



HOLYBROOK COUNCIL

Proudly serving the residents of Holybrook Parish since 2000

Standing Orders

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Standing Orders¹

What are Standing Orders?

Standing Orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them.

A local council must have Standing Orders for the procurement of contracts. Meetings of full council, councillors, and the Responsible Financial Officer and Proper Officer (at Holybrook Parish Council these job roles are encapsulated under one job title of Clerk) are subject to many statutory requirements. A council should have Standing Orders to confirm those statutory requirements. A council should have Standing Orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and subcommittees may adopt their own Standing Orders.

The Standing Orders that are in bold contain statutory requirements. Standing Orders that are not in bold are designed to help councils operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs.

The Standing Orders do not include the Financial Regulations. Financial Regulations are Standing Orders to regulate and control the financial affairs and accounting procedures of a local council. The Financial Regulations, as opposed to the Standing Orders of a council, include most of the requirements relevant to the Responsible Financial Officer (Clerk).

Definitions and Meanings

Christmas Break	includes Christmas Day, Boxing Day and any bank holiday in substitution for such a day.
Easter Break	includes Good Friday, Easter Sunday and Easter Monday.
Committee	shall include sub-committee.
Chairman	shall include Vice Chairman.

¹ The Parish Council has adopted the National Code of Local Government Conduct, to indicate the standards expected and the way the Standing Orders should be applied. Some minor adjustments have been made. Key legislation is highlighted in **bold type**.

1. MEETINGS

1.1 Ordinary Meetings

- a) 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 may direct. The Council will agree and annual schedule of meetings at the Annual Meeting, however, additional meetings may be called or scheduled meetings cancelled, as required by council business.
- * * b) 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.
- * * c) When calculating the minimum 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, 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.
- * * 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 all or part of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- * e) Anything authorised or required to be done by, to or before the Chairman may, in their absence, be done by, to or before the Vice-Chairman of the Council.
- * f) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor, as chosen by the Councillors present at the meeting, shall preside at the meeting.
- * * * g) All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
 - i. At the request of a Councillor, the voting on any question shall be recorded to show whether each Councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item on the agenda.
- * * * h) Voting on any question shall be by a show of hands.
- * * * i) 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 (See also Standing Orders 1.4 b) & c)).
- * * * j) 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 the Councillors present and absent;
 - iii. whether a councillor, or non-councillor with voting rights, left the meeting when matters that they held interests in were being considered;
 - iv. if there was a public participation session; and the resolutions made.

* * *

- k) **The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting. A Councillor, or non-councillor with voting rights, who has a disclosable pecuniary interest, or other interest as set out in the Council's Code of Conduct, in a matter being considered at a meeting is subject to statutory mitigations and restrictions under the Code on their right to participate and vote on that matter.**

* * *

- l) **An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes (see also Standing Orders 3 & 3.1)**

*

- m) **No business shall be transacted at a meeting unless at least one third of the whole number of members of the Council are present** (Holybrook Parish Council's total membership is 15, therefore, quorum is at least 5 members).

- i. Quorum for committees shall be included in the relevant committee's Terms of Reference.

* * *

- n) **If a meeting is, or becomes, inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting or on such other day as the Chairman may fix.

* * *

- o) Meetings shall not exceed a period of 2.5 hours. Unless the Council votes to continue. This will be by a show of hands (see also Standing Order 1 i).

* * *

- p) The Chairman's decision as to the application of Standing Orders at a meeting shall be final.

* * *

- q) A Councillor's failure to observe Standing Orders on more than three occasions, in one meeting, shall result in them being excluded from the meeting.

