

# Hemsworth Town Council

## **STANDING ORDERS 2018**

**Approved at the Annual Town Council Meeting – 15 May 2018.**

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# 1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
  
- p 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
  
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
  
- r When a 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 no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
  
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
  
- t Excluding motions moved under standing order 1(r) above, 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.

## 2. Questions

- a. A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b. Every question shall be put and answered without discussion.
- c. A person to whom a question has been put may decline to answer.

### 3. 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 3(b) above 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.

### 4. 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 **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.**
- 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 part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion. – "That in the view of the confidential nature of the business to be transacted, it is advisable in the public interest that the public and press be excluded and they are instructed to withdraw.'**  
The public and press shall not be admitted to sub and advisory committees
- e Subject to standing order 4 (d) above, time is allowed for question time at the beginning of Town Council meetings open to the public (excludes committees, sub committees and extraordinary meetings).
- f The period of time which is designated for public participation in accordance with standing order 4 (e) above shall not exceed 15 minutes and will follow the approved procedures as detailed in Appendix 4.

- g. In accordance with standing order 4 (e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h. In accordance with standing order 4 (g) 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.
- i. A record of a public participation session at a meeting shall be included in the minutes.
- j. **The recording of Council and Parish Meetings is permitted under the Openness of Local Government Bodies Regulations 2014 but the recording will be carried out in accordance with the separate rules/policy adopted by Hemsworth Town Council to effectively and lawfully manage this activity.**
- m **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.**
- n **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 any).**
- o **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.**
- p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- q **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.**  
*See standing orders 6(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.*
- r **Unless standing orders provide otherwise, 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.** Such a request shall be made before moving on to the next item of business on the agenda.

- s 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 and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and the resolutions made.

t **A councillor or a non-councillor with voting rights 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 restrictions under the code on his right to participate and vote on that matter.**

u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 5d(viii) below for the quorum of a committee or sub-committee meeting.*

v **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

w A meeting shall not exceed a period of 2 hours.

## 5. 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 a sub-committee of the advisory committee may be non-councillors.**

d The council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing

- committee up until the date of the next annual meeting of full council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee.

## 6. 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 new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c **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 directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) 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, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
  
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
  
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
  
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. *(England)* In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xv. Review of the council's and/or staff subscriptions to other bodies;
  - xvi. Review of the council's complaints procedure;
  - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;

- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **7. Extraordinary meetings of the council and 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 of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing 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 must be signed by the two councillors.**
- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 14 days of having been requested by to do so by 5 members of the committee or the sub-committee, any 5 members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

## **8. The General Power of Competence**

- a Before exercising the general power of competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b The Council's period of eligibility begins on the date that the resolution under standing order 8 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c After the expiry of its preceding period of eligibility, should the criteria no longer be fulfilled, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 8(b) above.**

## 9. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 11 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee
- b When a motion moved pursuant to standing order 9(a) above has been disposed of, no similar motion may be moved within a further six months.

## 10. 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. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

## 11. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 11(b) above, 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 11(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 10 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.

- f Subject to standing order 11(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## **12. Motions at a meeting that do not require written notice**

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## **13. Handling confidential or sensitive information**

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

## 14. 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 in the draft minutes shall be moved in accordance with standing order 14(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, 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.
- d 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.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 15. Code of conduct and dispensations

*See also standing order 4(t) above & Appendix 1.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights 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 had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights 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.
- d **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.

- e A decision as to whether to grant a dispensation shall be made by the Proper Officer, being the Proper Officer of the Council.
  
- f 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; and
  - iv. an explanation as to why the dispensation is sought.
  
- g Subject to standing orders 15(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
  
- h A dispensation may be granted in accordance with standing order 15(e) 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 interests of persons living in the council's area or**
  - iii. it is otherwise appropriate to grant a dispensation.**

## 16. Code of conduct complaints

- a Upon notification by Wakefield 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, subject to standing order 15 above, report this to the council.
  
- b Where the notification in standing order 16(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, 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 16(d) below].
  
