

## **SWAFFHAM PRIOR PARISH COUNCIL STANDING ORDERS**

### **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. **The minimum three clear days for notice for 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.**
- c. **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.**
- d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend, in respect of the business on the agenda, under agenda item "Public Participation".
- e. The period of time which is designated for public participation at a meeting in accordance with Standing Order 1d) shall not exceed 30 minutes unless directed by the chair of the meeting.
- f. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than three minutes, subject to Standing Order 1d).
- g. In accordance with Standing Order 1d), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- h. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- i. A person shall raise his hand when requesting to speak. The chair of the meeting may at any time permit a person to be seated when speaking.
- j. Any person speaking at a meeting shall address his/her/their comments to the chair of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person

wishes to speak, the chair of the meeting shall direct the order of speaking.

- l. **Subject to Standing Order 1m), 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 commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. The PC ask that persons wishing to record/photograph/broadcast a meeting declare their intention to do so prior to the start of the meeting.**
- m. **A person present at a meeting may not provide an oral report or oral commentary about the meeting as it takes place without permission.**
- n. **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.**
- o. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the chair may in his/her/their absence be done by, to or before by the councillor deputised to act as chair.**
- p. **The Chair of the Council, if present, shall preside at a meeting. If the chair is absent from a meeting, the Vice-Chair (if there is one), shall preside. If both are absent, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- r. **The chair of the 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/her/their casting vote whether or not he/she/they gave an original vote.**
- s. **Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. The minutes will record the outcome of all votes in terms of numbers for, against and abstaining. A councillor may request the individual voting on any question shall be recorded, or that their name be noted as abstaining. Such requests shall be made before moving on to the next item of business on the agenda.**
- t. The minutes of a meeting shall include an accurate record of the following:
  - i. the time and the place of the meeting
  - ii. the names of the councillors who are present and the names of the councillors that are absent

- iii. interests that have been declared by councillors
  - iv. the grants of dispensation (if any) to councillors
  - v. whether a councillor left the meeting when matters they held interests in were being considered
  - vi. if there was a public participation session and
  - vii. the resolutions made.
- u. If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- v. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- w. **A councillor who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered in a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.**
- x. **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.**
- y. **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.
- z. Meetings shall not exceed a period of two and a half hours.
- aa. Items raised under 'Matters arising from previous minutes' shall refer only to the minutes of the meeting preceding the present meeting.

## 2. Ordinary Council Meetings

- a. **In an election year, the annual meeting of the Council shall be held on or within fourteen 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 a Council shall be held on such day in May as the Council decides.**
- c. Usually, the annual meeting of the Council shall take place at 7.00 pm.
- d. **In addition to the annual meeting of the Council, at least four other ordinary meetings shall be held in each year on such dates and times as the Council decides;** and usually monthly on the second Thursday of

each month.

- e. **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f. **The Chair of the Council, unless he/she/they resigns or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**
- g. **The Vice-Chair of the Council, if any, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h. **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair 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 Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the meeting until a new Chair of the Council has been elected. He/she/they 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. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall include:
  - i. **In an election year, delivery by councillors of their declarations of acceptance of office forms unless the Council resolves for this to be done at a later date. In a year that is not an election year, delivery by the Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date.**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to consider recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.

- iv. Review of the terms of references for committees.
- v. Appointment of members to existing committees.
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members, including, if appropriate, substitute councillors and receipt of nominations to them.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of arrangements, including any charters, with other local authorities, not-for-profit bodies and businesses, and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. 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.
- xi. Review of inventory of land and assets including buildings and office equipment.
- xii. Review and confirmation of arrangements for insurance cover in respect of all insurable risks.
- xiii. Review of the Council's and/or employees' subscriptions to other bodies.
- xiv. Review of the Council's complaints procedure.
- xv. Establishing or reviewing the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.
- xvi. Reviewing the Council's policy for dealing with the press/media.
- xvii. Review of the Council's employment policies and procedures
- xviii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence
- xix. Setting the dates, times and place of ordinary meetings of the full Council up to and including the next annual meeting of the Council.
- xviii. Review of any temporary Standing Orders and their expiry.

