
Humber, Ford & Stoke Prior Group Parish Council

Standing Orders

(Adopted by Council on 15 May 2013)

(Standing Order 32 amended 19 March 2014)

(Standing Order 7(b) amended on 3 December 2014)

(Standing Order 32(h) added 19 July 2017)

(Standing Order 33 amended 18 July 2018)

(Standing Order 25 amended 27 March 2019)

(Standing Order 7, 25, 32 & 33 amended 21 July 2021)

(Minor amendment to legal reference on page 1 of 22, 18th May 2022)

INTRODUCTION

A local authority may make Standing Orders “for the regulation of its proceedings and business” and may vary or revoke such orders, provided they comply with the law¹. Standing Orders specify the rules and procedures for meetings of the Council and its committees, and also for other matters which require formal regulation. Model Standing Orders are published by the National Association of Local Councils and by the Society of Local Council Clerks, and these Orders are based on those models.

These Standing Orders should be read by all councillors as they set out how the Council’s business and meetings are conducted, and contain rules and procedures with which councillors should be familiar.

Some of the Standing Orders reflect compulsory provisions as they are laid down in Acts of Parliament. These are printed in **bold type**, and footnotes refer to the relevant legislation. These Standing Orders cannot be substantively amended, except where the relevant legislation changes.

It is, of course, recognised that councillors can be male or female. Therefore, wherever the masculine gender is used, this should be interpreted as also meaning the feminine gender where appropriate.

¹ Local Government Act 1972 Sch. 12 section 42.

Contents

1.	Time, Place and Notice of Meetings.....	4
2.	The Statutory Annual Meeting of the Council.....	4
3.	Other Meetings of the Council	4
4.	Extraordinary Meetings of the Council	5
5.	Chairman and vice-Chairman	5
6.	Proper Officer	5
7.	Admission of the Public and Press to Meetings	6
8.	Public Participation in Meetings.....	6
9.	Quorum of the Council	7
10.	Attendance of members	7
11.	Resignation, disqualification, casual vacancies and co-option of councillors.....	7
12.	Order of Business	9
13.	Resolutions	10
14.	Rules of Debate	11
15.	Closure of Debate and Adjournment	12
16.	Voting.....	12
17.	Disorderly Conduct	13
18.	Reversing a Previous Resolution.....	13
19.	Discussions and Resolutions Affecting Employees of the Council.....	13
20.	Minutes	13
21.	Sealing of Documents.....	14
22.	Committees and sub-Committees	14
23.	Advisory Committees and Working Groups	15
24.	Financial Regulations	15
25.	Code of Conduct and Members' Interests	15
26.	Appointments under the Council, including Canvassing of and Recommendations by Members.....	16
27.	Inspection of Documents	16
28.	Unauthorised Activities	16
29.	Confidential Business	17
30.	Relations with the press/media	17
31.	Liaison with District Councillors	17
32.	Planning Applications.....	17
33.	Data security and protection, and publication of information	18
34.	General Power of Competence	19
35.	Complaints Procedure.....	19
36.	Variation, Revocation, Suspension and Review of Standing Orders	19

37. Standing Orders to be given to Members 20
Appendix 1: Protocol on the recording and filming of Council and Committee meetings 21

STANDING ORDERS

1. Time, Place and Notice of Meetings

- (a) Meetings of the full Council or its committees shall be held at 7.30pm in the evening unless the Council or the appropriate committee otherwise decides at a previous meeting.
- (b) **Meetings of the Council shall not take place in premises which at the time of the meeting are licensed for the sale of alcohol unless no other premises are available free of charge or at a reasonable cost.²**
- (c) **Notice of each meeting of the Council or its committee, stating the time and place of the meeting and the business proposed to be transacted shall be delivered by the Proper Officer to each member's address not less than three clear days before the day of the meeting.³**
- (d) For the purposes of paragraph (c) above, notice may be delivered to a member's email address where that member has given his agreement.
- (e) **Public notice of each meeting of the Council or its committee, stating the time and place of the meeting and the business proposed to be transacted shall be placed by the Proper Officer on noticeboards in the parish and elsewhere as appropriate, not less than three clear days before the day of the meeting.⁴**
- (f) For the purposes of paragraphs (c) and (e) above, **when calculating the three clear days for notice of a meeting to councillors and the public, 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 shall not count.⁵**

2. The Statutory Annual Meeting of the Council

- (a) **In an election year the Annual Parish Council Meeting 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 Parish Council Meeting shall be held on such day in May as the Council may direct.⁶**
- (c) Subject to paragraph (a) above, the Annual Parish Council Meeting shall normally be held on the third Wednesday in May.

