

STANDING ORDERS

ORIGINALLY ADOPTED 4TH FEB. 2020

REVIEWED 4TH FEB. 2020

NEXT REVIEW DUE: 4TH FEB. 2021

1. COUNCILLORS

- 1.1. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council, or of a Councillor who has been specifically designated by the Council for this purpose.
- 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 pecuniary interest or other 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 and follow the actions prescribed by the Code of Conduct unless he has been granted a dispensation.
- 1.4. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting.
- 1.5. A dispensation may be granted in accordance with standing order 1.4 above if having regard to all relevant circumstances the following applies:
 - 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;
 - granting the dispensation is in the interests of persons living in the council's area or;
 - it is otherwise appropriate to grant a dispensation.
- 1.6. 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 him. Such action excludes disqualification or suspension from office.

2. ANNUAL MEETINGS

- 2.1. If the Annual Meeting is in an election year it must be held within 14 days after that election. If it is not an election year then the annual meeting will take place on an appropriate day in May.
- 2.2. If the outgoing Chairman is available then he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of

- the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office.
- 2.3. 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.
 - 2.4. 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.
 - 2.5. 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:
 - In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms;
 - In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form.
 - 2.6. The retiring Chairman will report on the activities of the Council for the preceding year.

3. MEETINGS

- 3.1. Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.
- 3.2. An agreed frequency of meetings will be decided at the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons delivered by email, which must confirm the time, place and the agenda and contain the electronic signature and title of the Proper Officer.
- 3.3. The agenda must be issued at least three clear days before 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.
- 3.4. The Proper Officer will post public notices in conspicuous places informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear days before the meeting.
- 3.5. Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.

- 3.6. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted. Reasonable facilities will be provided if notice of at least one calendar week is given to the Council of the intention to record.
- 3.7. 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.
- 3.8. Members of the public may speak at Council meetings at the discretion of the Chairman of the meeting, during the public forum. The public forum lasts up to fifteen minutes or longer if deemed necessary by prior agreement. A member of the public may speak for up to three minutes.
- 3.9. The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman as appropriate. The agenda will always include an item to enable Councillors to declare interests. An opportunity for the public to speak is always available during the public forum, which is an item on the agenda.
- 3.10. The Council may only take decisions on items 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.
- 3.11. 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.
- 3.12. The Chairman of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chairman is not present then the Vice Chairman will preside. If they are not present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.
- 3.13. The quorum for the Council will be one third of the total Councillor places but in any case not fewer than 3. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.
- 3.14. If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.
- 3.15. Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.
- 3.16. In cases of equal votes the Chairman (or other person presiding) will have a second or casting vote.
- 3.17. A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated will be draft minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.

- 3.18. If there is a personal interest in a planning application a statement can be made to the Parish Council meeting but then the person must leave the meeting while discussions take place.
- 3.19. The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- 3.20. 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.

4. FINANCE

- 4.1. The Responsible Finance Officer is a statutory office and appointed by the Council. The Clerk of the Council will take on this role of managing the Council's financial affairs in accordance with Proper Practices.
- 4.2. The RFO will:
 - 4.2.1. compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the end of December in preparation for the precept being agreed, and submitted to the Collection Authority in January. During the year the budget will be reviewed against actual expenditure and income. Amendments to the budget will be discussed in Council and changes minuted;
 - 4.2.2. supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant underspends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Underspent revenue will be identified and earmarked to reserves by a Council resolution;
 - 4.2.3. determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations;
 - 4.2.4. 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 and report on them to the Council. The Council will review each year and ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures in line with Proper Practice;
 - 4.2.5. submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.
- 4.3. An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practice. The person appointed will be competent and independent of the operation of the Council.

- 4.4. The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.
- 4.5. A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques and at least two members to be authorised to approve internet payments.
- 4.6. All items of expenditure will be authorised by the Council and the payments approved. The RFO will examine invoices and verify and certify the expenditure. Where Cheques are used they will be signed by two authorised Councillors. Where internet payments are used they will be pre-approved by two authorised Councillors before creation by the RFO; they will then be approved by one Councillor once created.
- 4.7. Any utility bill may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.
- 4.8. All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.
- 4.9. All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These terms must be reviewed annually.
- 4.10. All investments of money under the control of the Council will be in the name of the Council and all certificates or other documents will be retained by the RFO.
- 4.11. An official order or letter will be issued for all work or service paid for by the Council. All Councillors and officers are responsible for obtaining good value for money at all times. An officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction.
- 4.12. Orders for values £100 to £3,000 require a minimum of two quotations; for values above £3,000 three quotations are required.
- 4.13. Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in Standing Order 4.14 below.
- 4.14. 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:
 - 4.14.1. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - 4.14.2. 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;
 - 4.14.3. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

- 4.14.4. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 4.14.5. 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;
- 4.14.6. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- 4.15. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- 4.16. 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 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.
- 4.17.
- 4.18. A legal deed shall not be executed on behalf of the council unless authorised by a resolution. Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.
- 4.19. 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.
- 4.20. The RFO will promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1974 section 33 will be made at least annually coinciding with the financial year.

5. INSURANCE

- 5.1. Following the annual risk assessment, the Council will review the level of insurance cover and ensure it is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.

6. RISK ASSESSMENT

- 6.1. A risk assessment will be undertaken annually of all the activities of the Council and a report approved by the Council. This assessment will also cover the appropriateness of the internal audit arrangements. The Risk Assessment will be reviewed annually.
- 6.2. If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

7. FREEDOM OF INFORMATION

- 7.1. The Council is subject to the Freedom of Information Act 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.

8. CLERK TO THE COUNCIL

- 8.1. The Council may appoint a number of employees to assist it in the performance of its duties. The Council will appoint a Clerk to the Council which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.
- 8.2. The Clerk will act as the Proper Officer of the Council, and he/she will:
- receive the Declarations of Acceptance of Office and notices disclosing interests;
 - sign documents on behalf of the Council and issue agendas and notices of meetings; receive and distribute plans and documents on behalf of the Council;
 - convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
 - receive and retain copies of byelaws made by other local authorities;
 - advise the bank of changes to mandates with the bank;
 - act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.
- 8.3. 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.

9. COMMITTEES AND TASK AND FINISH GROUPS

- 9.1. The Council from time to time may set up committees and task-and-finish groups to undertake work on behalf of the Council. The Council will set their Terms of Reference, and they will report periodically to the Council.
- 9.2. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.

10. EMERGENCY BUSINESS

- 10.1. Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chairman and one other Councillor. Actions will be reported promptly to the Council.

11. ALTERATION OR REVERSAL OF PREVIOUS DECISIONS

- 11.1. Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council.

12. STANDING ORDERS

- 12.1. These and any other Standing Orders will be reviewed annually by the Clerk and the Chairman, and any amendments will be decided by the Council.
- 12.2. 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 Essex Association of Local Councils.
- 12.3. The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decisions will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.

Approved and Adopted by Wickham Bishops Parish Council.

Signed:

Date: