

Holbeton Parish Council Standing Orders

June 2019

1 Councillors

- 1.1 By statute the council can have a maximum of 10 councillors
- 1.2 Councillors are elected for a period of four years. If a Councillor resigns during that period the Council has the authority to co-opt a new Councillor until the next election date.

2 Meetings

- 2.1 Monthly meetings shall be held on the second Tuesday of every month at 7.30pm in the Holbeton Village Hall. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol.** All parishioners are entitled to attend the monthly meetings and may speak when invited to by the Chairman.
- 2.2 **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which will give reasons for the public's exclusion.**
- 2.3 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- 2.4 The period of time which is designated for public participation shall not exceed five minutes per speaker unless directed by the chairman of the meeting.
- 2.5 In accordance with standing orders 2.1 and 2.3, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- 2.6 A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- 2.7 Any persons speaking at a meeting shall address his comments to the Chairman.
- 2.8 Only one person is permitted to speak at a time. If more than one person should speak the Chairman shall direct the order of speaking.
- 2.9 **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 that meeting.**
- 2.10 **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting. 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 his casting vote whether or not he gave an original vote.**
- 2.11 **Voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any questions shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving onto the next item of business on the agenda.
- 2.12 The minutes of a meeting shall record the names of Councillors present and absent.
- 2.13 The Holbeton Parish Council Code of Conduct (based upon the South Hams District Council Code of Conduct) shall apply to Councillors in respect of the entire meeting.
- 2.14 **Any Councillor who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or instructions under the Code on his right to participate and vote on that matter.** Any such interest shall be recorded in the minutes.

- 2.15 **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council (ten) are present and in no case shall the quorum be less than four.**
- 2.16 **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.**
- 2.17 The minutes of a meeting shall include an accurate record of the following:
- (i) the time and place of the meeting
 - (ii) the names of Councillors present and absent
 - (iii) interests that have been declared by Councillors
 - (iv) whether a Councillor left the meeting when matters they held interest in were being considered
 - (v) if there was a public participation session.
 - (vi) the resolutions made.
- 2.18 The Parish Council will hold an Annual Meeting on the second Tuesday in May and must take place within 14 days of an election in an election year.
- 2.19 If the outgoing Chairman is available then he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman and Vice Chairman and to receive their acceptance of office.
- 2.20 The retiring Chairman will report on the activities of the Council for the preceding year.
- 2.21 Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- (vii) In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
 - (viii) Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - (ix) Receipt of the minutes of the last meeting of a committee;
 - (x) Consideration of the recommendations made by a committee;
 - (xi) Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - (xii) Review of the terms of reference for committees;
 - (xiii) Appointment of members to existing committees;
 - (xiv) Appointment of any new committees in accordance with standing order 4;
 - (xv) Review and adoption of appropriate standing orders and financial regulations;
 - (xvi) Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - (xvii) Review of representation on or work with external bodies and arrangements for reporting back;
 - (xviii) Review of inventory of land and other assets including buildings and office equipment;
 - (xix) Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - (xx) Review of the Council's and/or staff subscriptions to other bodies;
 - (xxi) Review of the Council's complaints procedure;
 - (xxii) Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation;
 - (xxiii) Review of the Council's policy for dealing with the press/media;

- (xxiv) Review of the Council's employment policies and procedures;
 - (xxv) Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - (xxvi) Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- 2.22 The Agenda, having been agreed in advance with the Chairman, is sent to the Councillors by email and placed on the Notice Boards with at least 9 days' notice.
- 2.23 Minutes of the previous year are agreed.
- 2.24 The Parish Council will also hold an Annual Parish Meeting of electors in the parish. The chairman of the council, any two councillors or any six electors can call the Annual Parish Meeting. All Parish Groups and Organisations are invited to give a report of their activities during the year. If necessary, the Clerk will read their report in their absence. Paragraphs 2.20 and 2.21 also apply to this meeting.

3 Proper Officer

- 3.1 The Council's Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- 3.2 The Council's Proper Officer shall do the following:-
- (i) Sign and serve on Councillors by delivery or post or email the summons confirming the time, date, venue and the agenda of the meeting of the Council and a meeting of a committee and sub-committee at least three clear days before the meeting.
 - (ii) **Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council** or a meeting of the committee or sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillor to be signed by them). **The minimum three clear days for notice for a meeting does not include the day on which the notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or a bank holiday or a day appointed for public thanksgiving or mourning.**
 - (iii) Make available for inspection the minutes of meetings.
 - (iv) Receive and retain copies of bylaws made by other local authorities.
 - (v) Receive and retain declarations of acceptance of office from Councillors.
 - (vi) Retain a copy of every Councillor's register of interest and any changes to it and keep copies of the same available for inspection.
 - (vii) Keep proper records required before and after meetings.
 - (viii) 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.
 - (ix) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - (x) Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
 - (xi) 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.
 - (xii) Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
 - (xiii) Refer a planning application received by the Council to the Chairman or in his absence the Vice Chairman of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
 - (xiv) arrange for legal deeds to be executed (section 19);
 - (xv) Communications with district and county councillors.

