



Helsby Parish Council

Minutes of the Standing Orders Committee meeting held at 7pm in the parish office at Helsby Community Sports Club on Monday 21st November 2022

Present:

Cllr. Sarah Temple – Chair
Cllr. Terry O’Neill (substitute member)
Cllr. Chris Ellams (substitute member)

Also present:

Claire Jones Parish Clerk

In accordance with Standing Order 21a(iv), it was noted that Cllrs. O’Neill and Ellams were attending the meeting as substitute members in place of Cllrs. Duffy and Branigan.

1. Election of Chair. It was **RESOLVED that Cllr. Temple be elected as Chair of the Standing Orders Committee – SO01/22.**
2. Election of Vice-Chair. It was **RESOLVED that Cllr. Ellams be elected as Vice-Chair of the Standing Orders Committee – SO02/22.**
3. Public Participation – no matters were brought to the committee’s attention.
4. Apologies were noted from Cllrs. Duffy and Branigan.
5. Declarations of Members’ Interests. None were reported.
6. Confirmation of previous minutes. It was **RESOLVED that the minutes of the Standing Orders Committee meeting held on 29th November 2021 be accepted as accurate and signed by the Chair subject to one amendment – to correct the final point on page 53 from page 11 to page 10 – SO03/22.**
7. Matters arising from the previous meeting – Under Standing Order Clause 4b(i), the clerk confirmed that electronic signatures were sufficient on summons to meetings (Note: as best practice, future summons will include a scanned version of the clerk’s actual signature)¹. Under Clause 34, it was noted that an additional policy on the retention and disposal of information had been drafted (see Item 9). The clerk agreed to seek further clarity on any current councillor dispensations under Clause 40, particularly in relation to

¹ NALC Legal Topic Note 5: ‘If the summons is to be sent by email, it should contain an electronic signature that shows that the proper officer intended to sign the summons and his job title’. See also The Local Government (Electronic Communications) (England) Order 2015.

setting the precept. Under Item 8 with reference to page 27 of the standing orders, it was confirmed that training sessions did not need to be logged on the council's website.

8. Review of Standing Orders

Members noted the contents of a discussion paper as prepared and circulated by the clerk. It was also noted that the clerk had circulated for discussion a revised draft of the Standing Orders as based on NALC's latest Model Standing Orders (dated 2018 and revised in 2022). The clerk outlined that most parish and town councils locally had adopted the NALC version in full and it would make it easier in future to make any amendments as advised by NALC if the council's document was in the same format as that of the model document. It was noted that it was NALC's view that all model standing orders would generally be suitable for councils. Cllr. Temple suggested that much of the model document was discretionary and adopting this model in full could remove some of the detail about how the parish council operated in practice.

Members discussed each section of the document in turn and agreed those areas which would require further consideration, clarification or amendment. These included:

- Clarifying the current guidelines on the use of 'chair' rather than 'chairman' (Clerk to check latest guidance with ChALC/SLCC);
- Changing the coloured dots to abbreviations (Sections 3 and 12);
- Including a definition of a 'non-councillor with voting rights' as set out in the current document;
- A full review of Section 4 on committees and sub-committees to clearly define roles and to fully reflect the advisory nature of the council's own committees (to include definitions of standing, delegated and advisory committees and to clarify any rules relating to the admittance of non-councillors);
- Review of Section 5(j) in relation to what business needed to be discussed at the annual meeting and what was already covered through the council's committees; and
- Review of Section 19 in relation to existing policies (several of which have been identified as overdue for review by HR Committee).

It was **RESOLVED to recommend to Full Council to formally adopt the NALC Model Standing Orders in principle but to recognise that further work was required to tailor them to fully suit the council – S004/22**. It was agreed to continue with the council's existing standing orders at present and for the committee to meet again before May 2023 to discuss a revised draft.

Procedure for Reviewing Planning Applications - it was noted in the clerk's report that under the current arrangements (i.e. decision-making by e-mail on planning applications), the council could be open to challenge. The clerk outlined that decisions could not be made by e-mail correspondence as legal powers did not exist for the council to do so. Various options were considered including the creation of a planning committee with delegated authority from Full Council but it was acknowledged that this would lead to a lot more meetings and additional demands on the clerk's time. It was **RESOLVED to recommend to Full Council to continue with the current procedure for reviewing**

planning applications but to include an additional stage for a lead councillor from each ward to prepare a response to be agreed at each Full Council meeting before submission to CW&C – **SO05/22**. It was noted that, if agreed, Appendix 1 of the standing orders would need to be amended accordingly. It was agreed that the clerk would need to manage any deadlines with the planning authority by requesting extensions, where appropriate. The clerk also agreed to circulate any proposed planning responses with each agenda pack.

9. Review of Publication Scheme - The committee worked through the current document. It was **RESOLVED to recommend to Full Council to accept the following changes to the existing Publication Scheme – SO06/22:**

Page 1 - To add an additional bullet point which made reference to the publication of datasets as set out in the latest ICO Model Document as follows:

‘To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term ‘dataset’ is defined in section 11(5) of the Freedom of Information Act. The term ‘relevant copyright work’ is defined in section 19(8) of that Act.’

Page 3 under ‘Will a charge be made’ – also in line with the latest ICO Model Document to add: *‘Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.’*

Page 3 under ‘Will a charge be made’ – to include a cost for postage (based on the current cost of sending a large letter).

Page 5 – to remove references to the Community Resilience Plan.

Page 6 – to add references to the Programme for New Councillors, Councillor Induction Pack, CCTV and Surveillance Policy and the Lone Working Policy and Risk Assessment.

Retention and Disposal of Documents Policy – it was noted that the council currently had no guidance in terms of the retention and disposal of its records². Members worked through a draft policy that had been prepared by the clerk using model templates from SLCC and guidance from NALC.

Cllr. Temple suggested the following:

² The Data Protection Act 2018 (‘Fifth Principle’) says that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained.

- The clerk to confirm with Cheshire Records Office that they would accept the storage of those council documents referred to in the policy;
- Page 6 – check the timescale for the retention of bank statements, paying in books and cheque book stubs;
- Page 6 – include specifications under quotations and tenders;
- Page 7 – remove ‘last completed audit year’ under ‘timesheets’;
- Pages 7 and 10 - clarify apparent duplication/disparity in terms of records relating to leases, agreements and contracts;
- Include references to recycling, where appropriate;
- Page 7 – remove section on ‘members’ allowances register’;
- Page 8 – clarify what documents may need to be deposited with the British Library (including Helsby News); and
- Page 11 – under burial grounds, reword ‘disposal certificates’ to ‘burial and cremation certificates and coroner’s orders for burial’.

Subject to clarification on the above, it was **RESOLVED to recommend to Full Council to adopt the Retention and Disposal of Documents Policy – SO07/22.**

10. Date of next meeting – to be confirmed (before the May elections). Cllrs. Ellams and O’Neill to be invited to attend.

The meeting closed at 9.39pm.

Chairman’s signature Dated.....