1.2 Public Participation at Meetings

- a) Subject to Standing Order 1.1 d) 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 or bring a relevant item of business to the attention of the Council. There will be an allotted section before the commencement of the official meeting to enable this.
- b) The period which is designed for public participation, in accordance with Standing Order 1.1 d) above), shall not exceed 15 minutes.
 - i. The Chairman may, at their discretion, choose to extend this session if deemed appropriate.
- c) Subject to Standing Order 1.1 d) and 1.2 a) above, each member of the public is entitled to speak once only, and shall not speak for more than 5 minutes.
 - i. The Chairman may, at their discretion, choose to allow further discussion if deemed appropriate.
- d) A question asked by a member of the public during a public participation session at a meeting, shall not require a response or debate.
- e) In accordance with Standing Order 1.2 d) above, the Chairman may direct that a response to a question, posed by a member of the public, be referred to a councillor for an oral response or to an employee for a written or oral response.
- f) A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- g) A person shall raise their hand when requesting to speak and stand in the area designated for public when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may, at any time, permit an individual to be seated when speaking.
- h) Any person speaking at a meeting shall address their comments to the Chairman only.
- i) 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.
- j) If you require the use of the portable hearing loop system, please advise the Clerk on arrival and this can be arranged prior to the commencement of the meeting.
- * * k) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted. Permission must be sought before the meeting commences. The Chairman's decision is final. (see appendix 1).
- * * l) In accordance with Standing Order 1.1 d) above, 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.

Note:

- * Mandatory for full Council meetings
- * * Mandatory for committee meetings
- * * * Mandatory for sub-committee meetings

1.3 Annual meeting of the Council (non-election year)

See also Standing Order 1.1 & 1.2

- a) In a year which is not an election year, the Annual Meeting of the Council shall be held on such a day in May as the Council may direct.
- b) If no other time is fixed, the Annual Meeting of the Council shall take place at 7.30pm.
- c) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting of the Council.
- d) The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.
- e) The Vice-Chairman of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.
- f) 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. Delivery, by the Chairman of the Council, their Declaration of Acceptance of Office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council.
 - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review and confirm, or update, the Terms of Reference for committees.
 - v. Appointment of Members to existing committees.
 - vi. Appointment of any new committees including the confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - vii. Review and adoption of appropriate Standing Orders and Financial Regulations.
 - viii. Where applicable, review of arrangements, including any charters, with local authorities and review of contributions made to expenditure incurred by other local authorities.
 - ix. Review councillor and staff representation on, or work with, external bodies and arrangements for reporting back.
 - x. Review the Council's complaints procedure.
 - xi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.
 - xii. Ad hoc review the Council's other policies as required.
 - xiii. Confirm the setting of the dates, times and place of ordinary meetings of the Full Council for the year ahead (provisionally agreed in January of the calendar year).

1.4 Annual meeting of the Council (election year)

See also Standing Order 1.1, 1.2 above and all other 'Annual Meeting' Standing Orders apply if not stated here

- a) In an election year, the Annual Meeting of the Council shall be held on, or within, 14 days following the day on which the new councillors elected take office.
- b) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they 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 shall give a casting vote in the case of an equality of votes.
- c) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chairman of the Council has been elected. They 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.
- d) 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 in an election year:

- i. Delivery by the Chairman of the Council and councillors of their declarations of acceptance of office.
- ii. In a year of elections, if a 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 re-affirm eligibility.
- iii. The rest of the order of business shall be as 'Annual meeting of the Council non-election year'.

1.5 Extraordinary meetings

See also Standing Order 1.1 and 1.2 above

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

1.6 Motions requiring written notice

- a) A motion shall relate to the responsibilities and performance of the Council's statutory functions, powers and obligations or on an issue which specifically affects the Council's area or its residents.
- b) No motion may be moved at a meeting unless it is included on the agenda
 - i. the mover must give written notice of the motion's wording to the Council's Proper Officer at least 10 clear days before the next meeting (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).
- c) The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 1.6 b) i., correct obvious grammatical or typographical errors in the wording of the motion.
- d) If the Proper Officer considers the wording of a motion received in accordance with Standing Order 1.6 b) i. is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language no later than 7 clear days before the meeting.
- e) If the wording or subject of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected from the agenda.
- f) Having consulted the Chairman or councillors pursuant to Standing Order 1.6 f) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g) Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- h) Every motion rejected, in accordance with the Council's Standing Orders, shall be recorded with a note by the Proper Officer giving reasons for its rejection.