4 Motions Requiring Written Notice

- 4.1 In accordance with Standing Order above, no motion may be moved at a meeting unless it is included in the agenda.
- 4.2 The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order above, correct obvious grammatical or typographical errors in the wording of the motion.
- 4.3 If the Proper Officer considers the wording of a motion received in accordance with Standing Order above is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it in writing to the Proper Officer in clear and certain language in advance of the meeting.
- 4.4 If the wording or nature 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 in the agenda. Having consulted the Chairman of Councillors pursuant to Standing Order above the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 4.5 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.
- 4.6 Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Councillors.
- 4.7 Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions at a Meeting Not Requiring Written Notice

- 5.1 Examples of motions that may be moved at a meeting without written notice of the Proper Officer:-
 - (i) To correct an inaccuracy in the draft minutes of a meeting.
 - (ii) To move to a vote.
 - (iii) To change the order of business on the agenda.
 - (iv) To appoint a working group committee or sub-committee and their members.
 - (v) To extend the time limit for speaking.
 - (vi) To exclude the press and public from a meeting in respect of confidential or sensitive information which would be prejudicial to the public interest.
 - (vii) To not hear further from a Councillor or member of the public.
 - (viii) To suspend a particular Standing Order.
 - (ix) To adjourn the meeting.
 - (x) To close a meeting.
 - (xi) To dissolve a working group, committee or sub-committee.
 - (xii) To authorise payment of any monies.
 - (xiii) To answer questions from Councillors.

6 Rules of Debate at Meetings

- 6.1 Motions included in the agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- 6.2 A motion shall not be considered unless it has been proposed and seconded.
- 6.3 A motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.
- 6.4 A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- 6.5 A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- 6.6 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.
- 6.7 A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 6.8 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.
- 6.9 One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- 6.10 A point of order shall be decided by the Chairman and his decision shall be final.
- 6.11 In respect of Standing Order above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- 6.12 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.
- 6.13 If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 6.14 If a resolution made under standing order 6.13 is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

7 Code of Conduct and dispensations

- 7.1 All Councillors shall observe the Code of Conduct adopted by the Council.
- 7.2 Unless he has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he has the interest.
- 7.3 Unless he has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he had the interest.

- 7.4 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 was required.
- 7.5 A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.
- 7.6 A dispensation request shall confirm:-
- (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.
- 7.7 Dispensation requests shall be considered at the beginning of the meeting of the Council for which the dispensation is required.
- 7.8 A dispensation may be granted in accordance with the Standing Order above if having regard to all relevant circumstances the following applies:
- (i) Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
 - (ii) granting the dispensation is in the interest of persons living in the Council's area or
 - (iii) it is otherwise appropriate to grant a dispensation.

8 Code of Conduct Complaints and Allegations of Breaches of the Code of Conduct

- 8.1 Upon notification by the District or Unitary Council that it is dealing with a complaint that a Councillor had breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 8.4 below, report this to the Council.
- 8.2 When a notification in Standing Order 8.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this act, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 8.4 below.
- 8.3 The Council may provide information or evidence where such a disclosure is necessary to progress an investigation as a complaint or is required by law; seek information relevant to the complaint from the person or body with statutory responsibility for investigation of that matter.
- 8.4 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 8.1 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

- 8.5 Standing Order 8.4 above should not be taken to prohibit the Council (whether through the Proper Officer or the 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.
- 8.6 The Council shall have the power to:
- (i) seek documentary and other evidence from the person or body with statutory responsibility for investigation of 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 the law and subject to approval by a meeting of the full Council.
- 8.7 Upon notification by the District or Unitary Council that a Councillor 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.
- 8.8 Upon receipt of a notification that there has been an alleged breach of the Code of Conduct, the Proper Officer shall refer it to SHDC's Monitoring Officer.
- 8.9 References in Standing Order 8 to a notification shall be taken to refer to a communication of any kind which relates to a complaint in relation to the Code of Conduct and a breach or an alleged breach of the Code of Conduct by a Councillor.

9 Minutes

- 9.1 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.
- 9.2 **The draft minutes will be published on the Parish Council noticeboards not later than one month after the meeting has taken place.**
- 9.3 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 minutes shall be raised in accordance with Standing Order above.
- 9.4 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.
- 9.5 If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he 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 his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

10 Expenditure

- 10.1 Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- 10.2 The Council's Financial Regulations shall be reviewed once a year.
- 10.3 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.

11 Extraordinary Meetings

- 11.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 11.2 Three clear days' notice of such a meeting should be given.
- 11.3 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.
- 11.4 The Chairman of a committee may convene an extraordinary meeting of the committee at any time.
- 11.5 If the Chairman of a 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. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 Councillors.

12 Liaison with District and County Councillors

- 12.1 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.
- 12.2 Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillors representing the area of the council.