3. Other Meetings of the Council

- (a) **In addition to the Statutory Annual Parish Council Meeting *at least* three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.⁷**
- (b) Subject to paragraph (a) above, unless otherwise determined by the Council, ordinary meetings shall normally be held on the third Wednesday in the months of July, September, November, January and March.

² Local Government Act 1972, schedule 12, 10(1)

³ Local Government Act 1972, schedule 12, 10(2)(b)

⁴ Local Government Act 1972, schedule 12, 10(2)(a)

⁵ See NALC model standing orders 2011 and case-law.

⁶ Local Government Act 1972, schedule 12, 7(2).

⁷ Local Government Act 1972, schedule 12, 8(1).

- (c) Additional ordinary meetings shall be held as required on a weekday.

4. Extraordinary Meetings of the Council

- (a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time, subject to Standing Order 1.**
- (b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.⁸**
- (c) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- (d) If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

5. Chairman and vice-Chairman

- (a) **A chairman and a vice-Chairman shall be elected at the Annual Meeting of the Council to serve until the next Annual Meeting.⁹**
- (b) **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.¹⁰**
- (c) **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.¹¹**
- (d) **The Chairman, if present, shall preside at a meeting of the full Council. If the Chairman is absent from a meeting of the full Council, the vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting of the full Council, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.¹²**
- (e) **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.¹³**
- (f) **The person presiding at a meeting may exercise all the powers and duties of the Chairman at that meeting.**

6. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the Clerk or nominated officer:

⁸ Local Government Act 1972, schedule 12, 9.

⁹ Local Government Act 1972 section 15(1).

¹⁰ Local Government Act 1972 section 15(4).

¹¹ Local Government Act 1972 section 15(7).

¹² Local Government Act 1972 schedule 12,11(3)

¹³ Local Government Act 1972 section 15(9).

1. **To receive Declarations of Acceptance of Office.**¹⁴
2. To receive and record notices disclosing interests at meetings.
3. To receive and retain plans and documents.
4. **To sign notices or other documents and correspondence on behalf of the Council.**¹⁵
5. **To receive copies of byelaws made by another local authority.**
6. **To certify copies of byelaws made by the Council.**
7. **To sign and issue the summons to attend meetings of the Council.**
8. **To keep proper records for all Council meetings.**¹⁶
9. **To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.**¹⁷
10. To make an annual report to the Council.

7. Admission of the Public and Press to Meetings

- (a) **Meetings of the full Council and its committees 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.**¹⁸
- (b) **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. Members of the press and public shall be permitted to film or record or broadcast meetings at which they are entitled to be present, under the protocol approved by the Council.**¹⁹ This protocol is contained in appendix one of these orders.
- (c) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

8. Public Participation in Meetings

- (a) At all meetings of the Council and its committees there shall be a period during which the Chairman may allow any members of the public to address the meeting in relation to the business to be transacted or on any other matter. This period shall normally be before consideration of the business to be transacted, although the Chairman may, at his or her discretion, vary this arrangement where appropriate, including allowing members of the public to address the meeting at other times in the meeting (for example, when considering planning applications).
- (b) Each member of the public shall normally not speak for more than 3 minutes, and the period for the public to address the meeting shall normally not exceed 15 minutes in total, although the Chairman may, at his or her discretion, extend either of these where appropriate.
- (c) Within the above period(s), members of the public may (i) make representations to the meeting, (ii) give evidence relating to the business to be transacted or (iii) answer questions from members put through the Chairman. The Chairman may request speakers not to repeat points already made by earlier speakers.
- (d) Such periods form part of the meeting in law and shall be duly minuted.
- (e) The Clerk shall place public notices of the provision for public participation in meetings.

