

GREAT HASELEY PARISH COUNCIL STANDING ORDERS - 2021

Standing Orders are the written rules of the Council. Standing Orders are essential to regulate the proceedings of a meeting. The Council may also use Standing Orders to confirm or refer to various internal organisational and administrative arrangements. The Standing Orders of the Council are not the same as the policies of the Council but Standing Orders may refer to them.

Local Councils operate within a wide statutory framework. It is not possible for Standing Orders to contain or reference all the statutory or legal requirements which apply to local Councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a Council is subject apply whether or not they are incorporated in a Council's Standing Orders.

Financial Regulations are Standing Orders to regulate and control the financial affairs and accounting procedures of the Council. The Financial Regulations, as opposed to the Standing Orders of the Council, include most of the requirements relevant to the Council's Responsible Financial Officer.

Standing Orders that are in bold type contain legal and statutory requirements which cannot be changed. Standing Orders not in bold are designed to help the Council operate effectively but they do not contain statutory requirements so they may be adopted or amended by approval of the Council.

1. **Meetings**

- i **Meetings may only take place in venues where alcohol is being supplied if no other suitable venue is available.**
- ii **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.**
- iii **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**
- iv Members of the public may ask questions and give opinions in respect of matters on the agenda.
- v The time allotted for public participation shall be limited to 15 minutes unless the Chairman directs otherwise. No member of the public shall speak for more than five minutes.
- vi A question asked by a member of the public shall not require an immediate response, unless the Chairman rules that it is in the public interest to do so.
- vii All comments shall be directed to the Chairman.
- viii If more than one person wishes to speak at any one time, the Chairman shall determine the order in which they address the council.
- ix **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 a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

- x **Subject to a meeting being quorate, all matters to be voted on at a meeting shall be decided by a majority vote of councillors present at the meeting.**
- xi **The chairman of the 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.**
- xii **Voting shall be by a show of hands.**
- xiii The minutes of a meeting shall include a record of:
 - a) The time and place of the meeting.
 - b) The names of councillors present and absent.
 - c) The interests that have been declared by councillors.
 - d) The granting of dispensations (if any) to councillors.
 - e) Whether a councillor left a meeting when matters in which they declared an interest were being considered.
 - f) If there were a public participation session.
- xiv **A councillor who has a disclosable pecuniary interest or personal interest in a matter under consideration is subject to statutory limitations or restrictions on his right to vote on that matter.**
- xv **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**
- xvi **If a meeting is or becomes inquorate no business shall be transacted.**

2. Committees

- i The Council may appoint a committee and decide its terms of reference: these include:

Planning:

That the Parish Council of Great Haseley delegates planning decisions to a Planning sub-committee when South Oxfordshire District Council's timetable prevents the decision being made at a meeting of the Parish Council. The sub-committee must comprise of at least three members of the Parish Council, one of whom will act as Chairman. The views of as many non-attending Parish Councillors shall be obtained as is practicable and taken into account. The decisions of the Planning Sub-committee should be communicated to the Parish Council at the next full meeting.

- ii. The Council may dissolve a committee.

3. Ordinary Council Meetings

- i **In a year in which an election is held the annual meeting of the council shall be within 14 days of the day on which the new councillors take office.**
- ii **In a year when an election is not held the annual meeting of the council shall take place in May.**