1.7 Motions not requiring written notice

a) The following motions may be moved without written notice to the Proper Officer:

- i. To appoint a person to preside at a meeting.
- ii. To approve the absences of councillors.
- iii. To approve the accuracy of the minutes of the previous meeting.
- iv. To correct an inaccuracy in the minutes of the previous meeting.
- v. To alter the order of business on the agenda for reasons of urgency or expedience.
- vi. To proceed to the next business on the agenda.
- vii. To close or adjourn debate.
- viii. To defer consideration of a motion.
- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- xi. To receive nominations to a committee or sub-committee.
- xii. To dissolve a committee or sub-committee.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendations made by a committee, sub-committee or an employee, professional advisor, expert or consultant.
- xv. To authorise legal deeds to be signed by two councillors and witnessed.
- xvi. To authorise payments.
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To extend the time limit for speeches.
- xix. To exclude the press and public for all or part of a meeting.
- xx. To silence or exclude from a meeting a councillor or a member of the public for disorderly conduct.
- xxi. To give the consent of the Council if such consent is required by Standing Orders.
- xxii. To suspend any Standing Order except those which are mandatory by law.
- xxiii. To adjourn the meeting.
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv. To answer questions from councillors.
- xxvi. Planning applications
- xxvii. Any item the Clerk deems appropriate for council consideration; if a motion is brought by the Clerk, a written report should ideally be included with the agenda.

b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

1.8 Rules of Debate

- a) Motions on the agenda shall be considered as they appear unless the order is changed at the Chairman's direction for reasons of expedience.
- b) A motion (including any amendments) shall not be progressed unless it has been proposed and seconded.
- c) A motion included on an agenda not moved by the Councillor who tabled it, may be treated as withdrawn subject to standing order 1.1 e) &f).
- d) A Councillor may move amendments to their own motion. However, if a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e) Any amendment to a motion shall be either:

- i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- f) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h) Subject to Standing Order 1.8 g), one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- i) Pursuant to Standing Order 1.8 g) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- j) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- k) The mover of a motion or the mover of an amendment shall have the right of reply, not exceeding 3 minutes.
- l) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- m) Subject to Standing Orders 1.8 k) & l) above, a Councillor, unless permitted by the Chairman, may not speak further in respect of any one motion except:
 - i. to speak once on an amendment moved by another Councillor.
 - ii. to make a point of order.
 - iii. to give a personal explanation.
- n) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the irregularity in the meeting they are concerned by.
- o) A point of order shall be decided by the Chairman and their decision shall be final.
- p) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- q) When a Councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion.
 - ii. to proceed to the next business.
 - iii. to adjourn the debate.
 - iv. to put the motion to a vote.
 - v. to ask a person to be silent or for him to leave a meeting.
 - vi. to refer a motion to a committee or a sub-committee for consideration.
 - vii. to exclude the public and the press.
 - viii. to adjourn the meeting.
 - ix. to suspend a Standing Order, except those which are mandatory.
- r) The Chairman shall first be satisfied that the motion has been sufficiently explained before it is seconded, debated and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

- s) Excluding motions moved under Standing Order 1.8 q) the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.

1.9 Disorderly conduct

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- i. Improper conduct may include, but is not limited to:
- persistently talking over other councillors
 - persisting in holding side conversations
 - comments of a personal nature to staff, councillors, or those in attendance at the meeting
 - persistently causing nuisance noise.
- b) If, in the opinion of the Chairman, there has been a breach of Standing Order 1.9 a), the Chairman shall express that opinion and, thereafter, any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c) If a resolution made in accordance with Standing Order 1.9 b) above, is disobeyed, the Chairman may take further reasonable steps necessary to enforce it and/or may adjourn the meeting.

1.10 Rescission of previous resolutions

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least two thirds of the members of the Council, or by a motion in pursuance of the report or recommendations of a committee.
- b) When a special motion or any other motion moved pursuant to Standing Order 1.10 a) has been disposed of, no similar motion may be moved within a further 6 months.

1.11 Voting on appointments

- a) Where more than two persons have been nominated for a position to be filled by the Council, and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

1.12 Questions

- a) A Councillor may seek an answer to a question concerning any business of the Council provided 3 clear days' notice of the question has been given to the Proper Officer in writing. Or, in case of urgency, not later than 10.00am on the day of the meeting.
- b) A Member may, without notice, ask the Chairman of a committee any question upon the proceedings of the Committee.
- c) Every question shall be put and answered without discussion.
- d) A person, to whom a question has been put, may decline to answer a question, may nominate another person to answer, may defer to a relevant document or may provide a written reply when a reply cannot conveniently be given orally.

