

# Kempsford Parish Council Standing Orders

Adopted by the Council at its Annual Council Meeting held 21<sup>st</sup> October 2014

Standing Orders in **bold** type are law.

## 1. Meetings

- 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. **When calculating the 3 clear days notice for a meeting, 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, a bank holiday, or a day appointed for public thanksgiving or mourning, shall not count.**
- c. **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 3.** If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a disclosable pecuniary interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at a following meeting.
- d. **The public shall be admitted to all meetings of the Council who may, however, temporarily exclude the public** by means of the following resolution: "That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw." The Council shall state the special reason for exclusion.
- e. Subject to standing order 1d above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda during the 10 minute parishioner time.
- f. The local Member of Parliament, County Councillors, District Councillors, police representatives and incumbent vicar are permitted to speak during council meetings.
- g. **Reporting on the proceedings of a meeting is permitted by any person (including the press) who attends a council (or committee) meeting. Reporting is defined as –**
  - **Filming, photographing or making an audio recording of proceedings at a meeting.**
  - **Using any other means for enabling people not present at a meeting to see or hear proceedings as it takes place or later.**
  - **Written reporting or commentary on the proceedings during or after a meeting or oral reporting or commentary after the meeting.**

### **Persons present are not entitled to give an oral report or commentary during a meeting.**

At the start of a meeting, the chairman will request any persons present state their intention to record.

Filming, recording, photographing or other reporting of children and the vulnerable is only permitted with the consent of a responsible adult e.g. medical professional, carer, legal guardian, parent or teacher.

A designated area will be provided for members of the public not participating in the meeting who object, or children and vulnerable adults without consent, to being filmed, recorded, photographed or otherwise reported about. The chairman will remind those who wish to film, record, photograph or otherwise report on the proceedings to avoid those who are sitting within this area.

- h. **In accordance with 1g above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- i. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman 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.**
- j. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman, may in his absence be done by, to or before the Vice-Chairman.**
- k. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- l. **Councillors must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at Page 1 of 5 any meeting they are present where an item of business which affects or relates to the subject matter of that**

interest is under consideration (unless the interest is a sensitive interest, *as defined by the 5Localism Act*, in which event you need not disclose the nature of the interest). - 2 -Page 2 of

- m. Councillors must make a verbal declaration of the existence and nature of any non-disclosable pecuniary interest at any meeting they are present (*see Kempsford Parish Council's Code of Conduct for a definition of a non-disclosable pecuniary interest*).
- n. Councillors must comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a Disclosable Pecuniary Interest (unless you have obtained a dispensation). Councillors must leave the room whilst the item is considered.
- o. A dispensation may be granted to permit a member to discuss and vote on an item where they have a disclosable pecuniary interest if after having had regard to all relevant circumstances, the council considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or considers that granting the dispensation is in the interests of persons living in the authority's area, or considers that it is otherwise appropriate to grant a dispensation. A member must submit a written request and deliver to the Clerk for a dispensation. Adjudication on the request will be determined by the whole council discussing the request and voting on it. The member(s) requesting the dispensation is permitted to take part in the discussion and voting on the matter.
- p. A dispensation must specify the period for which it has effect and not exceed four years.
- q. No member of the Council shall disclose to any person, not a member of the Council, any business declared to be confidential by the Council.

## **2. Voting**

- a. Members shall vote verbally or by show of hands.
- b. All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- c. 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.
- d. The Chairman 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. Statutory Annual Meeting**

- a. In an election year, the statutory 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 the 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 election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting 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, 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. **At each Annual Meeting of the Council the first business shall be:**
  - i. **To elect a Chairman and Vice-Chairman of the Council.**
  - ii. **To receive the Chairman's declaration of acceptance of office.**
  - iii. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
  - iv. **To decide when any declarations of acceptance of office and written undertakings to comply with the Code of Conduct adopted by the Council which have not been received as provided by law shall be received.**
  - v. Confirmation of the accuracy of the minutes of the last meeting of the Council.
  - vi. In an election year, delivery by councillors of their declarations of acceptance of office.
  - vii. Review of Standing Orders, Financial Regulations.
  - viii. Review the Council's Complaints Procedure.
  - x. Review of inventory of land and assets including buildings and office equipment.
  - xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - xi. Review of the Council's and/or employees' memberships of other bodies.