¹⁴ Local Government Act 1972 section 83(4).

¹⁵ Local Government Act 1972 section 234.

¹⁶ Local Government Act 1972 section 112.

¹⁷ Data Protection Act 1998; Freedom of Information Act 2000.

¹⁸ Public Bodies (Admissions to Meetings) Act 1960 and Local Government Act 1972 section 100.

¹⁹ Local Government Audit and Accountability Act 2014; The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095).

- (f) Nothing in paragraphs (a) to (e) above shall affect the Council's right to exclude the public temporarily from a meeting under Standing Order 7.

9. Quorum of the Council

- (a) **Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council²⁰**: four members shall therefore constitute a quorum.
- (b) If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
- (c) For a quorum relating to a committee or sub-committee, refer to Standing Order 22.

10. Attendance of members

- (a) **The minutes of a meeting shall record the names of members present²¹** and absent, and this shall also be recorded in an attendance book kept by the Clerk for that purpose.
- (b) If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting this shall be recorded in the attendance book kept by the Clerk, shall be reported to the meeting and the meeting may resolve to accept those reasons.
- (c) **A member who has not attended a meeting of the Council or its committee, sub-committee or advisory committee for a period of six months shall cease to be a member, unless such absence is approved by resolution of the Council²²** at the meeting prior to the date on which the member would become ineligible. In such a case, at that meeting the Council may consider reasons for absence given at previous meetings and whether these were accepted, and may resolve to excuse the absence for a period not exceeding the date of the next scheduled meeting of the full Council.
- (d) The Clerk shall include a report on the attendance of all members at meetings in his Annual Report to the Council.

11. Resignation, disqualification, casual vacancies and co-option of councillors

- (a) **A councillor may resign from office by writing to the Chairman, or in the case of the Chairman by writing to the Council through the Clerk, and his resignation shall take effect upon receipt by the Chairman or the Council respectively.²³**
- (b) **If a Councillor ceases to be qualified or becomes disqualified (for any reason other than disqualification after audit, conviction, corrupt or illegal election practices) or if he is absent for six consecutive months for reasons not approved by the Council (see Standing Order 10), the Council must declare his office vacant.²⁴**
- (c) The Clerk shall, within three days (or as soon as possible thereafter) of the resignation, death or disqualification of any councillor, notify Herefordshire Council of this in writing, and on receipt of a

²⁰ Local Government Act 1972 Schedule 12 (12).

²¹ Local Government Act 1972 section 40.

²² Local Government Act 1972 section 85.

²³ Local Government Act 1972, section 84(1).

²⁴ Local Government Act 1972, section 87.

Notice of Casual Vacancy, shall arrange for immediate publication of this to the electors of the parish concerned. **[If, within a period of 14 clear days of the notice, 10 or more electors request a bye-election, this will be held within 60 days of the notice unless there is less than six months until the end of the term of office for the vacancy. If no such election is called, the Council will be notified that it must co-opt to the vacancy. If there is less than six months until the end of the term of office for the vacancy, the Council will be notified that it *may* co-opt to the vacancy.^{25]}**

