor and a copy of the agenda will be posted on the Parish Council Noticeboard. An invitation to attend the meeting of the Council shall also be sent, together with the agenda, to the ward Councillor of the District and County Council. 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.**
7. **No business may be transacted at a meeting unless at least one-third of the whole number of Councillors are present and in no case shall the quorum of a meeting be less than three. If a meeting is or becomes inquorate, no business shall be transacted. The meeting shall be closed and the business on the agenda for the meeting shall be adjourned to another meeting.**
8. **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council if present shall preside. If both the Chairman and the Vice-Chairman are absent from the meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting and may exercise all the powers and duties of the Chairman at the meeting.**
9. **Subject to a meeting being quorate, all decisions at a meeting shall be decided by a majority of the Councillors present and voting. Voting shall be by a show of hands. At the request of a Councillor (prior to voting), the voting on any subject shall be recorded so as to show whether each Councillor present and voting gave his vote for or against.**
10. **With the exception of paragraph 11 the Chairman 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.**

11. **The Chairman and Vice-Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successors are elected at the annual meeting of the Council. 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 has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman but shall give a casting vote in the case of an equality of votes.**
12. **A legal deed shall not be executed on behalf of the Council unless agreed by a resolution at a Parish Council meeting. Any deed required by law must be signed by two Parish Councillors, on behalf of the Council, and witnessed by the Proper Officer.**
13. **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.**
14. **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. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without the permission of the Council.**
15. **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.**
16. **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 for a period of time determined by the Chairman of the meeting.**
17. **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. If person(s) disregard the request to moderate or improve their conduct, the Chairman of the meeting or any Councillor may move that the person be excluded from the meeting. The motion, when seconded, shall be put to a vote without discussion. If the resolution is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting which may include temporarily suspending or closing the meeting.**
18. **All Councillors shall observe the code of conduct adopted by the Council and no member shall behave in such a manner at a meeting as to bring the Council into disrepute.**
19. **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 and therefore must declare the interest as soon as it becomes apparent, disclosing the existence and nature of the interest. Unless a dispensation has been granted, a Councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after the matter in which they have an interest has been discussed.**
20. **In certain circumstances a dispensation may be granted to a Councillor who has declared a pecuniary interest. Dispensation requests should be submitted in writing 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. A dispensation request shall confirm the description and the nature of the disclosable pecuniary interest to which the request for the dispensation relates, whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote, the period for which the dispensation is sought; and an explanation as to why the dispensation is sought.

21. A dispensation request shall be considered at the beginning of the meeting of the Council and a decision as to whether to grant a dispensation shall be made by the Councillors present and that decision is final. **A dispensation may be granted if, having regard to all relevant circumstances, without the dispensation the number of persons prohibited from participating in the discussion would be so great a proportion of the meeting as to impede the transaction of the business or granting the dispensation is in the interests of persons living in the Council's area.**
22. **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.**
23. 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.
24. The Proper Officer for Hushwaite Parish Council shall be either the Clerk or a Councillor nominated by the Council to undertake the work.
25. **The Proper Officer shall at least three clear days before a meeting of the Council, serve on Councillors, by delivery or post at their residences or by email, a signed summons confirming the time and place of the meeting 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).** 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.
26. The order of business at the Annual Meeting of the Parish Council shall be:
  - a) To receive the annual report from the Chairman.
  - b) To receive the annual finance report.
  - c) To receive comments and answer questions from parishioners.
  - d) To elect a Chairman.**
  - e) To elect a Vice-Chairman.**
  - f) To complete all Declarations of Acceptance of Office forms and any new/amended Code of Conduct forms.**
  - g) To appoint representatives of the Council on other organizations.
  - h) To appoint responsibilities within the Council.
  - i) To fill any vacancies left unfilled at the election by insufficient nominations (election year only)
  - j) To review and adopt revised Standing Orders, Financial Regulations and Council policies.
27. The order of business at an Ordinary Meeting of the Parish Council shall normally be:
  - a) To receive the apologies of absent Councillors and elect a Chair if the Chairman and Vice-Chairman are absent.
  - b) To confirm the accuracy of the minutes of the previous meeting of the Council and correct any inaccuracies if necessary.

- c) **To approve the signature of the minutes by the person presiding.**
- d) To discuss matters arising from the previous Council meeting.
- e) To discuss matters on the agenda that have arisen between meetings.
- f) To deal with planning applications.
- g) To receive the financial report and authorise any payments to be made. All payments must be recorded in the minutes and all cheques must be signed by two authorised Councillors.
- h) To review the pay and conditions of service of the Clerk (November meeting ONLY).
- i) To consider the proposed expenditure of the Parish and set a precept for the following year (November meeting ONLY).
- j) To discuss circulated items that may be of interest to the Council.
- k) To receive reports from the Council's representatives on other organizations.
- l) To receive reports from the County and District Councillors.
- m) **To confirm the time and date of the next meeting.**

**28. The Proper Officer shall keep proper records for the Council and these records shall be available for inspection by local government electors upon reasonable request.**

**29. The Proper Officer shall: -**

- a) **Record all minutes of Parish Council Meetings.**
- b) **Retain Councillors acceptance of office forms and a copy of every Councillors register of interests.**
- c) **Record in the 'Interests Book' all interests declared by Councillors at Council meetings.**
- d) **Receive and retain copies of byelaws made by other local authorities.**
- e) Receive and send general correspondence and notices on behalf of the Council.
- f) Assist in the organisation, 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.
- g) Arrange the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- h) Keep a register of burials, a register of graves bought and a plan of purchased graves.
- i) Record every planning application notified to the Council and the Council's response to the local planning authority.
- j) Circulate all planning applications to Council members immediately upon receipt and facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- k) Manage access to information about the Council via the publication scheme.
- l) Assist with responding to requests made under Freedom of Information legislation and rights exercisable under Data Protection legislation.
- m) Arrange for legal deeds to be executed.
- n) **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office.**

**30. The minutes of a meeting shall include an accurate record of the time and place of the meeting, the names of Councillors who are present and absent, interests that have been declared by Councillors, the grant of any dispensations to Councillors, whether a Councillor left the meeting when matters that they held interests in were being considered, if there was a public participation session and all resolutions made. 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. Following publication of the approved minutes signed by the Chairman, the draft minutes shall be destroyed.**

**31. The Council shall appoint a Responsible Financial Officer who shall be responsible for the proper administration of the Parish Councils financial affairs in accordance with the Parish**

Council's Financial Regulations. Proper practices are those in the most recent version of 'Governance & Accountability for local Councils – a practitioners guide'.

- 32. 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.**
- 33. 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).**
- 34. 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. Councillors and staff shall not disclose confidential information or personal data without legal justification.**
- 35. 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.**
- 36. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements)(England) Regulations 2015.**
- 37. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- 38. The Council shall have a written policy in place for responding to and managing a personal data breach and 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.**
- 39. The Council shall ensure that information communicated in its privacy notices is in an easily accessible and available form and kept up to date.**
- 40. The Council shall maintain a written record of its processing activities.**
- 41. No Councillor shall issue orders, instructions or directions unless duly authorised by the Parish Council.**
- 42. Any part of these standing orders not printed in bold type may be amended by resolution after consideration of the amendment at a meeting of the Parish Council.**
- 43. A copy of these standing orders shall be given to each member of Husthwaite Parish Council.**