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

- d Upon notification by Wakefield Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## 17. Proper Officer

- a The 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.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.**  
*See standing order 4(b) above for the meaning of clear days for a meeting of a full council and standing order 4 (c) above for a meeting of a committee.*
  - ii. **give public notice of the time, place and agenda at least three 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 convened by councillors is signed by them);**  
*See standing order 4(b) above for the meaning of clear days for a meeting of a full council and standing order 4(c) above for a meeting of a committee.*
  - iii. subject to standing order 11 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 10 days before the meeting confirming his 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 his office;**
  - v. facilitate inspection of the minute book by local government electors;
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. retain acceptance of office forms from councillors;
  - viii. retain a copy of every councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - xii. arrange for legal deeds to be executed;  
*See also standing order 25 below.*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
  - xv. 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.
- xvi. manage access to information about the council via the publication scheme; and
  - xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

*See also standing order 25 below.*

## 18. Responsible Financial Officer

- a. The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 19. 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 any of the Council's functions to be delegated to a committee or to an employee.**
- d The Finance Sub Committee will examine and approve the orders for the payment of money in accordance with the procedures detailed in Minute 075 (27/06/95) as approved by Minute 086 (11/07/95) and each cheque drawn on the Council's current account shall bear the signature of two members plus that of the Proper Officer.
- e All schedules approving bank payments by whatever means and all Standing Orders and Direct Debits shall bear the signature of two members plus that of the Proper Officer. All lists of electronic payments (by BACS) with the exception of individual employees pay (which is authorised by the Proper Officer) shall be signed by two members plus that of the Proper Officer.
- f In connection with 19d above, all members of the Council shall sign the mandate of the Council's bankers at the first Annual Town Meeting following any election of new Councillors and at any other time that a new bankers mandate is required.
- g Councillors attaining membership by way of a bye-election should sign at his/her first meeting

## 20. 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 supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- i. the council's receipts and payments for each quarter;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 21. Financial controls and 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 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 the independent internal auditor in accordance with proper practices 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; and
  - v. procurement policies (subject to standing order 21(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value of £25,000 or more must satisfy the requirements of "the 2015 Regulations" which include the use of the Contracts Finder Website and shall be procured on the basis of a formal tender as summarised in standing order 21(d) below.**

- 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 for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and the information must be published on the Governments Contracts Finder System and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

N.B. All contract award decisions with a value of £25,000 or above, but which are below the applicable EU threshold must be published on Contracts Finder.

- f **Where the value of a public service contract is likely to exceed £172,514 and for public works contracts is £4,332,012 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 (“the 2015 Regulations”) apply to the contract and, if these Regulations apply, the council must comply with EU procurement rules.**

N.B. For EU Procurements appropriate legal advice must be obtained on the choice, and use, of the most appropriate procedure.

Additional information on dealing with “Procurement” is detailed in NALC’s legal topic note No. 87 (July 2015).

## 22. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 13 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman or, if he is not available, the vice-chairman of absence occasioned by illness or other reason and that person shall report such absence to council at its next Finance meeting.
- c The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by council.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the chairman of the council or in his absence, the vice-chairman of the council in respect of an informal or formal grievance matter.

- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the chairman or vice-chairman of the council, this shall be communicated to another member of the council.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 22(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 22(f) and (g) above shall be provided only to the Town Clerk and Deputy Town Clerk.

## 23. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b 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.

## 24. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 25. Execution and sealing of legal

*See also standing orders 17(b)(xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 25(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

*The above is applicable to a council without a common seal.*

## 26. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect;
  - ii. issue orders, instructions or directions.
  - iii. Canvass 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.
  - iv. 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.

N.B. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 27. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 11 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## **28. Code of Practice for local Councils in Handling Complaints**

- a. The Council shall follow the code of practise as detailed in Appendix 2 (SLCC - Advice Note on Complaints Handling and Model Complaints procedure). The procedure for dealing with complaints shall be for three Councillors to be selected from the full town council on a rota basis to form the complaints committee. The conclusions will be reported to the next full council meeting.

## **29. Abuse, Intimidation or Rudeness**

- a. Appendix 3 gives details of the Town Council's policy on dealing with Abuse, Intimidation or Rudeness.

## **30. Openness of Local Government Regulations - 2014**

- a. Appendix 5 gives details of the Town Council's policy for effective management of recording of meetings of Hemsworth Town Council and Appendix 6 gives details of the written record of an Officers delegated decisions.