### 3. Proper Officer

- a. The Council's Proper Officer shall be either:
  - i. the clerk or such other employee as may be nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent or;
  - ii. such other person appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence, to be known as the Deputy Clerk.

The Proper Officer and the deputy appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

- b. The Proper Officer shall:
  - i. **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 residence 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 of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - ii. subject to standing order 4, include in the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his/her/their withdrawal of it.
  - iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office**
  - iv. **facilitate inspection of the minute book by local government electors**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. receive and retain declarations of acceptance of office forms from councillors;

- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the freedom of information legislation and rights exercisable under data protection legislation, in accordance with and subject to the Council's relevant policies and procedures. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Parish Council. The Chair shall have the power to do anything to facilitate compliance with the Freedom of Information Act including exercising the powers of the Proper Officer in respect of Freedom of Information requests.
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980); .
- xii. arrange for legal deeds to be executed;
- xiii. arrange the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chair or in his/her/their absence, the Vice-Chair of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council
- xvi. manage access to information about the Council via the publication scheme;
- xvii. retain custody of the seal of the Council which shall not be used without a resolution to that effect;

- xviii. act or undertake activity or responsibilities instructed by resolution or contained in standing orders;
- c. A councillor may seek answer to a question concerning any business of the Council provided five clear days notice of the question has been given to the Proper Officer.

#### **4. Motions for a meeting that require written notice to be given to the Proper Officer**

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 4 clear days before the next meeting. Clear days do not include the day of notice or the day of the meeting.
- c. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4b., correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 4b. is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, in writing, to the Proper Officer in clear and certain language at least 4 clear days before the meeting.
- e. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- f. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

#### **5. Motions not requiring written notice**

- a. Motions in respect of the following matters may be moved without written notice to the Proper Officer:



- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limit for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or member of the public;
- xiii. to exclude a councillor or member of the public for disorderly behaviour;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn a meeting, or:
- xvii. to close the meeting.

## **6. Rules of debate**

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the discretion of the chair of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been proposed and seconded.
- d. A motion included in an agenda not moved by the councillor who tabled it,

may be treated by the chair of the meeting as withdrawn.

- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a proposal. It shall not negate the motion.
- f. If an amendment to the original proposal is carried, the original motion (as amended) becomes the substantive motion on which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at a meeting and if requested by the chair of the meeting, is expressed in writing to the chair.
- h. A councillor may move an amendment to his/her/their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendment shall be moved in the order directed by the chair of the meeting. If an amendment is not carried, other amendments shall be moved in the order directed by the chair of the meeting.
- j. Subject to Standing Order 6k. only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l. A councillor may not move more than one amendment to an original or substantive motion
- m. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding three minutes.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o. A councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p. During the debate of a motion, a councillor may interrupt only on a point of

- order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the irregularity in the proceedings of the meeting he/she/they is concerned by.
- i. A point of order shall be decided by the chair of the meeting and his/her/their decision shall be final.
  - ii. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- q. When a councillor's motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - viii. to suspend any standing order, except those which are mandatory, statutory or legal requirements.
- r. Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her/their right of reply. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- s. Excluding motions moved under Standing Order 6.q), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chair of the meeting.
- t. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

## 7. Code of conduct and dispensations

- a. All councillors shall observe the code of conduct adopted by the Council.
- b. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c. If a Councillor has a disclosable pecuniary interest in a matter under consideration, he/she/they must leave the meeting whilst the matter is discussed and voted on, unless he/she/they have been granted a dispensation. He/she/they may return to the meeting after it has considered the matter in which he/she they had an interest.
- d. Councillors who have another prejudicial interest in relation to any item of business being transacted at that meeting may
  - i. make representations,
  - ii. answer questions and
  - iii. give evidence relating to the business being transacted but must, thereafter leave the room before voting takes place.
- e. **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 dispensation is required.
- f. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- g. A dispensation request shall confirm:
  - i. The description and the nature of the disclosable pecuniary interest or other interest to which the request for dispensation relates;
  - ii. Whether the dispensation is required to participate at the meeting in a discussion only or a discussion and a vote;
  - iii. The date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought and;
  - iv. An explanation as to why the dispensation is sought.
- h. Subject to standing orders 7e) and g), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