2. COMMITTEES, SUB-COMMITTEES & ADVISORY COMMITTEES

See also Standing Order 1 above

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose Terms of Reference and members shall be determined by resolution of the Committee.
- b) The Council may appoint standing committees, and such other committees as may be necessary for the best function of the council, and:
 - i. shall determine their Terms of Reference.
 - ii. may permit committees to determine the dates of their meetings.
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) to hold office no later than the next annual meeting.
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer two working days before the meeting that they are unable to attend.
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with Standing Order 2(b)(iv) above, shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation during the meeting;
 - vi. may, in accordance with Standing Orders, dissolve a committee at any time.
 - vii. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c) The Council may appoint advisory committees comprised of several councillors and non-councillors.
- d) Advisory committees and any sub-committees may consist wholly of persons who are non- councillors.
- e) All committees must abide by their agreed Terms of Reference and the General Terms of Reference for Committee and Scheme of Delegation.

3. CODE OF CONDUCT AND DISPENSATIONS (SEE ALSO SO 1 U & V)

- a) All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b) Unless granted a dispensation, a Councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after the matter in which they have an interest has been dispensed.
- c) Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting or, failing that, at the start of the meeting for which the dispensation is required.
- d) A decision as to whether a dispensation is granted shall be made by the Proper Officer or by a meeting of the Council or committee or sub-committee for which the dispensation is required and that decision is final.
- e) A dispensation request shall include:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates.
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought.
 - iv. an explanation as to why the dispensation is sought.
- f) All Councillors shall undertake induction/training in the Code of Conduct within 2 months of the delivery of their Declaration of Acceptance of Office. Councillors will sign a record to confirm receipt and explanation of: Code of Conduct, Good Councillor Guide and Standing Orders.

- g) If paragraph 12(2) of the Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No 1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, Councillors may exercise the rights contained in Standing Order 3 h) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business to be transacted.
- h) Councillors and non-councillors with voting rights with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room.

3.1 Allegations of breaches of the Code of Conduct

- a) Upon notification by the district or unitary council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct the Proper Officer shall report this to the Council.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify either the Chairman, Vice-Chairman or Chairman of the Human Resources Committee of this fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this Standing Order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in Standing Order 8(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e) Standing Order 3.1 d) should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman or Vice-Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f) The Chairman or Vice-Chairman shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigating the matter.
 - ii. Seek and share information relevant to the complaint.
 - iii. Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with law and subject to approval by a meeting of the full Council.
- g) References in Standing Order 3 to a 'notification' shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a Councillor.
- h) 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 will implement any recommendations from the investigation.

4. MINUTES

- a) If the draft minutes of a preceding meeting have been served on councillors, no later than the day of service of the summons to attend the scheduled meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 1.7 a) iii).
- 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 a correct record of the meeting to which the minutes relate.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the majority of the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e) Upon a resolution, which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

5. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Standing Order to every candidate.
- b) A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but nevertheless any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) Standing Orders 5 a) & b) shall also apply to tenders as if the person making the tender were a candidate for an appointment.

6. INSPECTION OF DOCUMENTS

- a) A Councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or sub-committee, and request a copy for the same purpose.

The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors. Exception: A Member shall not knowingly inspect nor call for a copy of any document relating to a matter where:

- they are professionally interested;
- they have directly or indirectly an interest; or
- The document is or in the event of legal proceedings, would be protected by privilege arising out of the relationship of solicitor and client or where sight of any document might be prejudicial to the interests or justice or impartiality in any legal proceedings or pending legal proceedings including disciplinary matters.

7. UNAUTHORISED ACTIVITIES

- a) Unless authorised by a resolution, no individual councillor shall, in the name or on behalf of the Council, a committee or sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions (including to members of staff).

8. CONFIDENTIAL BUSINESS

- a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- b) A Councillor in breach of the provisions of Standing Order 8(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

9. GENERAL POWER OF COMPETENCE

- a) Before exercising 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 Standing Order 9a) 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 Standing Order 9 b).

10. FINANCE

10.1 Expenditure

- a) 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 the Council's functions to be delegated to a committee, sub-committee or to an employee.

10.2 Execution and sealing of legal deeds

See also Standing Order 1.7 a) xv. above

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by resolution.
- b) In accordance with a resolution made under Standing Order 10.2 a) above, any two members of the Council may sign on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

10.3 Accounts and Financial Statement

Refer also to the Council's Financial Regulations. "proper practices" in the Standing Orders refer to the most recent version of Governance and Accountability for Local Government – a Practitioners Guide.