# **Hemsworth Town Council**

## **Code of Conduct for Parish Councils**

### **Adopted 1<sup>st</sup> July 2012**

#### **Introduction**

Pursuant to section 27 of the Localism Act 2011, Hemsworth Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

#### **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

## **Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

## ***Registration of interests***

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### ***Declaration of interests at meetings***

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **Dispensations**

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

## Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member or towards his/her election expenses
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) either—
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)  
of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

**Complaints Procedure**

**Adopted on 16 May 2017**

1. Hemsworth Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
  - 3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
  - 3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 1<sup>st</sup> July 2012 and, if a
  - 3.3. complaint against a Councillor is received by the council, it will be referred to the Standards Committee of Wakefield Metropolitan District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Wakefield Metropolitan District Council.
4. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.
5. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within ten working days.
6. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Complaints Committee of the Council or to the Council (as appropriate).
7. The Clerk or the Complaints Committee of the Council or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
8. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

9. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Complaints Committee of the Town Council or to the full Council (as appropriate) and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

## **Contacts**

### The Clerk of Hemsworth Town Council

Address: Community Centre  
Bullenshaw Road  
Hemsworth  
Pontefract  
West Yorkshire  
WF9 4NE

Telephone: 01977 617617

Email: [clerk@hemsworthcouncil.co.uk](mailto:clerk@hemsworthcouncil.co.uk)

### The Chairman of Hemsworth Town Council

Address: Community Centre  
Bullenshaw Road  
Hemsworth  
Pontefract  
West Yorkshire  
WF9 4NE

Telephone: 01977 616617

**Abuse, Intimidation or Rudeness Policy**

**Adopted on 16 May 2017**

The Chairman of Hemsworth Town Council or the Chairman of Committees, who have delegated responsibility for the area concerned, along with the Town Clerk, has the authority to impose the following sanction(s):

After interviewing the person(s) concerned over allegations made they may issue if appropriate:

- A warning that their behaviour is not acceptable and any further incidents will result in further action
- Withdraw all or selective Hemsworth Town Council services that are provided to the person(s) concerned

If the case is considered sufficiently serious then loss of service provision may be imposed as a first sanction.

If further instances of unacceptable conduct are experienced then Hemsworth Town Council reserves the right to ban the person(s) concerned from all Town Council property.

If the people concerned fail to attend for interview the Chairman is empowered to make the decision in their absence.

Any decision by the Chairman may be subject to appeal to Hemsworth Town Council.

Appeals must be made in writing within ten days of notification of the decision taken at the interview or in their absence.

## **RULES FOR QUESTION TIME AT ORDINARY MEETINGS OF THE COUNCIL - Appendix 4**

To help meetings run smoothly, the following rules will govern the way in which questions can be put. These are set out as follows:

1. Question time will be limited to ordinary meetings of the Council.
2. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk no later than 3.00pm to give two clear working days before the day of the meeting. Questions may be in any format, but each question (including those received in electronic format) must give the name, postal address and postcode of the questioner and state that the questioner wishes the question to be dealt with within Council.

### **Question Time.**

3. No person may submit more than two questions to any one meeting. No more than two questions may be asked on behalf of one organisation at any one meeting. Written questions shall not consist of more than 100 words.
4. Questions must be relevant to the work of the Council.
5. The Chairman may reject a question if it:
  - Is not about a matter for which the Council has a responsibility or which affects the area;
  - Is defamatory, frivolous or offensive;
  - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - Requires the disclosure of confidential or exempt information.
6. The Town Clerk will record each question in a register open to public inspection. If any questions are rejected then the reasons for rejection will be entered in the register. Should the questioner consider that their question has been unfairly rejected they are encouraged to make a formal complaint to the Council
7. The order in which questions are put at a Meeting will be the order in which they were received by the Town Clerk, except that the Chairman may group together similar questions. Should the number of questions exceed 10, any question asked by a person who has asked a question at either of the two preceding meetings will be recorded on the list as a question which will be dealt with by written answer.
8. The Chairman will normally invite each questioner to read out the question. In the absence of the questioner then the question will not be dealt with.
9. The total time allocated to questions and answers shall not exceed 15 minutes unless the Chairman in his/her discretion extends that time for the purpose of hearing an answer to the last question put before the expiry of such period of 15 minutes. If the number of questions exceeds 6 at any meeting, all questions will be taken as read and members of the public will not be invited to read the question out. No more than 10 questions will be dealt with at any meeting unless the questions can be grouped.
10. Unless the Chairman decides otherwise, no discussion will take place on any question and replies to questions will be in writing.

## Appendix 5

### **RULES FOR THE EFFECTIVE MANAGEMENT OF RECORDING AT LOCAL COUNCIL AND PARISH MEETINGS**

The right to record, film and to broadcast meetings of the council/parish meeting is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

Hemsworth Town Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording.

