

**HINTON PARISH COUNCIL**  
**Standing Orders updated 2020**  
**Adopted on 15<sup>th</sup> May 2018 (Items in bold type**  
**contain statutory requirements)**

## **1. 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' notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The Minimum three clear days public notice for a meeting does not include the day on which the notice was issued, or the day of the meeting unless, the meeting is convened at shorter notice**

**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 a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- d) 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.
- e) The period of time designated for public participation at a meeting in accordance with standing order 1(c) will be 2 minutes per person and shall not exceed 10 minutes unless directed by the chairman of the meeting.
- f) In accordance with standing order 1(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that the question shall be made an agenda item at the next full Council meeting.
- g) A person who wishes to speak at a meeting shall raise their hand and direct their comments to the chairman of the meeting.
- i) Any person in the opinion of the Chairman who is acting in a disorderly way will be asked to withdraw from the meeting failure to do this then the Chairman will suspend the meeting until the person has withdrawn from the meeting. If the person has not withdrawn from

the meeting within a time period of 10 minutes then the Chairman will close the meeting.

- ii) A person may record the meeting providing that they have declared so before the meeting commences, the Chairman may request that the person turns off their recording device if they have not declared so prior to the meeting commencing.

h) 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.

**i) Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

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

**j) 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.**

**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 (if any).**

**k) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman 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 or councillors with voting rights present and voting.**

**m) 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 his casting vote whether or not he gave an original vote.**

**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 to show whether each councillor present and voting gave his vote for or against that question.**

**o) A Councillor may also request his reasons for voting for or against to be recorded.**

In the event a councillor has NO view on a proposal, or cannot decide, he may abstain. At the request of a councillor, the name of each councillor abstaining shall be recorded with the names of those voting for or against. HOWEVER, in these circumstances, reasons for abstention shall NOT be recorded as in abstaining the Councillor is declaring he has no view or cannot decide.

**p) 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 that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
- q) A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- r) 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.**
- s) Motions included in the agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion.
- t) If a meeting is or becomes inquorate no business shall be transacted.**

## 2. Committees and sub-committees

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

## 3. 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 new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c **If no other time is fixed, the annual meeting of the council shall take place at 7pm.**
- d **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of**

the Chairman and Vice-Chairman (if any) of the Council.

- f 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 at the next annual meeting of the council.
- g The Vice-Chairman of the Council, if any, 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.
- h 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 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 must give a casting vote in the case of an equality of votes.
- i 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 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 must give a casting vote in the case of an equality of votes.
- J 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 later. 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.

## **4. Extraordinary meetings of the council and committees and sub-committees**

- a The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b If the Chairman of the Council does not or refuses to 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 must be signed by the two councillors.

## **5. Motions for a meeting that require written notice to be given to the Proper Officer .**

- a 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 at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- b If the Proper Officer considers the wording of a motion received in accordance with standing order 5(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.

## 6. Motions at a meeting that do not require written notice

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 particular committee or sub-committee;
- 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 or sub-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
- xvii. to close the meeting.

## 7. **-+Handling confidential or sensitive information**

See also standing order 19.

- 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.**

## 8. **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) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
  
- c) If the chairman 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 in the following terms or to the same effect:  

“The chairman 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 view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

**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.**

## 9. Code of conduct and dispensations

- a All councillors who have voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights 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.
- 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 a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f 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.

Subject to standing orders 9(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

**A dispensation may be granted in accordance with standing order 9(e) above if having regard to all relevant circumstances the following applies:**

- a. **without the dispensation, the number of persons prohibited from participating in the business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
- b. **granting the dispensation is in the interests of persons living in the council's area or**
- c. **it is otherwise appropriate to grant a dispensation.**

## 10. Code of conduct complaints

- a **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider**

what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## 11. Proper Officer

- a The Proper Officer shall be the clerk.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery, email or post at their residences, a signed summons confirming the time, place and the agenda.**
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
  - iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **receive and retain copies of byelaws made by other local authorities;**
  - v. retain acceptance of office forms from councillors;
  - vi. retain a copy of every councillor's register of interests;
  - vii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - viii. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;

## 12. Financial Controls & Procurement- Please refer to Hinton PC Financial regulations

The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

**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 in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**

**A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

## 13. Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 13(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

## 14. Restrictions on councillor activities

- a. Unless authorised by a resolution, 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.

## 15. Disorderly Conduct at meetings

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

b If, in the opinion of the Chairman, there has been a breach of standing order 9(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.

c If a resolution made in accordance with standing order 9(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 16. Standing orders generally

- a 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.
- b The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

## 17. Training

If the budget allows, it is recommended that all Councillors should attend training on such courses where applicable to their role.

## 18. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 19

**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.**

**. [If gross annual income or expenditure (whichever is higher) does not exceed £25,000] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

## 19. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

The Council DO NOT have to appoint a Data Protection Officer.

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

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

**d 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.**

**e 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.**

**f The Council shall maintain a written record of its processing activities**

**20. Donations/Grants-** Donations/Grant request will be considered in the Parish first, before going to outside bodies/Parishes.

Adopted by Council on .....L Yeomans.....( Updated) .....19/05/2020.....