- i. **A dispensation may be granted in accordance with standing order 7f) if having regard to all relevant circumstances any of the following apply:**
  - i. **Without 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 dispensation is in the interests of persons living in the Council's area or;**
  - iii. **It is otherwise appropriate to grant a dispensation.**

## **8. Draft minutes**

- a. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing orders 5.ai).
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:
  - i. "The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e. **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publically accessible and free of charge not later than one month after the meeting has taken place.**
- f. Subject to the publication of the draft minutes in accordance with standing order 8e. and 20 a., following a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **9. Disorderly conduct**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a resolution made under standing order 10b) is ignored, the chair of the meeting may take such further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **10. Previous resolutions**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by least three councillors to be given to the Proper Officer in accordance with standing order 4, or by a motion moved in pursuance of the report or recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to standing order 10a. has been disposed of, no similar motion may be moved within a further six months.

## **11. Voting on appointments**

- a. Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie shall be settled by the casting vote exercisable by the chair of the meeting.

## **12. 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. Subject to standing order 12. a), 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.

### **13. Committees and sub-committees**

- a. **Unless there is a Council resolution to the contrary, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. **Unless the Council determines otherwise, all members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d. 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 times of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council.
  - iii. may permit committees, other than in respect of the ordinary meetings of a committee, to determine the number and times of its meetings;
  - iv. shall, subject to standing order 13b) and 13 c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing order 13b) and 13 c), appoint and determine the terms of office of substitute members to a committee whose role is to replace ordinary members at a meeting of a committee if ordinary members of the committee have confirmed to the Proper Officer 5 days before the meeting that they are unable to attend;
  - vi. an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vii. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
  - viii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;

- ix. 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;
- x. shall determine if the public may participate at a meeting of a committee;
- xi. shall determine if the press and public are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend and;
- xiii. may dissolve a committee or a sub-committee.

#### **14. Extraordinary meetings**

- a. **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chair 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 statutory public notice giving the time, venue and agenda for such a meeting shall be signed by the two councillors.**
- c. The chair of a committee or sub-committee may convene an extraordinary meeting of the committee or sub-committee at any time.
- d. If the chair of a committee or sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by three councillors, any three councillors may convene an extraordinary meeting of a committee or sub-committee.

#### **15. Responsible Finance Officer.**

- a. The Council shall appoint an appropriate person to undertake the work of the Responsible Finance Officer when the Responsible Finance Officer is absent.

#### **16. Accounts and Financial Statement**

- a. 'Proper practices' in standing orders refer to the most recent version of



‘Governance and Accountability for Local Councils – a Practitioners’ Guide’.

- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and Council’s financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after the ends of March, June, September and December in each year a statement summarising the Council’s receipts and payments for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year.
- d. A Financial Statement summarising the Council’s receipts and payments for the year to 31 March shall be presented to each councillor before the end of the following month of May. The accounting statements for the year in the form of section 2 of the annual governance and accountability return, shall be provided to the Council, as required by proper practices, for consideration and approval.
- e. The year end accounting statements shall be prepared in accordance with the proper practices and apply the form of accounts determined by the Council (income and expenditure or receipts and payments) for the year to 31<sup>st</sup> March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for formal approval before the 30<sup>th</sup> of June.

#### **17. Estimates, budgets and precepts**

- a. The Council shall approve written estimates and budgets for the coming financial year at its meeting before the end of January.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the end of December.

#### **18. Restrictions on Councillor activities**

- a. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. Inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

- b. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties and not otherwise, inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.

## **19. Management of information**

- a. **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.**
- b. **The Council shall have in place, and keep under review. Policies for the retention of 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).**
- c. **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.**
- d. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **20. Responsibilities to provide information**

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

## **21. Responsibilities under Data Protection Legislation.**

(Below is not an exclusive list)

- a. The Council may appoint a Data Protection Officer.
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her/their personal data.**

- c. The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d. The Council shall keep a record of all personal data breaches comprising of the facts relating to the personal data breach, its effects and the remedial action taken.**
- e. The Council shall ensure that information communicated in its privacy notice is in an easily accessible and available form and is kept up to date.**
- f. The Council shall maintain a written record of its processing activities.**

## **22. Power of well-being**

- a. Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b. The Council's period of eligibility begins on the date that the above resolution was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c. After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility.