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations (which shall be reviewed at least annually).
- b) The Responsible Financial Officer shall supply, to each Councillor as soon as practicable after 31st March, 30th June, 30th September and 31st December, in each year a statement summarising: the Council's receipts and payments for each quarter and the balances held at the end of that quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31st March shall be presented to each Councillor before the end of May. The Statement of Accounts of the Council (which is subject to external audit), including the Annual Governance Statement, shall be presented to Council for formal approval before 30th June.

10.4 Estimates/Precepts

- a) The Council shall approve written estimates according to the current Financial Regulations.
- b) Any committee desiring to incur expenditure in the following financial year, shall give the Proper Officer a written estimate of the expected expenditure no later than the end of September for including in the budgetary process.

10.5 Financial Controls & Procurement

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control.
 - ii. the assessment and management of financial risks faced by the Council.
 - iii. the work of the independent Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually.
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments.
 - v. procurement policies (subject to Standing Order 10.5 b) below including the setting of values for different procedures where the contract has an estimated value of less than £30,000 (inclusive of VAT).
- b) Financial Regulations shall be reviewed regularly, and at least annually, for fitness of purpose.
- c) A public contract regulated by the Public Contracts Regulations (contracts in place before 24th February 2025) with an estimated value in excess of £30,000 inclusive of vat but less than the relevant thresholds in Standing Order 10.5 g) 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).
- d) Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification of the goods, materials, service and the execution of works shall be drawn up.
 - ii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time.
 - iii. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council.
 - iv. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- e) Neither the Council, nor any Committee, is bound to accept the lowest tender, estimate or quote.
- f) The Council has the power to appoint professional project managers to handle works on its behalf. Where such managers are appointed, they will fulfil the requirements of dealing with tender processes as set out in Standing Order 10.5 d) i. – iv.
- g) Where the value of a contract is likely to exceed £219,904 or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No.6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with government procurement rules.

11. STAFF

11.1 Proper Officer

- a) The Council's Proper Officer shall be either (i) the Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer, and the employee appointed to act as such during the Proper Officer's absence, shall fulfil the duties assigned to the Proper Officer in Standing Orders.
- b) The Proper Officer shall:

- i. Sign and serve on Councillors, by delivery, post at their residences or by e-mail a summons confirming the time, date, venue and the agenda of a meeting of the Council and/or a meeting of a committee or sub-committee at least 3 clear days before the meeting.
- ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council by councillors is signed by them).
- iii. Include in the agenda all statutory items and all motions received (unless a councillor has given written notice at least 7 days before the meeting confirming their withdrawal of it).
- iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office, in accordance with Standing Order 11.1 b) i – ii.
- v. Make available for inspection the minutes of meetings. These shall be published on the Council's website.
- vi. Receive and retain copies of bylaws made by other local authorities relevant to Holybrook Parish.
- vii. Receive and retain Declarations of Acceptance of Office from councillors in-line with GDPR Regulations.
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies available for inspection.
- ix. Keep proper records required before and after meetings.
- x. Process all requests made under freedom of information legislation and rights exercisable under data protection legislation in accordance with the Council's relevant policies and procedures.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage and destruction of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by two councillors and witnessed.
- xiv. Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority.
- xvi. Refer large or complex planning applications received by the Council to the Chairman of the Council (see Terms of Reference for Committees and Scheme of Delegation for details), or in their absence the Chairman of the Planning Committee, within 2 working days of receipt to facilitate an Extra Ordinary meeting if the nature of a planning application requires consideration before the next scheduled meeting of the Council.
- xvii. Action or undertake activities or responsibilities instructed by resolution, contained in Standing Orders or in Committees' Terms of Reference.

11.2 Matters affecting council employees

- a) If a meeting considers any matter personal to a council employee, it shall not be considered until the Council or the delegated committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 1 d).
- b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of Council or, in their absence, the Vice-Chairman, of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c) The Chairman of the Council or delegated committee, shall, conduct a review of the performance and/or appraisal of the Clerk against their job description, and shall produce a written record of it. The review and/or appraisal shall be reported back to and shall be subject to approval by resolution of the Council.
- d) The Clerk shall conduct the performance and/or appraisal of all other staff members against their job descriptions, and shall produce a written record of it. The review and/or appraisal shall be reported back to the Human Resources Committee and is subject to approval by resolution of the Committee.
- e) Subject to the Council's policy of handling grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman (or Chairman of the delegated committee) or in their absence, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council or delegated committee.

