

14. Responsibilities to provide information

- a. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

15. Responsibilities under Data Protection Legislation

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

16. Communicating with District and County Councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillors of the District and County Council.

KIDDERMINSTER FOREIGN PARISH COUNCIL

STANDING ORDERS 2023

Notes

Items in **bold** print are statutory requirements.

12. Accounts and Accounting Statements

- a. “Proper Practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners Guide”.
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c. The Responsible Financial Officer shall, on a regular basis, but at least three times each year, supply to each councillor a statement summarising:
 - i) the Council’s receipts and payments for the year to date
 - ii) the bank balances held.
- d. As soon as possible after the financial year end at 31st March, the Responsible Financial officer shall provide each councillor with:
 - i) a statement of the Council’s receipt and payments for the year to end;
 - ii) the accounting statements for the year in the form of Section 1 of the Annual Governance and Accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council for the year to 31st March. A completed draft annual governance and accountability return shall be presented to all councillors at least 7 days prior to anticipated approval by the Council, for consideration and formal approval before 30th June.

13. Financial Controls and Procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial officer, including detailed arrangements in respect of:
 - i) the keeping of accounting records and systems of internal controls;
 - ii) the assessment and management of financial risks faced by the Council;
 - iii) the work of an independent internal auditor in accordance with proper practices, and receipt of a report/reports from the internal auditor, required at least annually.
- b. Financial regulations shall be reviewed regularly to ensure fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015, with an estimated value in excess of £25,000 but less than the relevant thresholds is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement to advertise the contract opportunity on the Contracts Finder website irrespective of what other means is used to advertise it.**

10. Proper Officer

- a. The Proper Officer shall be the Clerk, or other staff member, nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
 - i) **at least three clear days before a meeting of the council, committee or sub-committee:**
 - **Serve on councillors by delivery or post at their residences or by e-mail authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda; and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda**
 - ii) **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iii) **facilitate inspection of the minute book by local government electors;**
 - iv) hold acceptance of office forms from councillors;
 - v) hold a copy of every councillor's register of interests;
 - vi) assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - vii) receive and send general correspondence/e-mail and notices on behalf of the Council, except where there is a resolution to the contrary;
 - viii) assist in the organisation of, storage of, access to, security to and destruction of information held by the Council in paper and electronic form, subject to the requirements of data protection and freedom of information legislation and other legitimate requirements;
 - ix) arrange for legal deeds to be executed;
 - x) arrange or manage the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
 - xi) manage access to information about the Council via the publication scheme.

11. Responsible Financial Officer (RFO)

- a. The Council shall appoint appropriate staff member(s) to undertake the work of the RFO when the RFO is absent.

1. Meetings Generally

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break, or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d. Members of the public may make representations, ask and answer questions in the public Open Forum, or, give evidence if invited to do so by the Chairman during the course of the meeting.
- e. The period of time designated for public participation at a meeting in the Public Open Forum shall not exceed 30 minutes, unless directed by the Chairman of the meeting.
- f. Any person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- g. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- h. **Subject to standing order 1(i) below, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photography, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about a meeting so that the report or commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

1.Meetings Generally (Contd.)

- i. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place, without permission.**
- j. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- k. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- l. **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor chosen by the councillors present at the meeting shall preside at the meeting.**
- m. **Subject to a meeting being quorate (i.e. in the case of Kidderminster Foreign Parish Council a minimum of 3 councillors) all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- n. **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- o. **Voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Voting on particularly sensitive issues may be done by secret ballot if a request is made to the Clerk prior to the meeting. However, in this case, the overall result shall be recorded.**

8. Minutes & Draft Minutes

- a. **If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.**
- b. **There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting, initialled by the amendment, and stand as an accurate record of the meeting to which the minutes relate.**
- c. **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

9. Code of Conduct and Dispensations

- a. **All Councillors shall observe the Code of Conduct adopted by the Council.**
- b. **Dispensation request shall be in writing and submitted to the Proper Officer.**
- c. **A dispensation request shall confirm:**
 - i) **the description and the nature of the disclosable pecuniary interest or other interest to which the request for dispensation relates;**
 - ii) **whether the dispensation is required to participate in the meeting in a discussion capacity only or a discussion and a vote;**
 - iii) **the date of the meeting or the period for which the dispensation is sought; and**
 - iv) **an explanation as to why the dispensation is sought.**

6. Extraordinary meetings of the Council, Committees and Sub-committees

- a. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chairman does not call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**

7. Management of Information

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information, including personal data which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period.**
- c. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

1.Meetings Generally (Contd.)

- p. **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 who are present and the names of councillors who are absent**
 - iii) **Interests that have been declared by councillors**
 - iv) **the grant of dispensations if any to councillors**
 - v) **whether a councillor left the meeting when matters that they held interests in were being considered**
 - vi) **If there was a public participation session, and**
 - vii) **resolutions made.**
- q. **A councillor with voting rights who has a disclosable pecuniary interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- r. **No business may be transacted unless at least one third of the whole number of councillors are present and in no case shall the quorum of a meeting be less than three.**
- s. **If a meeting is, or becomes, inquorate, no business shall be transacted and the meetings shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**

2. Committees and Sub-Committees

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all the members of an advisory committee and sub-committee of the advisory committee may be non-councillors.**

3. Ordinary Council Meetings

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e. The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.
- f. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g. The Vice-Chairman of the Council, unless he has resigned or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council, but shall give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council, and shall give a casting vote in the case of an equality of votes.

3. Ordinary Council Meetings (Contd.)

- j. Following the election of the Chairman and Vice Chairman of the Council at the annual meeting, the business shall include:
 - i) In an election year, signing 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, signing by just the Chairman of the Council of his acceptance of office, unless the Council resolves for this to be done at a later date.
 - ii) Confirmation of the accuracy of the minutes of the last meeting of the Council.
 - iii) Appointment of members to specific responsibilities, duties, and of members or non-members for representation on various external bodies.
 - iv) Review of and adoption of appropriate Standing Order and Financial Regulations.
 - v) In an election year, to make arrangements with a view to the Council becoming eligible/confirming their right to exercise the general power of competence
 - vi) Review of Asset register
 - vii) Confirmation of arrangements for insurance cover in respect of all insurable risks

4. Disorderly Conduct at Meetings

- 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.
- b. 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.
- c. If a resolution made under standing order 4.b. 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.

5. Voting on appointments and co-option

- a. Where *more* than two persons have been nominated for a position to be filled by the Council, and none of those 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. Voting may be done as a secret ballot if required, but the number of votes must be recorded. A tie in votes may be settled by the casting vote