13 Management of information

- 13.1 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.
- 13.2 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).
- 13.3 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.
- 13.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- 13.5 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.
- 13.6 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

14 Accounts and accounting statements

- 14.1 The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 31 March and 30 September in each year a statement summarising the Council's receipts and payments for the each half year and the balances held at the end of this period. 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 31 March shall be presented to each Councillor before the end of the following month of April. 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 30 June.

15 Financial matters

- 15.1 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 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 14.2 below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.
- 15.2 Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in Standing Order 14.3 below.
- 15.3 Any formal tender process shall comprise the following steps:
- (i) a public notice of intention to place a contract to be placed in a local newspaper;
 - (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - (iii) tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - (iv) 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;
 - (v) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- 15.4 Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- 15.5 Where the value of a contract is likely to exceed the 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 EU procurement rules.

16 Restrictions on councillor activities

- 16.1 Unless duly authorised no councillor shall:
- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. unless authorised by a resolution, no councillor shall in the name of or on behalf of the Council, sub working group or sub committee: issue orders, instructions or directions.

17 Freedom of Information Act 2000

- 17.1 All requests for information held by the Council shall be processed in accordance with SHDC's policy in respect of handling requests under the Freedom of Information Act 2000.
- 17.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3.2 (viii) above.

18 Relations with press/media

- 18.1 All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- 18.2 In accordance with the Council's policy in respect to 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.

19 Execution and sealing of legal deeds

- 19.1 A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 19.2 In accordance with a resolution made under Standing Order 17.1 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.

20 Confidential business

- 20.1 Councillors [and employees] shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- 20.2 A Councillor in breach of the provisions of Standing Order 19.1 above may be removed from a committee by a resolution of the Council.

20 Committees

- 20.1 The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, 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) so as to hold office no later than the next annual meeting;

21 Handling confidential or sensitive information

- 21.1 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

- 21.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

22 Variation, Revocation and suspension of Standing Orders

- 22.1 Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- 22.2 A motion to add to or vary or revoke one or more of the Council's Standing Orders, shall be considered by the Council.

23 Standing Orders to be given to Councillors

- 23.1 The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of his Declaration of Acceptance of Office.
- 23.2 The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- 23.3 A Councillor's failure to observe Standing Orders more than 3 times in one meeting may result in him or her being excluded from the meeting in accordance with Standing Orders.

HOLBETON PARISH COUNCIL
REMOTE MEETINGS PROTOCOL AND PROCEDURES
AMENDMENTS TO STANDING ORDERS

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allow local councils to hold remote meetings. The regulations give automatic authority to hold remote meetings and amend standing orders as required.

These regulations remain in force until May 7th, 2021 or earlier if repealed, and require a number of temporary changes to Standing Orders.

General

This Protocol and Procedures should be read in conjunction with the Council's standing orders.

The Regulations made under s78 of Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

1) Annual Meeting

- a) The requirement to hold an Annual Meeting of the Council is to be disregarded and prior to May 7th, 2021 may only take place
 - a.i) where called by the Chair or
 - a.ii) following a resolution calling for an annual meeting being passed at an ordinary or extra ordinary meeting of the Council.

2) Access to Information

- a) Where a document is required to be 'open to inspection' this shall include published on the website of the council.
- b) Where a document is required to be published and made available, this shall include published on the website of the council.
- c) Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the council.

3) Remote Access to Meetings

- a) The definition of meeting within the Council's standing orders is amended so that
 - a.i) 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
 - a.ii) 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and interactive streaming
 - a.iii) where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- b) If the Council becomes aware that its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.
- c) If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

4) Councillors in Remote Attendance

- a) A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
 - a.i) hear and where practicable see other members of the council
 - a.ii) hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the Chairman
- b) A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 4 a) are not met.
- c) Subject to 4 b) the Chairman may if appropriate
 - c.i) adjourn the meeting to permit conditions for remote attendance to be re-established
 - c.ii) count the number of councillors in attendance for the purpose of the quorum

5) Remote attendance by members of the public

- a) A member of the public is in remote attendance when they can:
 - a.i) hear and where practicable see and so be heard and where practicable seen by members of the council at the meeting
 - a.ii) hear and where practicable see and so be heard and where practicable seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the Chairman
- b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 5 a) are not met.

5) Remote attendance by members of the public (*continued*)

c) Subject to 5 b) the Chairman may if appropriate

c.i) adjourn the meeting to permit conditions for remote attendance to be re-established

c.ii) vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.

6) Remote Voting

Unless a recorded vote is demanded, the Chair will take the vote by:

a) confirmation of the meeting that there is agreement or

b) a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

7) Code of Conduct - councillors excluded from the meeting

Where a councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote take place.

8) Exclusion of the press and public

Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then:

a) The means of remote attendance and access to the meeting by members of the press and public will be severed

b) Each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.

These amendments to Holbeton Parish Council Standing Orders were adopted at the virtual meeting on July 2020