(d) Co-option to a casual vacancy

- (i) On receipt of a notice to co-opt to a casual vacancy, the Clerk shall (except in the case of paragraph (ii) below) immediately advertise, through public notices and any other suitable means, that the Council will co-opt to the vacancy, inviting letters of application from qualified persons, specifying the qualifying criteria and the application procedure as set out in paragraphs (iv) and (v) below. The Clerk shall provide to applicants and prospective applicants information about the Council and the role of councillor.
- (ii) Where the term of office for a casual vacancy has less than 6 months to run, the Council shall determine whether to co-opt to the vacancy or leave the office vacant for ordinary election.
- (iii) There shall be at least 21 days from the date of the public notice of co-option to the date of the meeting at which the Council will co-opt to the vacancy. The Council shall normally co-opt to a vacancy at the next suitable ordinary meeting, except where the Council has previously resolved to hold an additional meeting for this or any other purpose.
- (iv) Applications from qualified persons for co-option shall be made in writing to the Clerk, specifying the applicant's qualification for co-option as a councillor, name, address, experience and any other information in support of their application. Applications must be received by the Clerk no later than five clear days before the day of the meeting at which the Council will co-opt to the vacancy, and shall be sent to councillors in confidence with the agenda.
- (v) Applicants shall be invited by the Clerk to attend the meeting to speak for a short time in support of their application and answer brief questions from councillors.
- (vi) Should the Council wish to debate the merits of an applicant or applicants, the Council shall resolve to exclude members of the press and public from that debate, due to its potentially sensitive and private nature. The press and public shall be re-admitted for resolutions and voting on the co-option.
- (vii) If there is only one applicant for a vacancy, a resolution to co-opt that applicant to the vacancy may be made and seconded and shall be voted on by show of hands, unless two members request voting by a signed secret ballot.
- (viii) If there are two or more applicants for a vacancy, a resolution to put the selection to a signed secret ballot may be made and seconded and shall be voted upon before such a ballot is held.
- (ix) In a signed secret ballot the Clerk shall count and declare the numbers of votes cast. **A successful applicant must receive an absolute majority of votes from members present and voting²⁶**; therefore, where there are more than two applicants, further rounds of voting may be required in which the applicant with the least votes in the previous round is struck off.
- (x) **In the event of a tied vote, the Chairman shall have a casting vote.**
- (xi) The Council is not obliged to co-opt an unsuitable applicant. In the event of there being no suitable applicant, the Clerk shall re-commence the procedure specified in paragraph (i) above and notify Herefordshire Council of this.

²⁵ Local Elections (Parishes and Communities) (England and Wales) Rules 2006, SI 2006/3305, 5(3)&5(5).

²⁶ Local Government Act 1972, Schedule 12, para 39.

- (xii) A successful applicant shall be invited to attend the next Council meeting, at which his Declaration of Acceptance of Office shall be received.

12. Order of Business

(a) Annual Council Meeting

At each Annual Parish Council Meeting the order of business shall be:

- 1. to elect a Chairman of the Council;**²⁷
- 2. to receive the Chairman's Declaration of Acceptance of Office or, if not then received, to decide when it shall be received;**²⁸
- 3. in the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations;**
- 4. to decide when any Declarations of Acceptance of Office which have not been received as provided by law shall be received;**²⁹
5. to elect a Vice-Chairman of the Council;
6. to receive and record apologies for absence from members;
7. to receive and record declarations of interests from members (see Standing Order 25);
- 8. to consider applications for dispensations on participation by members with declarations of interests;**³⁰
9. to consider the Minutes and **approve the signature of the Minutes by the person presiding as a correct record;**³¹
10. to dispose of any business remaining from the last meeting;
11. to receive such communications as the person presiding may wish to lay before the Council;
12. to receive statements from members of the public (see Standing Order 8);
13. to receive annual reports from groups and individuals.
- 14. to receive and approve the Statement of Accounts and the Annual Return & Governance Statement for the previous financial year.**³²
15. to review and adopt Standing Orders and **Financial Regulations**³³;
16. to review the Council's published procedures and policies.
- 17. in a year of elections, if the Council's period of eligibility to exercise the General Power of Competence expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility**³⁴;
18. to review the register of land and other assets;
19. to inspect any deeds and trust investments in the custody of the Council as required;
20. to review and confirm arrangements for insurance cover in respect of all insured risks;
21. to review delegation arrangements to committees, sub-committees, employees and other local authorities;
22. to appoint or re-appoint members to committees and sub-committees and agree or review their terms of reference;
23. to review the Council's and/or employees' memberships of other bodies;
24. to appoint representatives to outside bodies.
25. to set the dates, times and place of ordinary meetings of the full Council for the year ahead.

and shall thereafter follow the order set out for Ordinary Meetings (items 9 onwards) in paragraph (b) below.

²⁷ Local Government Act 1972 section 15(2).

²⁸ Local Government Act 1972 section 83.

²⁹ Local Government Act 1972 section 83.

³⁰ Localism Act 2011 section 33.

³¹ Local Government Act 1972 Schedule 12, 41.

³² Accounts and Audit (England) Regulations 2011.

³³ Accounts and Audit (England) Regulations 2011.