Those who attend a public meeting should expect to be filmed. This includes councillors, council officers and members of the public.

The rules that the Hemsworth Town Council meeting will apply are:

1. The Hemsworth Town Council meeting will display requirements as to filming, recording and broadcasting at its meeting venues and on its website (if it has one) or on notice boards in the parish and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. A copy of these rules/guidance will be provided to members of the public in attendance at a meeting of the Hemsworth Town Council meeting. The Chairman may also verbally remind the meeting and all present of the freedom to record but that these rules/guidance are in place to enable any type of recording to take place with minimal disruption to the council meeting.
3. Any person wishing to record a meeting in any format whatsoever is encouraged (but not compelled), to contact the Clerk prior to the start of the meeting. The Clerk’s details are set out in the public notice and/or agenda of the meeting; (or in his/her absence, the contact will be the Chairman of the Hemsworth Town Council meeting). Discussing requirements with the clerk beforehand will help to ensure that the council provides reasonable facilities to meet the needs of the person that is recording.
4. The person making the recording may move around, however in doing so he/she must ensure that there is minimal or no disruption to the proceedings of the meeting.
5. A person or persons recording the Hemsworth Town Council meeting are reminded that the “Public Participation” period may not be part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period.

6. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
7. The specific filming of children or young people under the age of 18 who are present cannot take place unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults whereby the consent of a responsible adult is required, ie a medical professional, carer or legal guardian. Where the permission is given, filming of these people can take place.
8. The council requests that all recording is overt (ie clearly visible to anyone at the meeting), but cannot compel those who are recording to do so.
9. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with the ability of any person present to follow the debate.
10. A person or persons making a recording has no right to interrupt a Hemsworth Town Council meeting by asking questions or making comments for the purpose of the recording. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
11. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her reasonable opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules/guidance.
12. Persons who are recording are requested not to leave their equipment unattended where possible, and are responsible for their equipment at all times
13. The recording and reporting on meetings of the Hemsworth Town Council meeting, is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The council expects that the recording will not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Hemsworth Town Council meeting's values or in a way that ridicules or shows a lack of respect for those in the recording. The Hemsworth Town Council meeting would expect any recording in breach of these rules to be removed from public view. The Hemsworth Town Council meeting will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
14. For the benefit for those who wish to record - where the recording device being used involves equipment which is larger than a smart phone, tablet or compact camera or if the person recording has other special requirements he/she is requested to please contact the clerk prior to the meeting so that reasonable arrangements can be made. The use of lighting for filming/flash photography will usually be allowed provided that it does not adversely impact on the ability of others present to view the meeting, or for reasons of health, whereby the council may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting should not cause any other form of disruption.

15. The Hemsworth Town Council meeting may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Where a council proposes to record all of its own meetings it will be bound by this policy.
16. Where a Hemsworth Town Council meeting proposes to record all of its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The Hemsworth Town Council meeting will include the availability of such recordings within its Publication Scheme.
17. The Hemsworth Town Council meeting is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.
18. The minutes of a council meeting remain the statutory and legally binding formal record of council decisions.

Date of policy adoption - October 2014.

Date of policy review - May 2017

## APPENDIX 6

### Written Record of an Officer's Delegated Decisions

#### Introduction

1.

The Openness of Local Government Bodies Regulations 2014 requires a written record of any decision delegated to an officer under express authorisation or under general authorisation where the effect is:

- a. to grant permission or licences;
- b. affects the rights of individuals;
- c. awards contracts or incurs expenditure which materially affects the Councils financial position.

#### Examples of Decisions not to be Recorded

2.

- a. Routine administrative and organisational decisions;
- b. To sign an allotment tenancy agreement;
- d. To book sports pitches;
- e. To approve works undertaken by a contractor;
- f. Any written decision that is already recorded by a written record and produced by virtue of other legislation;
- g. Any decision that would be exempt or confidential.

#### Procedure for Recording

3.

The decision making officer will produce a written record as soon as practicable after taking the decision, and it will be made available on the Council's website and in hard copy at the Council offices. The written record will include:

- a. The decision taken and the date the decision was taken;
- b. The reason(s) for the decision;
- c. Any alternative options considered and rejected;
- d. Any other background documents.

The record will be available for a minimum of six years from the date of the decision, with any supporting documentation available for a minimum of four years.