

# Standing Orders - Thorverton Parish Council

Updated July 2019 (Minute 19/61). It was resolved to carry this version forward for the new four year term unless amendment is required in the meantime.

Standing orders are the written rules of our Parish Council. They regulate the proceedings of a meeting. They also confirm or refer to various internal organisational and administrative arrangements. These standing orders are based on the National Association of Local Councils' model. The sections in bold must remain – in bold – as they are legal and statutory requirements; other sections could be omitted or amended by agreement of the Council.

## 1. General Meetings

1.1 **Meetings** should be held in appropriate accessible accommodation and **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.**

1.2 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. The summons will include an agenda. 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. 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 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.** The summons and agenda will include the venue, time, date and specific business to be transacted at the meeting.

1.3 **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.**

1.4 **Subject to standing order 1.5, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

1.5 **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

1.6 **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.**

1.7 **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**

1.8 **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman**

**and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

1.9 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.

1.10 Items 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. 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.

**1.11 Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

**1.12 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.**

**1.13 A motion shall not be progressed unless it has been moved and seconded. Before a motion is put to the vote, the chairman shall be satisfied that the motion has been sufficiently debated. 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.**

1.14. A decision 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.

**1.15 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.**

**1.16 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. The quorum for Thorverton Parish Council is 4 as its full membership is 10. 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.**

## **2. Committees and Sub-Committees**

**2.1** 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.

**2.2 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors. 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 the 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 2.2.ii and 2.2.iii, appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 2.2.ii and 2.2.iii, 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 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, in both cases, shall be no less than three;

### **3. Ordinary Council Meetings**

**3.1** In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.

**3.2** In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides. Meetings will take place on the second Tuesday of each month except for the month of August, unless a change to the frequency and day of the meetings is resolved by the Council.

**3.3** The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council. 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.

**3.4** The Vice-Chairman of the Council, if there is one, 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.

**3.5** In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.

**3.6** In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.

**3.7** Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:

- 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;
- i. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- ii. Receipt of the minutes of the last meeting of a committee;
- iii. Review and adoption of appropriate standing orders and financial regulations; and
- iv. 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.

#### **4. Extraordinary Meetings of the Council, Committees and Sub-Committees**

**4.1** The Chairman of the Council may convene an extraordinary meeting of the Council at any time, with the notice period as in Standing Order 2.1.

**4.2** If the Chairman of the Council does not 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 shall be signed by the two councillors. The notice period shall be as in Standing Order 2.1.

#### **5. Management of Information**

**5.1** The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

**5.2** The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

**5.3** The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

**5.4** Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

#### **6. Draft Minutes**

**6.1** 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 Council's website not later than one month after the meeting has taken place.**

#### **7. Code of Conduct and Dispensations**

**7.1** 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. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council 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. 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.

7.2 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.

**7.3 Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.**

**7.4 Unless they have 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. They may return to the meeting after it has considered the matter in which they had the interest.**

**7.5 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. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.**

**7.6 A dispensation may be granted in accordance with standing order 7.5 if having regard to all relevant circumstances any of the following apply:**

- 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;**
- 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.**

## **8. Code of Conduct Complaints**

**8.1 Upon notification by the District or Unitary 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 them. Such action excludes disqualification or suspension from office.**

## **9. Proper Officer**

**9.1 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.**

**9.2 The Proper Officer shall at least three clear days before a meeting of the council, a committee or a sub-committee, serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

**9.3 The Proper Officer shall:**

- i. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- ii. facilitate inspection of the minute book by local government electors;**

- iii. receive and retain copies of byelaws made by other local authorities;
- iv. hold acceptance of office forms from councillors;
- v. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- vi. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- vii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- viii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose; and
- ix. manage access to information about the Council via the publication scheme;

## **10. Financial Controls and Procurement**

10.1 The Responsible Financial Officer (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.

10.2 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.

10.3 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.

10.4 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 10.5 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

**10.5 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

**10.6 A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

10.7 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.

10.8 The RFO will supply monthly updates of bank balances.

10.9 The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.

10.10 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.

10.11 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.

10.12 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.

10.13 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.

10.14 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.

10.15 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.

10.16 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.

10.17 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.

## 11. Risk Assessments

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

## 12. Freedom of Information and Data Protection

12.1 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.

**12.2 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council. The**

**Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

**12.3 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**

**12.4 The Council shall have a written policy in place for responding to and managing a personal data breach.**

**12.5 The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

**12.6 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

**12.7 The Council shall maintain a written record of its processing activities.**

### 13. Legal Deeds

13.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

13.2 Subject to standing order 13.1, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures

### 14. Clerk to the Council

14.1 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.

14.2 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 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 Council's 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.

### 15. Policies

15.1 Where the Council has adopted a policy this will be published on its website. Council will follow adopted policies when considering relevant matters which come before the Council.

15.2 Once adopted, policies will remain in place for the duration of a Council's term of office unless a resolution is passed at a Council meeting to revise or delete a policy.

16. Standing Order review

16.1 These and any other policies 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.

16.2 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).

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

*Thorverton Parish Council July 2019*