³⁴ Localism Act 2011, section 8(2) and The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

(b) Ordinary and Extraordinary Meetings

At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent³⁵ and to receive such Declarations of Acceptance of Office (if any) as are required by law to be made or, if not then received, to decide when they shall be received.³⁶

After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:

1. to receive and record apologies for absence from members;
2. to receive and record declarations of interests from members (see Standing Order 25);
3. **to consider applications for dispensations on participation by members with declarations of interests;**³⁷
4. to consider the Minutes and **approve the signature of the Minutes by the person presiding as a correct record;**³⁸
5. **to deal with business expressly required by statute to be done;**
6. to dispose of any business remaining from the last meeting;
7. to receive such communications as the person presiding may wish to lay before the Council;
8. to receive statements from members of the public (see Standing Order 8);
9. to receive and consider reports and minutes of committees;
10. to receive and consider reports from officers of the Council;
12. to authorise the sealing of documents (see Standing Order 21);
13. to authorise the signing of orders for payment;
13. to receive and consider resolutions or recommendations in the order in which they have been notified;
14. other matters for information or for future business.

(c) Urgent business

A motion to vary the order of business on the ground of urgency

(i) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and

(ii) shall be put to the vote without discussion.

13. Resolutions

- (a) The Council or its committee shall decide to act or make a recommendation on any business by means of a formal resolution, which shall be moved by a member, and then, if seconded by another member, voted on by members present.
- (b) Every resolution shall be relevant to some subject over which the Council has power or duties, which affect its area.
- (c) Except as provided by paragraph (e) below, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing to the Clerk as specified in paragraph (d) below.
- (d) Resolutions moved on notice
 - (i) A member may give notice in writing of the terms of a resolution to be moved at a meeting which shall be delivered to the Clerk at least seven clear days before that meeting.

³⁵ Local Government Act 1972 Schedule 12, 11(3).

³⁶ Local Government Act 1972 section 83.

³⁷ Localism Act 2011, section 33.

³⁸ Local Government Act 1972 Schedule 12, 41.

- (ii) The Clerk shall date every such notice of resolution when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- (iii) The Clerk shall insert in the agenda for every meeting all notices of resolution properly given, in the order in which they have been received unless the member giving such notice has stated in writing that he intends to move at some later meeting or that he withdraws it.
- (iv) If a resolution specified in the agenda is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (v) If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

(e) Resolutions moved without notice

Resolutions dealing with the following matters may be moved without notice:

- (i) to appoint a Chairman of the meeting;
- (ii) to accept members' reasons for absence or approve their absence;
- (iii) to correct the Minutes;
- (iv) to approve the Minutes;
- (v) to alter the order of business;
- (vi) to proceed to the next business;
- (vii) to close or adjourn the debate;
- (viii) to refer a matter to a committee;
- (ix) to appoint a committee or any members thereof;
- (x) to adopt a report;
- (xi) to authorise the sealing of documents;
- (xii) to authorise payment of monies up to £200;
- (xiii) to amend a motion;
- (xiv) to give leave to withdraw a resolution or amendment;
- (xv) to extend the time limit for speeches;
- (xvi) to exclude the press and public (see Standing Order 8);
- (xvii) to silence or eject from the meeting a member named for misconduct (see Standing Order 17);
- (xviii) to give the consent of the Council where such consent is required by these Standing Orders;
- (xix) to suspend any Standing Order except those which are mandatory by law (see Standing Order 36);
- (xx) to adjourn the meeting.

14. Rules of Debate

- (a) Members shall address the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- (b) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- (c) A resolution moved by a member shall not be discussed or voted upon unless it is seconded by another member.
- (d) A member (including the mover to the original resolution) may propose an amendment to a resolution under discussion but it shall not have the effect of negating the resolution before the Council.
- (e) If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

- (f) When a resolution is under debate no other resolution shall be moved except an amendment or a procedural resolution on a point of order, such as to proceed to next business, to proceed to the vote, or to adjourn the debate.
- (g) Debate on a resolution under (f) above shall take precedence over debate on the substantive resolution.
- (h) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

15. Closure of Debate and Adjournment

- (a) At the end of any speech a member may, without comment, move “that the resolution be now put to the vote”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such a motion is seconded, the Chairman shall put the motion to the vote immediately but, in the case of a motion “that the resolution be now put to the vote”, only if he is of the opinion that the question before the Council has been sufficiently debated and the mover of the motion has had opportunity to exercise his right of reply.
- (b) If the motion “that the question be now put to the vote” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

(Note: where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need be issued except a notification to members not present of the date of the continuation of the meeting.)