#### **4. Extraordinary Meetings**

- 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 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

#### **5. Disorderly Conduct**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chairman, there has been a breach of standing order 5a above, the Chairman shall express that opinion and thereafter any councillor may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c. If a resolution made in accordance with standing order 5b above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it or he may adjourn the meeting.

#### **6. Minutes**

- a. **The minutes of a meeting shall record the names of councillors present and absent.**
- b. **All minutes kept by the Council shall be open for the inspection of any member of the Council.**
- c. If a copy of the draft minutes of a preceding meeting has been circulated to councillors, no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read.
- d. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- e. Minutes, including any amendment to correct their accuracy, 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.
- f. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

#### **7. Advisory Committees**

- a. The Council may appoint advisory committees comprised of a number of councillors and non-councillors. Advisory committees may consist wholly of persons who are non-councillors.

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

- a. **All councillors shall observe the Code of Conduct adopted by the Council.**
- b. **The Code of Conduct shall apply to councillors whenever they are acting in their capacity as a member of the Parish Council.**
- c. **Councillors must ensure their Register of Interests is kept up to date and notify the Monitoring Officer within 28 days if becoming aware of any change in their Disclosable Pecuniary Interests.**

## **9. Complaints**

- a. The Council shall deal with complaints of maladministration allegedly committed by the Council, or by any officer, or member, following the Complaints Procedure.

## **10. Accounts and Financial Statement**

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed annually.
- b. The Responsible Financial Officer shall supply to each councillor electronically before each meeting a statement summarising the Council's receipts and payments and balances held for the financial year to date.
- c. The annual governance statement shall be presented to Council for formal approval before 30 June.
- d. Except as provided in paragraph 10e of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- e. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the clerk. Such payment shall be authorised by the proper officer for payment, with the approval of two councillors.
- f. All payments ratified under paragraph 10e of this Standing Order shall be separately included in the next schedule of payments before the Council.
- g. **The Council shall approve written estimates/precepts for the coming financial year** at its meeting before the end of December.

## **11. 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. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**
- d. **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 an employee.**

## **12. Financial Matters**

- 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 accounting records and systems of internal control.
  - ii. The assessment and management of financial risks faced by the Council.
  - iii. The work of the Internal Auditor 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.
  - v. Procurement policies (subject to standing order 12b below) including the setting of values for different procedures where the contract has an estimated value of less than £50,000.
- b. **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 12c below:**
- c. Any formal tender process shall comprise the following steps:

- i. A public notice of intention to place a contract to be placed in a local newspaper.
  - ii. A specification of the goods, materials, services and the execution of works shall be drawn up.
  - iii. Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time.
  - iv. Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council.
  - v. Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d. The Council is not bound to accept the lowest tender, estimate or quote.
- e. **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.**

### 13. Proper Officer

- a. The Council's Proper Officer shall be the clerk. The Council's Proper Officer shall do the following:
- i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - iii. Send an invitation to attend a meeting of the Council and an agenda to councillors of the District and County Council representing its electoral ward.
  - iv. Make available for inspection the minutes of meetings.
  - v. Retain a copy of every councillor's Register of Interests, include these on the Council website and make them available for inspection.
  - vi. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
  - vii. Forward to the Council every planning application received within 72 hours of receipt by email.
  - viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - ix. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - xi. **Receive and retain declarations of acceptance of office from councillors.**
  - xii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 13ai above.**
  - xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
  - xiv. **Receive and retain copies of byelaws made by other local authorities.**
  - xv. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.

### 14. Execution and Sealing of Legal Deeds

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. **In accordance with a resolution made under standing order 14a above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

### 15. Variation, Revocation and Suspension of Standing Orders

- a. Any or every part of the standing orders, except those which are mandatory by law (and are printed in bold type) may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to, to vary, or to revoke, one or more of the Council's standing orders, not mandatory by law, shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.
- c. The Chairman's decision as to the application of standing orders at meetings shall be final.