

HEVER PARISH COUNCIL STANDING ORDERS 2022

Following consultation with National Association of Local Councils (NALC)
nalc@nalc.gov.uk | www.nalc.gov.uk and Kent Association of Local Councils.

INTRODUCTION	2
1. RULES OF DEBATE AT MEETINGS / DISORDERLY CONDUCT AT MEETINGS	3
2. MEETINGS GENERALLY	3
3. COMMITTEES AND SUB-COMMITTEES.....	4
4. ORDINARY COUNCIL MEETINGS	4
5. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES.....	5
6. MANAGEMENT OF INFORMATION	5
7. DRAFT MINUTES	5
8. CODE OF CONDUCT AND DISPENSATIONS	5
9. CODE OF CONDUCT COMPLAINTS (see HPC complaints policy).....	5
10. PROPER OFFICER.....	6
11. ACCOUNTS AND ACCOUNTING STATEMENTS / FINANCIAL CONTROLS AND PROCUREMENT	6
12. HANDLING STAFF MATTERS (refer to Finance and Employment Committee and Contract)	6
13. RESPONSIBILITIES TO PROVIDE INFORMATION.....	6
14. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION	7
15. RELATIONS WITH THE PRESS/MEDIA	7
16. EXECUTION AND SEALING OF LEGAL DEEDS	7

INTRODUCTION

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting.

The standing orders of a council are not the same as the policies of a council but standing orders may refer to them. Items in **bold type** contain legal and statutory requirements.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject.

It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils.

These Standing Orders should be read and considered in conjunction with other HPC Policies.

1. RULES OF DEBATE AT MEETINGS / DISORDERLY CONDUCT AT MEETINGS

Hever Parish Council have a **public forum** (at the beginning of every Agenda) as we hugely value residents views and opinions. However, in law, the public have a right to attend meetings but they have no *right* to speak. Schedule 12, LGA 1972.

In the public forum;

- A Members of the public can only make representations, ask relevant questions and give evidence at a meeting which they are a) entitled to attend and b) during the time allocated for public questions and statements.
- B The period of time designated for public participation at a meeting in shall not exceed fifteen minutes unless directed by the chairman of the meeting.
- C Raising a question will not *guarantee* a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given or that the issue raised be considered properly and after time to research the topic, at the next meeting.
- D A person shall raise his hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
- E A person who speaks at a meeting shall direct his comments to the chairman of the meeting. 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.
- F *Exceptionally*, speaking from the floor (after the public forum time) with the discretion though the Chairman if they feel it is that important may be permitted.
- G 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.
- H The Chairman may, if necessary, suspend or ultimately close the meeting if disruptive behaviour is not modified and obstructs the proceedings of a meeting.

2. MEETINGS GENERALLY

Full Council meetings ●

Committee meetings ●

- 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 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.
- 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.
- d 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.
- e 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.
- f A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- g 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.
- h 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 there is one).
- i 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 there is one) 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.

- j Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- k 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. *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- l 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 his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- m 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 and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights 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.
- n 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.
- o 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.
- p If a meeting is or becomes inquorate no business shall be transacted

3. 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.

4. 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 councillors elected take office.
- b 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.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- 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 decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) 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 there is one, 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 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.

- 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 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.
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
 - i. 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;

5. **EXTRAORDINARY MEETINGS OF THE COUNCIL, 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 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.

6. **MANAGEMENT OF INFORMATION**

- 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.

7. **DRAFT MINUTES**

- a 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.
- b Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and 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.

8. **CODE OF CONDUCT AND DISPENSATIONS**

- a A dispensation may be granted in accordance with standing order 13(e) 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.

9. **CODE OF CONDUCT COMPLAINTS (see HPC complaints policy)**

- 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.

10. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. 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).

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
 - ii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
 - iii. facilitate inspection of the minute book by local government electors;
 - iv. receive and retain copies of byelaws made by other local authorities;

11. ACCOUNTS AND ACCOUNTING STATEMENTS / FINANCIAL CONTROLS AND PROCUREMENT

See Finance Regulations and terms of Reference of Finance and Employment Committee (2019)

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements.
- b 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 unless it proposes to use an existing list of approved suppliers (framework agreement).
- c 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.
- d A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

12. HANDLING STAFF MATTERS (refer to Finance and Employment Committee and Contract)

- a 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.

13. RESPONSIBILITIES TO PROVIDE INFORMATION

See also GDPR policy, Financial Regulations and Complaints policy.

- a 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.
 - b. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.
- OR
- The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

14. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- b The Council shall have a written policy in place for responding to and managing a personal data breach.
- c 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.
- d 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.
- e The Council shall maintain a written record of its processing activities.

15. **RELATIONS WITH THE PRESS/MEDIA**

- a See Code of Conduct.

16. **EXECUTION AND SEALING OF LEGAL DEEDS**

- a **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**
The above is applicable to a Council without a common seal.