16. Voting

- (a) **Subject to paragraph (d) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**³⁹
- (b) Members shall vote by show of hands or, if at least two members so request, by signed ballot.⁴⁰
- (c) **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.**⁴¹ Such a request must be made before moving on to the next business.
- (d) Casting Vote
 - (i) **Subject to (ii) and (iii) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**⁴²
 - (ii) **If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**⁴³
 - (iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**⁴⁴

³⁹ Local Government Act 1972 Schedule 12, 39(1).

⁴⁰ Local Government Act 1972 Schedule 12, 13(1).

⁴¹ Local Government Act 1972 Schedule 12, 13(2).

⁴² Local Government Act 1972 Schedule 12, 39(2).

⁴³ Local Government Act 1972 section 15.

⁴⁴ Local Government Act 1982 section 15(4).

(e) Voting on Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

17. Disorderly Conduct

- (a) **During meetings all members must observe the Code of Conduct which was adopted by the council on 18 July 2012, a copy of which is annexed to these Standing Orders.**⁴⁵
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

18. Reversing a Previous Resolution

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except:
- either* (i) by a special resolution, the written notice whereof bears the names of at least six members of the Council,
or (ii) by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) Where a decision to reverse an earlier decision has been taken under paragraph (a) above, no resolution to reverse the decision again may be moved within a further six months.

19. Discussions and Resolutions Affecting Employees of the Council

- (a) In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Any such employee present at the meeting shall normally leave the room during this review.
- (b) If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded (see Standing Order 7) and whether it is appropriate for such an employee present at the meeting to leave the room.

20. Minutes

- (a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

⁴⁵ Localism Act 2011 section 28 and LGA New Model Code of Conduct 2020.

- (b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- (c) Minutes, including any amendment to correct their accuracy, **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**⁴⁶.

21. Sealing of Documents

- (a) **In place of a Common Seal of the Council, two members of the Council shall sign any document or instrument which is required by law to be sealed.**⁴⁷
- (b) A document shall not be sealed on behalf of the Council under paragraph (a) unless its sealing has been authorised by a resolution naming the two members to sign the document.

22. Committees and sub-Committees

- (a) The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, specifying their terms of reference, but subject to any statutory provision in that behalf:
 - (i) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting;
 - (ii) may appoint persons other than members of the Council to any Committee; and
 - (iii) may subject to the provisions of Standing Order 18 at any time dissolve or alter the membership of committee.
- (b) The Chairman and Vice-Chairman of the Council, ex-officio, shall be voting members of every committee.
- (c) Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall both hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- (d) The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting.
- (e) Every committee may appoint sub-committees for purposes to be specified by the committee.
- (f) The Chairman and Vice-Chairman of the committee shall be voting members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- (g) The Standing Orders on Rules of Debate, Closure of Debate and Adjournment, Voting, Disorderly Conduct, Minutes, and Code of Conduct and Members' Interests shall apply to committee and sub-committee meetings.
- (h) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.
- (i) A member of the Council who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

⁴⁶ Local Government Act 1972, Schedule 12 para 41(1).

⁴⁷ Local Government Act 1972 section 14(3)

23. Advisory Committees and Working Groups

- (a) The Council may create advisory committees or working groups, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- (b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- (c) An advisory committee may make recommendations and give notice thereof to the Council, but may not make decisions on behalf of the Council.
- (d) An advisory committee may consist wholly of persons who are not members of the Council.

