

**MINSTERWORTH PARISH COUNCIL  
STANDING ORDERS**

*A copy of these, and the Statutory Draft Standing Orders, will be given to all Councillors when they first attain office*

**1 MEETINGS GENERALLY**

- a. All meetings of the Council shall be held at Minsterworth Village Hall on the second Monday of the month, beginning at 7.30pm, unless otherwise notified. No meeting shall last more than 1.5 hours, and any business not transacted by that time shall be held over to the next meeting. However, by agreement the meeting can be extended for a further 15 minutes.
- b. When calculating the 3 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, or bank holiday shall not count.
- c. Meeting 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.
- d. Subject to standing 1 (c) above members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e. The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 10 minutes.
- f. **Subject to Standing 1(g) 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 take 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.**
- g. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- h. The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- i. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- j. The Chairman, if present, shall preside at a meeting. If a Chairman is absent from a meeting, the Vice-Chairman, if present shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- k. Subject to a meeting quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.
- l. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.
- m. Voting on any question shall be by a show of hands or by a signed ballot if 2 or more Councillors wish it. At a 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.

- n. The minutes of the meeting shall record the names of the Councillors present.
- o. A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary 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.
- p. 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.
- q. If a meeting is or becomes inquorate no business shall be transacted.

## 2 ORDINARY COUNCIL MEETINGS – See also Standing Order 1

- a. In an election year, the annual meeting of the Council shall be held within 14 days following the day on which the new Councillors were elected.
- b. In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c. The Annual meeting of the Council shall take place at 7.30pm.
- d. In addition to the Annual Meeting of the Council, the Council will meet on the second Monday of every month apart from August unless otherwise notified.
- e. **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.**
- f. The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.
- g. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- k. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:
  - 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 too be done at a later date**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council.
- iii. To appoint wardens, working groups and representatives.

### 3 PROPER OFFICER

- a. The Clerk is the proper officer of the council and is also the Responsible Financial Officer and shall amongst other duties do the following: **At least three clear days before a meeting of the Council, a committee or sub-committee:**
  - i. **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**
  - ii. **Provide, in a conspicuous place, public notice of the time, place and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
  - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office,**
  - iv. **Facilitate inspection of the minute book by local government electors.**
  - v. **Receive and retain copies of byelaws made by other local authorities.**
  - vi. **Hold acceptance of office from Councillors.**
  - vii. Receive and record declarations of members' [current disclosable pecuniary] interests
  - viii. Receive and keep plans and documents
  - ix. Sign notices and other documents on behalf of the Council
  - x. Authorised to agree to spend up to £100 in the case of emergency repairs, maintenance matters and the purchasing of stationery items subject to the agreement of the Chairman or Vice- Chairman.

### 4 AGENDA/MINUTES

- a. Any Councillor wishing to have a subject put onto the agenda should pass the relevant information to the Clerk at least 10 days before the meeting
- b. Unless the Council decides otherwise, the order of business shall be as presented in the Agenda, which will have been drawn up by the Clerk in consultation with the Chairman.
- c. No discussion of the Minutes should take place except on their accuracy. Any corrections must be agreed and initialled by the Chairman. **Once agreed and signed, the Minutes are seen as a correct record of the meeting.**
- d. **Any business expressly required by statute must be dealt with as soon as possible.**
- e. Matters received within the week before a meeting can be added to the agenda at the discretion of the Council. However, decisions, which would incur expense, cannot be taken unless the matter has been notified on the agenda.
- f. Discussion papers or reports, **not** circulated prior to the meeting, should be restricted to one side of A4. Enough copies should also be supplied for the Clerk and all members of the Council.
- g. Any matters declared to be "confidential" must not be discussed outside the Council.

- h. All minutes kept by Council/committee shall be open for the inspection of any member of the Council.** Similarly, all Council documents may be inspected by Councillors and, if feasible, copies supplied on request. Parishioners may view the minutes on the Council website ([www.minsterworthparishcouncil.org.uk](http://www.minsterworthparishcouncil.org.uk)).
- i. 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.**

## **5 EXTRAORDINARY MEETINGS**

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 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.**

## **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 RESPONSIBILITIES TO PROVIDE INFORMATION**

- 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 Local Government (Transparency Requirements) (England) Regulations**

2015.

## **8 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

## **9 CODE OF CONDUCT AND DISPENSATIONS**

- a. All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b. Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting (including from the public area/gallery) when it is considering a matter in which he has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c. Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting (including from the public area/gallery) when it is considering a matter in which he/she has another interest if so by the Council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Clerk at least 24 hours prior to the meeting for which the dispensation is required.**
- e. A decision as to whether to grant a dispensation shall be made by the Proper Office and that decision is final.
- f. **A dispensation may be granted in accordance with standing 9(d) 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 other 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

## **CODE OF CONDUCT COMPLAINTS**

- g. Upon notification by the District of 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 FINANCIAL CONTROLS AND PROCUREMENT

- a. Expenditure -Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b. The Council's financial regulations shall be reviewed once a year.
- 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.**
- d. **Orders for the payment of money shall be authorised by resolution of the Council and signed by 2 members.**
- e. Every resolution or recommendation of the Council shall be relevant to some subject over which the Council has power or which directly affects the parish.
- f. The Council shall annually review the pay and conditions of service of any employees in the light of current employment and other relevant law.
- g. The Councillors authorise the Clerk to conduct payments and bank transfer via electronic banking.

## 11 PLANNING:

- a. Planning Applications – the Clerk shall record the date on which it was received; the name of the applicant; the place to which it relates; and a summary of the nature of the application.
- b. The Clerk, where possible and if required, will obtain an extension from the Tewkesbury Borough Council to enable any applications to be considered at decisions taken at a full Parish Council meeting.

## 12 GENERAL

- a. A member who for whatever reason wishes to resign shall do so in writing addressed to the Chairman with a copy to the Clerk. The resignation will be reported by the Clerk at the next meeting of the Council. Acceptance of resignations, or otherwise, shall not be the subject of debate within the Council.
- b. No member of the Council shall issue orders, instructions or directions write letters or inspect property *etc.*, on behalf of the Council, unless specifically authorised to do so.
- c. The Council shall deal with any complaints against it, its officers or members as recommended in Circular 2/86 issued by NALC.
- d. Any part of these standing orders, except those in **bold**, may be suspended by the Council. Resolutions to add, vary or revoke a Standing Order must be notified on the agenda.
- e. Councillors may ask the Chairman or the Clerk any questions relating to the business under discussion.
- f. Members should address the Chairman, whose ruling on points of order or the admissibility of a personal explanation shall be final.
- g. A decision of the Council shall not be reversed within 6 months except by a vote of five members following a specific proposal included on the agenda.

- h. Any questions relating to the appointment, conduct, dismissal, salary or conditions of service of any member of the Council or anyone employed by the Council shall not be discussed until it has been decided whether the public should be excluded, and the subject deemed “confidential”.

F Wallbank  
May 2018