

# **Standing Orders - Thorverton Parish Council**

**Adopted: September 2016**

**Last Reviewed: January 2018 (no amendments made)**

## **1. Code of Conduct**

- 1.1 Following election or co-option to the Council each Councillor will be issued with a copy of the Code of Conduct, Financial Regulations and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk or the Chairman of the Council.
- 1.2 All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings, or obstruct the Council's business.
- 1.3 The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or pecuniary interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity.

## **2. The Annual Council Meeting**

- 2.1 **If the Annual Council Meeting is in an election year it must be held within 14 days after that election date. If it is not an election year then the annual meeting will take place on an appropriate day in May.**
- 2.2 **If no other time is fixed the Annual Council Meeting shall take place at 6pm.**
- 2.3 **In addition to the Annual Council Meeting at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- 2.4 **The first business to be conducted at the Annual Council Meeting shall be the election of the Chairman and Vice Chairman (if any) of the Council.**
- 2.5 **The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Council Meeting until their successor is elected at that meeting.**
- 2.6 **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 Annual Council Meeting.**
- 2.7 **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.**

- 2.8 **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.**
- 2.9 **The business of the Annual Council Meeting shall include: 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.**
- 2.10 The retiring Chairman will report on the activities of the Council for the preceding year at the Annual Parish Meeting (not the Annual Parish Council Meeting).

### **3. General Meetings**

- 3.1 **Meetings will be held in appropriate accessible accommodation and not held in premises used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- 3.2 Meetings will take place on the second Tuesday of each month except for the month of August unless called for by the Chairman. The frequency and day of the meetings can be changed at the Annual Parish Council Meeting if required and resolved by the Council.
- 3.3 **Councillors will be advised of each meeting by way of summons from the Clerk which will be e-mailed with at least three clear days' notice of the meeting which does not include the day on which it 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.** The summons will include an Agenda. These items will also be posted on the main Council notice board and on the Council's website for public view with at least three clear days' notice of the meeting. The three clear days' notice does include Saturdays but excludes Sundays. The summons and Agenda will include the venue, time, date and specific business to be transacted at the meeting.
- 3.4 **Meetings will be open to the public and press 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.**
- 3.5 **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.**

- 3.6 **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 Vice Chairman are absent from a meeting a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- 3.7 **Subject to a meeting being quorate (4 members present) all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting. 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. If a meeting is or becomes inquorate no business shall be transacted.**
- 3.8 **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.**
- 3.9 **Voting on a question shall be by 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.**
- 3.10 **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 the matter.**
- 3.11 **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- 3.12 **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven day so having been requested in writing to do so by two Councillors, any two Councillors may convene and 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.**
- 3.13 **Dispensations requests shall be in writing and submitted to the Proper Officer. A dispensation may be granted if having regard to all relevant circumstances the following applies: 1) 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 impeded the transaction of the business or 2) granting the dispensation is in the interest of person living in the Councils area or 3) it is otherwise appropriate to grant a dispensation.**
- 3.14 **Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Councils code of conduct the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**
- 3.15 **An open session of 15 minutes will take place at the start of each meeting to enable members of the public to speak. The Chairman will oversee this Agenda item and determine how many members of the public wish to speak and allocate the allotted time equally amongst them. There being three or less members of the public wishing to speak each member of the public will be limited to a maximum of five minutes of speaking time.**

- 3.16 The Agenda for the meeting will be produced by the Clerk with input from the Chairman (or Vice Chairman if appropriate). The Agenda will always include an item to enable Councillors to declare interests.
- 3.17 The Council may only take decisions on items that are clearly specified on the Agenda; if agreed by the Chairman any urgent items which are not on the Agenda may be discussed, but no decision may be made, at that meeting.
- 3.18 Minutes of the meetings will be kept by the Clerk, or other nominated person in the Clerk's absence, and the minutes will be clearly marked as draft minutes until they are approved by the Parish Council at their next meeting. When approved as a correct record of the meeting the minutes will be signed and dated by the Chairman (or person presiding). The draft minutes will be circulated to all Councillors within two weeks of the end of the meeting. The Council/Clerk will not be obliged to send individual copies of the minutes to any other person than a Councillor. The draft minutes will be posted on the main Notice Board for all to view and on the Councils website.

#### **4. Responsible Financial Officer –**

The RFO is a statutory office appointed by the Council. The Clerk to the Council will take on this role of managing the Council's financial affairs in accordance with Proper Practices.

#### **Estimates and Precept**

- 4.1 The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the January meeting in preparation for the precept being agreed and submitted to the Collection Authority. During the year the budget will be reviewed quarterly against actual expenditure and income. Amendments to the budget will be discussed in Council and changes noted in the minutes.
- 4.2 **The RFO will confirm that a proposed contract for the supply of goods, material, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender.**
- 4.3 **Where the value of a contract is likely to exceed £138,893. (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations of 2006 (SINo.6 amended) apply to the contract and if either of those Regulations apply the Council must comply with EU procurement rules.**

**The 2015 Regulations are engaged when (a) local Councils in England are procuring a public works, public service or public supply contract with an estimated value of £25,000 or more and (b) local Councils in England and Wales are procuring (i) a public works contract with an estimated value of currently £4,104,394 or more or (ii) a public service or public supply contract with an estimated value of currently £164,176 or more. The financial thresholds for proposed contracts in (b) are set by the European Commission and are confirmed in the Public Contracts Directive 2014/24/EU. Thresholds are adjusted every two years and usually take effect on 1<sup>st</sup> January.**

#### **Income and Expenditure**

- 4.4 The RFO will supply monthly updates of bank balances.