24. Financial Regulations

- (a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. Such Regulations shall include detailed arrangements for the following:
 - (i) the accounting records and systems of internal control;
 - (ii) the assessment and management of risks faced by the Council;
 - (iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - (iv) procurement policies including the setting of values for different procedures where the contract has an estimated value of less than £20,000.
- (b) **It shall be the duty of the Council to review The Financial Regulations at least annually.⁴⁸**
- (c) **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.⁴⁹**

25. Code of Conduct and Members' Interests

(a) Code of Conduct and registration of interests

All councillors shall observe the LGA New Model Code of Conduct (adopted on 21 July 2021). The Code specifies the requirements for registration of interests and the procedures declaring such interests and participating in meetings where such interests are declared.

(b) Declaration of interests at meetings

If any member has any interest in in any contract, proposed contract or other matter under consideration at any meeting of the Council (including committees and sub-committees), the member shall sign a record of the nature of this interest in a book kept for that purpose, shall also declare it at the appropriate point in the meeting, and this declaration shall be recorded in the minutes.

(c) Participation by members declaring an interest

- (i) A member declaring a Schedule 1 Interest under the Code of Conduct (a Disclosable Pecuniary Interest within the meaning of the Localism Act 2011 and the relevant Regulations) or a Schedule 2 Interest shall withdraw from the meeting room during all such consideration (including periods for members of the public to address the meeting on the matter) and may not, without specific dispensation granted under paragraph (d) below, speak to, or participate in discussion, or vote on the matter.
- (ii) A member declaring an interest in the financial position of the member, a member of their family or a close personal associate (a financial 'Other declarable interest' under the Code of Conduct) may not, without specific dispensation granted under paragraph (d) below, speak to, or

⁴⁸ Accounts and Audit (England) Regulations 2011, para 4.

⁴⁹ Local Government Act 1972, section 101.

participate in discussion, or vote on the matter, except to address the meeting as a member of the public under the provisions of Standing Order 8.

- (iii) A member declaring an interest in the welfare position of the member, a member of their family or a close personal associate (a welfare 'Other declarable interest' under the Code of Conduct) may participate in discussion and vote on the matter.

(d) Dispensations

A meeting may, on written application by the member concerned to the Clerk no less than one day before the meeting, resolve to grant a dispensation from any or all of the requirements of paragraph (c) above, having regard for the provisions for such dispensations in the Localism Act 2011 section 33. The existence, nature and duration of any dispensations granted will be minuted and, in the case of Disclosable Pecuniary Interests, recorded in the Register lodged with the Monitoring Officer of Herefordshire Council.

26. Appointments under the Council, including Canvassing of and Recommendations by Members

- (a) If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Order 25 shall apply as appropriate.
- (b) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.
- (c) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (d) Paragraphs (a) to (c) above shall apply to tenders as if the person making the tender were a candidate for an appointment.
- (e) The Clerk shall make known the purpose of this Order to every candidate for appointment.

27. Inspection of Documents

- (a) A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- (b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**⁵⁰

28. Unauthorised Activities

Unless authorised to do so by the Council or the relevant committee or sub-committee, no councillor shall in the name of or on behalf of the Council:

- (i) Issue orders, instructions or directions; or
- (ii) Undertake any inspection of lands or premises which the Council owns or has a right or duty to inspect.

⁵⁰ Local Government Act 1972 section 228(1).

29. Confidential Business

- (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- (b) Any member found by the Council to be in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council.

30. Relations with the press/media

- (a) **All requests from the press or other media for an oral or written statement or comment from the Council shall be referred to the Clerk, who shall agree any statement or comment with the Chairman.**
- (b) **Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media, unless authorised to do so by resolution of the Council or its committee.**

31. Liaison with District Councillors

- (a) The notice and agenda for each meeting shall be sent, together with an invitation to attend, to the District Councillor for the appropriate ward.
- (b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to Herefordshire Council shall be copied to the District Councillor for the ward.