## **23. Matters affecting council employees**

- a. If a Council meeting considers any matter personal to a Council employee, that matter is subject to standing order 19.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the chair of the Parish Council or, in his/her/their absence, the vice-chair of the Parish Council of any absence occasioned by illness or urgency and that person shall report such absence to the Parish Council at its next meeting.
- c. The chair of the Parish Council or in his/her/their absence, the vice-chair shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk to the Parish Council and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Parish Council.
- d. Subject to the Council's policy regarding the handling of grievance matters,

the Council's most senior employee or other employees shall contact the Chair of the Parish Council or in his/her/their absence the Vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Parish Council.

- e. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk to the Parish Council relates to the Chair or Vice-Chair of the Parish Council, this shall be communicated to another member of the Parish Council, which shall be reported back and progressed by resolution of the Parish Council.
- f. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters and shall treat these written records as confidential.
- g. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected and backed up.
- h. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i. In accordance with standing order 19 a., persons with line management responsibilities shall have access to employee records referred to in standing order 23 f.
- j. Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the Clerk and/or the Chairman and/or Treasurer of the Council.
- k. **No councillor may be a paid employee of the Council.**

#### **24. Relations with the press/media**

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b. In accordance with the Council's policy in respect of dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

#### **25. Liaison with District and County or Unitary Councillors**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County or Unitary Council representing its electoral ward.
- b. Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council councillor representing its electoral ward.

## 26. 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 in accordance with proper practices 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. whether contracts with an estimated value below **£25,000.00** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **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 referred to in standing order 28g. is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Any proposed contract for the supply of goods, materials, 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 as summarised below.  
Any formal tender process shall comprise the following steps:
  - i. a specification of the goods, materials, services and the execution of works shall be drawn up;

- ii. an invitation to tender shall be drawn up to confirm 1) the Council's specifications 2) the time, date and address for the submission of tenders 3) the date of the Council's written response to the tender and 4) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- iii. the invitation to tender shall be advertised in a local newspaper and any other manner that is appropriate;
- iv. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
- v. 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;
- vi. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d. The Council shall normally operate a system of obtaining three quotes for any work done that would exceed £200, however the Council may operate a system of preferred suppliers, wherein the obtaining of three quotes may be suspended for items of expenditure under £5, 000.
- e. Neither the Council, nor any committee with delegated responsibility for considering tenders, is bound to accept the lowest tender, estimate or quote.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015, as amended and the Utilities Contracts Regulations 2016, as amended apply to the contract, and if either of those Regulations apply, the Council must comply with procurement rules. NALCs procurement guidance contains further details.**
- g. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Councils functions to be delegated to a committee, sub-committee or to an employee.
- h. Employee expenses such as lighting, heating, computer usage and travel will be reviewed annually at the budget meeting, the Clerk's gratuity shall be set at the budget meeting and paid at Christmas.
- i. The Chair's honorarium will be set at the budget meeting and paid at Christmas.

## 27. Code of conduct complaints

- a. On receipt of a notification by the District or Unitary Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 19, report it to the Council.
- b. Where the notification in standing order 27a. relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of the Parish Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 27d.
- c. The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. **Upon notification by the District or Unitary Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him/her/them. Such actions exclude disqualification or suspension from office.**

## 28. Standing orders generally.

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business on the agenda.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory legal requirements, shall be proposed by a special motion, the written notice whereof bears the names of at least three councillors, to be given to the Proper Officer in accordance with standing order 4a.
- c. Additional standing orders may be adopted by the Council on a temporary basis at any time, which extend or over-ride these standing orders except those containing mandatory, statutory or legal requirements.

- d. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his/her/their declaration of acceptance of office.
- e. A councillor's failure to observe standing orders more than three times in one meeting may result in him/her being excluded from the meeting.
- f. The Chair of the meeting's decision as to the application of standing orders at meetings shall be final.