- f) Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the Council, this shall be communicated to two other members of the Council. Any subsequent action follows the formal grievance procedure.
- g) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance and capabilities, grievance and disciplinary matters.
- h) The Council shall keep written records relating to employees secure. All paper records shall be stored under lock and electronic records shall be password protected.
- i) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- j) Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders above if so justified.
- k) Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 11.2 h) & i)) shall be provided only to (post holder) and/or the Chairman of the Council or a nominated Councillor.

12. OTHER

12.1 Responsibilities to provide information & Responsibilities under data protection regulations

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under freedom of information legislation.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 and the General Data Protection Regulation including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 11.1 b) x.
- c) The Council shall publish information in accordance with requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.
- d) The Council will hold and publish procedures relating to Data Protection Regulations.

12.2 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, its councillors or staff shall be processed in accordance with the Council's policy in respect of dealing with the press or other media.
- b) In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

12.3 Liaison with District and County or Unitary Councillors

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the District and County or Unitary Council representing its electoral ward.
- b) Unless the Council otherwise orders, a copy of each correspondence sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council councillor representing its electoral ward.

12.4 Variation, revocation and suspension of Standing Orders

- a) Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution to any specific item of business. Any decision to do so should be clearly recorded with reason in the Council's minutes.

- b) Unless at the standard annual review, a motion to add or vary or revoke one or more of the Council's Standing Orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the name of at least (3) Councillors.

12.5 Standing Orders to be given to Councillors

- a) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of their Declaration of Acceptance of Office and an updated copy shall be provided to all Councillors if the Standing Orders are amended.

Appendix 1

Standing Orders/Guidance to members of the public

The purpose of these Standing Orders is to provide guidance for members of the press, or public, on the taking of photographs and/or the audio/visual recording of any Council meeting which is held in public.

Social Media

There are no restrictions on anyone at a Council meeting using Twitter, blogs, Facebook or similar social media provided that the Chairman does not consider their actions to be disrupting the proceedings of the meeting.

If the Chairman feels the use of social media is disrupting the proceedings the Councillor, member of the public or media present using social media may be required to stop. If use continues, the Chairman will ask the person to leave the meeting. If the person refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Audio and Visual Recording

Audio and visual recordings and reporting of proceedings by the media and general public of a meeting of the Council and its Committees are permitted. However, it would be helpful if those wishing to record could contact the Council before the meeting so that it can be ensured the necessary facilities are in place.

It would be helpful for the request to include the following information:

- which meeting the request refers to.
- the name, organisation (if applicable) and contact details of the person making the request
- what equipment it is intended will be used (to determine what facilities might be required).
- what the photographs, or audio/visual recording will be used for and/or where the information is to be published (this is helpful for the Chairman to be able to inform the public).

Any equipment required for recording purposes should be set up before the meeting starts to avoid disturbance.

The Chairman of the meeting will advise the public that the meeting is being recorded.

A request to record a meeting shall only be refused if the Chairman believes that the recording will be disruptive to the meeting.

Limitations:

Although there is a statutory right to photograph and record Council meetings, the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.

Audio and Visual Recording – Your Obligations

Any member of the public, or of the media, wishing to photograph or record a meeting is asked to comply with the following:

- any photography or audio/visual recording takes place from a fixed position in the meeting room approved by the Chair to reduce disruption to the proceedings.
- use of flash photography or additional lighting is for a limited period only during the meeting at a point in the proceedings agreed in advance with the Chairman.
- if the Chairman feels that any photography, audio or visual recording is disrupting the meeting in any way, or any pre-meeting agreement has been breached, then the operator of the equipment will stop.
- if, during the meeting, a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and/or photography.
- if a meeting is adjourned by the Chairman the operator of the equipment should stop any recording or photography at the

point at which the meeting is adjourned.

- any request made by the Chairman regarding respecting the public's right to privacy is complied with.
- people seated in the public seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. It is for the public to inform the Council, or the person recording, if they object.
- Use must not be made of an image or recording if consent is refused by a member of the public featured in that recording or image.
- Photographs, audio and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.