32. Planning Applications

- (a) A Planning Committee shall be appointed to determine the Council's comments on planning applications submitted to the local planning authority and published for consultation. The Planning Committee shall consist of the Chairman and Vice-Chairman of the Council (ex-officio) and four other members of the Council.
- (b) At the discretion of the Chairman of the Council or by request of two members of the Council, a planning application may be considered by the full Council instead of the Planning Committee.
- (c) The Clerk shall, as soon as it is received, enter in a book kept for that purpose the following particulars of every planning application notified to the Council:
 - (i) the date on which it was received;
 - (ii) the name of the applicant;
 - (iii) the place to which it relates;
 - (iv) a summary of the nature of the application.
- (d) The Clerk shall, as soon as possible after receiving an application:
 - (i) circulate details of the application to all members of the Council, inviting their comments within a period of not less than 7 days;
 - (ii) determine, in consultation with the Chairman of the Planning Committee, a date for the Committee to consider the application;
 - (iii) place public notices of the application, inviting comments from members of the public within a period of not less than 3 clear days, and publicising the time and place of the meeting which will consider the application, including information about provision for public participation in the meeting.
 - (iv) send to the applicant the notice under paragraph (iii) above.
- (e) The Planning Committee (or where appropriate the full Council) may undertake a site visit for the purposes of inspecting the site and understanding facts relevant to the application. Site visits shall not include any discussion of, or comments on, the application and shall not include participation by the applicant or any member of the public, except to provide explanation of factual information.

(f) Where, following the consultation periods prescribed under paragraph (d), *no* substantive comments or objections have been received, the Clerk, following consultation with the Chairman of the Planning Committee, may post public notices and notify the applicant that the Council intends to submit no comments on the application, and no Planning Committee shall be convened.

(g) Proposed planning applications

The Planning Committee may, at the discretion of its Chairman, act as a forum for the public notification and presentation of a proposed planning application (that is, one which has not been submitted to the local planning authority and published for consultation) but shall not make any comments or give advice or make resolutions relating to the proposed application.

Public notice of a proposed application brought to the Committee shall be posted by the Clerk. The Committee may, subject to Standing Order 8 (Public Participation in Meetings):

- (i) receive a statement and other information from the proposer or his agent;
- (ii) ask questions of the proposer or his agent;
- (iii) receive statements from other members of the public;
- (iv) permit questions to the proposer or his agent from members of the public through the Chairman.

(h) Other types of application

On receipt of notification of any other type of application (including prior approval of permitted development and approval of details reserved by condition) where this is not published for consultation, the Clerk will, as soon as possible, circulate notice of this to all members of the Council and place public notices in appropriate places. No Planning Committee shall normally be convened to consider the Council's views on such an application, unless the Chairman of the Council or the Chairman of the Planning Committee or two other members of the Council request this.

33. Data security and protection, and publication of information

(a) Data security and protection

- (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, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- (vi) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his or her personal data.
- (vii) The Council shall have a written policy in place for responding to and managing a personal data breach.

- (viii) 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.
 - (ix) 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.
 - (x) The Council shall maintain a written record of its data processing activities.
- (b) Publication of information
- (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.

34. General Power of Competence

- (a) **Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- (b) **The Council's period of eligibility begins on the date that the resolution under paragraph (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- (c) **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in paragraph (b) above.⁵¹**

35. Complaints Procedure

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Monitoring Officer of Herefordshire Council.

36. Variation, Revocation, Suspension and Review of Standing Orders

- (a) Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- (b) A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- (c) Standing Orders shall be reviewed by the Council at least annually to ensure their compliance with legislation and best practice.

⁵¹ Localism Act 2011 section 5(4) and The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

37. Standing Orders to be given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's Declaration of Acceptance Office.

Humber, Ford & Stoke Prior Group Parish Council

Protocol on the recording and filming of Council and Committee Meetings

approved by Council, 3 December 2014

1. The right to record, film and to broadcast meetings of the council, committees and sub committees is established following the Local Government Audit and Accountability Act 2014. This is in addition to the rights of the press and public to attend such meetings.
2. The Council asks those wishing to record proceedings to notify the Clerk beforehand.
3. Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded.
4. Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner.
5. The use of digital and social media recording tools, for example Twitter, blogging or audio recording be allowed as long as it is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.
6. While those attending meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.
7. The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be recording in a disruptive manner.
8. Any person or organisation choosing to film, record or broadcast any meeting of the Council or a committee is responsible for any claims or other liability from them so doing.
9. The Council expects those recording proceedings not to edit the film or recording in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show lack of respect towards those being filmed or recorded.
10. The Council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies.
11. The Council will display requirements as to filming, recording and broadcasting at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

December 2014