## **Accounting and Audit**

- 4.5 The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.
- 4.6 The RFO will complete the annual financial statements of the Council including the annual return as soon as practicable after the end of the financial year and will submit a report on them to the Council. The Council will review each year's accounts and documentation to ensure that there is an adequate, effective, system of internal audit of the Council's accounting, financial and other procedures, in line with Proper Practices.
- 4.7 An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practices (current rules, regulations, and requirements). The person appointed will be competent and independent of the operation of the Council.
- 4.8 The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete, and after signed confirmation by the Chairman has been given on behalf of the Council.

## **5. Contracts, Purchase Orders, and Quotations**

- 5.1 An official invoice, receipt, or letter will be obtained for all work, goods, or services paid for by the Council. All Councillors and officers are responsible for obtaining good value for money at all times. The Clerk will oversee the placing of orders and contracts. The Clerk or any officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for all transactions.
- 5.2 Orders for values up to £500 require one quotation. Orders for values of £501 and up to £2000 require a minimum of two quotations. Orders for values of £2001 and above require a minimum of three quotations. Contracts exceeding £25,000 require additional safeguards and will follow Proper Practice.
- 5.3 All quotations will be approved by the Council except where delegated authority has been given by the Council to the Clerk for a specific matter which has been documented in the minutes. The Council is not obliged to accept the lowest quotation and should this be the case the reason(s) for not doing so will be documented in the minutes.

## **6. Assets**

- 6.1 The RFO will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed at least annually in conjunction with a health and safety inspection of assets if appropriate.

## **7. Insurance**

- 7.1 The Council will review the insurances annually during the annual risk assessment where levels of insurance cover will be agreed along with the adequacy and cost of each policy. Minimum cover will include Public Liability, Employers Liability, Fidelity cover, vehicle and asset insurance.

## **8. Risk Assessment**

- 8.1 If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

## 9. Freedom of Information

- 9.1 The Council is subject to the Freedom of Information Act 2000 and has adopted the Model Publication Scheme for Parish Councils. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents. The Data Protection annual licence fee will be paid.

## 10. Clerk to the Council

- 10.1 The Council may appoint a Clerk to the Council which will be on an employed basis unless the Clerk is a member of the Council who would then act in an unpaid capacity. The Clerk will be paid according to the current NALC pay scales. Additional paid members of staff may be employed to assist with the running of the Council administration. As an employee of the Council the Clerk is covered by Employment Legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Chairman or designated Councillor acting with the authority of the Council.
- 10.2 The Clerk will act as the Proper Officer of the Council and he/she will: receive the Declarations of Acceptance of Office; sign documents on behalf of the Council; reply to correspondence on behalf of the Council; issue Agendas and notices of meetings; receive and circulate documents on behalf of the Council; and also advise the bank of changes to bank mandates.
- 10.3 The Clerk will act as Responsible Financial Officer of the Council.

**10.4 The Proper Officer will receive and retain copies of byelaws made by other local authorities.**

**10.5 The Proper Officer will convene a meeting of full Council for the election of a new Chairman of the Council occasioned by a casual vacancy in his office.**

**11. Clerks Delegated Authority:** The Clerk will have delegated authority to act on behalf of the Council on the following matters:

- a) To produce and send for publishing the Focus (or similar village magazine) entry following a Council meeting.
- b) To act on and reply to correspondence received as deemed appropriate.
- c) To act on the transfer paperwork relating to the Quarry Car Park garages.
- d) To act on the paperwork and correspondence relating to the allotments to include advertising of vacant plots, changes in tenants, and collection of annual rent.
- e) To complete general questionnaires and applications on behalf of the Council for presentation to the Council for consideration at the next Council meeting.
- f) To grant dispensations.
- g) To amend insurance cover in light of changed circumstances.

h) To obtain the advice of the Councils Solicitors.

i) To authorise and deal with urgent works or emergency business, should it not be deemed practicable to convene a special meeting, and to spend up to £200 in dealing with any urgent works in consultation with the Chairman. Actions and results should be reported promptly to the Council and documented in the next minutes.

## **12. Committees**

12.1. The Council from time to time may set up working groups or committees to undertake work on behalf of the Council. These groups will report to the Council with any recommendations for consideration and the Council will make any decisions by resolution.

## **13. Alteration or Reversal of previous decisions**

13.1. Decisions of the Council will not be revised within 4 months except where the Chairman, or at least two Councillors, place the item on the Agenda for discussion by the full Council. Any resolved revision will be fully documented in the minutes which should cover why the new decision was made.

## **14. Standing Order review**

14.1. These and any other standing orders will be reviewed annually by the Clerk, in consultation with the Chairman, and any amendments will be decided upon by the Council at a full Council Meeting.

14.2. During the course of meetings of the Council the Chairman's decision as to the interpretation of the standing orders will be final. In cases of doubt the Council will seek the advice of the Devon Association of Local Councils (DALC).

14.3. The Council may resolve to suspend a Standing Order during a meeting with the reason documented within the minutes.

Thorverton Parish Council