- iii **Council meetings shall commence at 7.30pm unless the Council decrees otherwise.**
- iv **In addition to the Annual Meeting, 10 ordinary meetings shall be held each year, on the second Monday of each month unless decreed otherwise by the Council. There will not be a meeting in August except for urgent matters and planning issues.**
- v **The first item of business on the agenda at the annual meeting shall be the election of the Chairman and Vice-Chairman of the Council.**
- vi **The Chairman shall hold office, unless he resigns or becomes disqualified until his successor is elected at the next Annual Meeting of the Council.**
- vii **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.**
- vii **In an election year, if the current Chairman has not been re-elected as a member of the Council, he shall preside at the meeting until his successor has been elected. The current Chairman may not vote in respect of the election of a new Chairman, but must give a casting vote in the event of a tied vote.**
- viii **In an election year, if the current Chairman has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman has been elected. He may vote in respect of the election of a new Chairman and must give a casting vote in the event of a tied vote.**
- ix **The business of the annual meeting of the council shall include:**
 - a) In a year in which an election has been held, the delivery of the councillors of their acceptance of office forms. In a year which is not an election year, the delivery by the Chairman of his acceptance of office form and the delivery by the Vice Chairman of his acceptance of office form.
 - b) Approval of the accuracy of the minutes of the last meeting of the Council.
 - c) Appointment of Councillors to committees and other local bodies.
 - d) Confirming the time and place of all ordinary meetings of the Council.
 - e) Review and adoption of appropriate standing orders and financial regulations.
 - f) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence until the end of the Civic term.
 - g) Review of inventory of land and other assets including buildings and office equipment.
 - h) Confirmation of arrangements for insurance cover in respect of all insurable risks.

4. Extraordinary Meetings of the Council

- i **The Chairman may call an extraordinary meeting of the council at any time.**
- ii) **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. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors**

5. **Disorderly conduct at meetings**

- i No one shall behave improperly or obstruct the business of a meeting. The Chairman shall have the power to require persons to moderate their behaviour or be excluded from the meeting.
- ii The Chairman may take further steps to restore order and this may include temporarily suspending the meeting.
- iii All Councillors shall observe the Code of Conduct adopted by the Council.

6. **Notices of Motion**

No notice of motion may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least five working days before the next meeting of the Council excluding the day of submission and the day of the meeting.

- i The Clerk shall date every notice of motion when received, shall number each notice in the order in which it was received and keep a record of such which shall be open to the inspection of every Member of the Council.
- ii The Clerk shall insert in the summons for every meeting all notices of motion given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.
- iii A motion when notice is given shall be proposed as written and seconded before it is debated.
- iv If a motion specified in the summons is not be moved either by the Member giving it or some other Member on their behalf, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- v Every notice of motion shall be relevant to some subject over which the Council has power or duties, which affects its area.
- vi A Motion to add or vary or revoke one or more of the Council's Standing Orders, not mandatory by law, shall be proposed by a special motion, the written notice must be signed by at least 5 Members.

7. **Motions which do not require written notice**

- i The following proposals do not require written notice:
 - a) To correct an inaccuracy in the draft minutes of a meeting.
 - b) To appoint a person to preside at a meeting.
 - c) To defer consideration of a proposal.
 - d) To change the order of business on the agenda, or to proceed to the next item on the agenda.
 - e) To appoint a committee or members to a committee.
 - f) To exclude the press or members of the public from a meeting in respect of confidential or sensitive information.
 - g) To exclude a councillor or a member of the public from a meeting for disorderly conduct.
 - h) To suspend, adjourn or close a meeting.

8. **Dealing with confidential or sensitive information**

- i The agenda, supporting papers and the minutes of a meeting shall not disclose confidential or sensitive information which would not be in the public interest. Neither shall councillors disclose such information of a confidential or sensitive nature.

9. **Management of Information**

- i) **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.**
- ii) **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).**
- iii) **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.**
- iv) **Councillors, the Clerk, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

10. **Draft minutes**

- i If draft minutes of a previous meeting have been issued to councillors at the same time as the agenda for the meeting at which they are due to be approved, they shall be taken as read.
- ii There shall be no discussion in respect of the draft minutes except in relation to their accuracy (see 8i above).
- iii The Council shall confirm the accuracy of the minutes and they shall be signed by the Chairman: they shall then stand as an accurate record of the meeting to which they relate.
- iv **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. **Code of Conduct & Dispensations**

- i All councillors shall observe the Code of Conduct adopted by the Council.
- ii A councillor shall withdraw from debate on a matter in which he / she has a disclosable pecuniary interest, or on which he has another interest.
- iii **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.**
- iv A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- v A dispensation request shall confirm:

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

vi **A dispensation may be granted in accordance with standing order 11(iii) if having regard to all relevant circumstances any of the following apply:**

- a) **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;**
- 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.**

12. **Code of Conduct Complaints**

- i Upon notification by the District Council that it is dealing with a complaint that a Councillor has breached the Code of Conduct, the Proper Officer shall report this to the Council (subject to standing order 11 above).
- ii The Council may provide information or evidence which is necessary to progress investigation into a complaint and may seek information relevant to the complaint from the person or statutory body with responsibility for investigating the matter.
- iii **Upon receipt of information from the District Council that a Councillor has breached the Code of Conduct, the Council shall consider what, if any, action to take. Such action excludes disqualification or suspension from office.**

13. **Proper Officer**

- i The Proper Officer shall be the clerk, or other person nominated by the Council to undertake the work of the clerk if the clerk is absent.
- ii The Proper Officer shall:
 - a) **Deliver notification to Councillors, by post or by email, of the time, place and agenda of a council meeting at least three clear working days before the meeting (see 1ii above for definition of clear days).**
 - b) **Give public notice of the time, place and agenda at least three clear days before a meeting of the Council.**
 - c) **Call a meeting of the Council for the election of a new Chairman, should a casual vacancy arrive in this office.**
 - d) **Enable inspection of the minute book by local electors.**
 - e) Assist with responses to requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with the Council's policies and procedures.
 - f) Receive and circulate general correspondence and notices on behalf of the Council.
 - g) Arrange for legal deeds to be executed.

- h) Arrange and manage any payments to be made by the Council, in accordance with the Council's Financial Regulations.
- i) Record all planning applications received by the Council and the Council's response to the local planning authority. Refer a planning application to the designated Councillor responsible for Planning within three days of receipt, to enable an extraordinary meeting to be called if the application requires a response before the next scheduled meeting of the Council.
- j) Ensure that the Council complies with the government Transparency Code and keep the Council's website up to date.
- 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) Manage access to information about the Council via the publication scheme.

14. **Accounts**

- i All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- ii As soon as possible after the end of the financial year the Responsible Financial Officer shall provide the Council with a full statement for the year, for consideration and approval.
- iii The year end accounting statements (for the year ending 31 March) shall be drawn up in accordance with proper practices. A completed draft Annual Return shall be presented to each Councillor before the end of the following May. The Annual Return which is subject to internal and external audit shall be formally approved before 30 June.

15. **Financial Controls and Procurement**

- i The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. These Regulations shall include:
 - a) The keeping of records and systems of internal control.
 - b) Work of the independent internal auditor in accordance with proper practices.
 - c) The inspection and copying by Councillors and local electors of the Council's accounts.
- ii Financial Regulations shall be reviewed annually to ensure they are fit for purpose.
- iii Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £3,000 shall be procured on the basis of a formal tender. The tender process shall include:
 - a) A specification for the goods, materials, services or execution of works.
 - b) A timescale for the acceptance of tenders and the council's response.

Tenders are to be submitted in writing to the Council's Proper Officer.

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

16. **Responsibilities to Provide Information**

See also standing order 9.

- i **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.

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

17. **Responsibilities Under Data Protection Legislation**

- i **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- ii **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- iii **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.**
- iv **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.**
- v **The Council shall maintain a written record of its processing activities.**

18. **Communication with District and County Councillors**

- i District and County Councillors representing the area of the Council shall be invited to attend meetings of the Council, and an agenda sent to them.

19. **Standing Orders – General**

- i All or part of a standing order, except one incorporating mandatory statutory requirements (**in bold type**), may be suspended by resolution in relation to the debate on an item on the agenda of a meeting.
- ii A proposal to add to, vary or revoke any standing order, except one that incorporates mandatory statutory requirements, may be considered by the Council. Proper written notice shall be given.
- iii The Proper Officer shall provide a copy of the Council's Standing Orders to each Councillor, either in written form or electronically.
- iv The Chairman of a meeting shall have the final decision as to the application of Standing Orders.