

Abbotsham Parish Council

Standing Orders

First Adopted 31st July 2018

1.0 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 personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare the interest and the nature of the interest at the earliest opportunity.

2.0 Meetings

- 2.1 Meetings of the Council shall be held in each year on such dates and times and at such place, as the Council shall direct.
- 2.2 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.
- 2.3 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 and agenda delivered by email. In any case the agenda must be issued at least three clear business days before the meeting.
- 2.4 Public notices will be posted 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 working days before the meeting.
- 2.5 The agenda for the meeting will be agreed with the Clerk, Chairman and Vice Chairman as appropriate. The agenda will always include an item to enable the Councillors to declare interests. An opportunity for public questions will be made available immediately before the commencement of each meeting.
- 2.6 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.
- 2.7 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.

- 2.8 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.
- 2.9 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 next convened.
- 2.10 Voting at the meeting shall be by a show of hands unless a majority of Councillors want a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor request that their voice be 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.
- 2.11 In cases of equal votes the Chairman (or other person presiding) will have a second or casting vote.
- 2.12 Minutes 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 the meeting.
- 2.13 With regard to planning applications – if there is a personal interest a statement can be made to the Parish Council meeting but then the person must leave the meeting while discussions take place.

3.0 Annual Meetings

3.1 Annual Parish Council Meeting

- 3.1.1 If the Annual Parish Council meeting is in an election year it must be held within 14 days after that election. If it is not an election year then this meeting will take place on an appropriate day in May.
- 3.1.2 If the outgoing Chairman is available then he/she will preside until a new Chairman has been elected. The first business of the Annual Parish Council Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office.

3.2 Annual Parish Meeting

- 3.2.1 The retiring Chairman will report on the activities of the Council for the preceding year (see standing Order 7).

4.0 Chairman of Meetings

- 4.1 The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to conduct of the meeting.

5.0 Proper Officer

- 5.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases he/she shall be the clerk:-
- (a) to receive declarations of acceptance of office;
 - (b) to receive and record notices disclosing interests at meetings;
 - (c) to receive and retain plans and documents;

- (d) to sign notices and other documents on behalf of the Parish Council;
- (e) to receive copies of bylaws made by another local authority;
- (f) to certify copies of bylaws made by the Parish Council;
- (g) to sign and issue the summons to attend meeting of the Parish Council;
- (h) to keep proper records for all Council meetings and to provide a Minute Book.

6.0 Order of Business

- 6.1 At each Annual Parish Council Meeting the outgoing Chairman, or the clerk in his/her absence, shall open the meeting and receive Apologies and any Registrations of Interest. Business shall be conducted in the following order:
- (a) the election of a Chairman. The Outgoing Chairman shall offer to retire from the meeting during discussion of this item only, subject to being required to return before any voting takes place;
 - (b) to receive the Chairman's declaration of acceptance of office. The new Chairman shall then preside;
 - (c) in the ordinary year of election of the Parish Council, to fill any vacancies left unfilled by reason of insufficient nominations;.
 - (d) decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Parish Council, which have not been received as provided by law, shall be received;
 - (e) the election of a Vice Chairman of the Parish Council;
 - (f) to review Standing Orders, Statement of Risk Analysis and Self Help Emergency Plans;
 - (g) to receive a Statement of Receipts and Payments prepared on the appropriate accounting basis for the Year to 31 March and the Statement of Accounts of the Parish Council, which is subject to external audit (see Standing Order 17.5).
- 6.2 At every meeting other than the Annual Parish Council Meeting, if the Chairman and the Vice Chairman are unavailable, the first business shall be to appoint a Chairman and to receive such declarations of acceptance of office (if any) and undertakings to observe the Parish Council's Code of Conduct as are required by law to be made or, if not then received to decide when they shall be received.
- 6.3 In every year, not later than the meeting at which the estimates for the next year are settled, the Parish Council shall review the pay and conditions of service of existing employees (see also Standing Order 13).
- 6.4 After the first business has been completed, the order of business, unless the Parish Council otherwise decides on the grounds of urgency, shall be as follows:-
- (a) to read and consider the minutes of the previous meeting and any additional meeting not previously considered and approved by the Parish Council, provided that if a copy has been circulated to each member, not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;

- (b) after consideration, to approve the signature of the Minutes by the person presiding, as a correct record;
- (c) to deal with business expressly required by statute to be done;
- (d) to dispose of business, if any remaining from the last meeting;
- (e) to receive such communications as the person presiding may wish to lay before the Parish Council;
- (f) to answer questions from Parish Councillors;
- (g) to receive a report on the Parish Council's balances and to authorise payments;
- (h) to consider resolutions or recommendations in the order in which they have been notified;
- (i) to authorise the signing of legal agreements;
- (j) to be informed of "any other business", which may be referred to a future meeting;
- (k) to arrange the date of the next meeting and to declare the meeting closed.

7.0 Order of Business for the Annual Parish Meeting

7.1 The Chairman of the Parish Council will preside and the following business will be transacted:

- (a) Minutes of the previous Annual Parish Meeting;
- (b) Chairman of the Parish Council's report;
- (c) Report of County Councillor for Abbotsham;
- (d) Report of District Councillor for Abbotsham;
- (e) Reports of representatives of other voluntary groups, at the discretion of the Chairman;
- (f) Important local issues, at the discretion of the Chairman.

Electors have a right to speak and vote and other members of the public may speak, with the Chairman's permission.

7.2 Resolutions of the Annual Parish Meeting are not binding on the Parish Council.

8.0 Rules of Debate

8.1 The following rules are to be observed:

- (a) no discussion shall take place upon the Minutes except upon their accuracy.
Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman;
- (b) a resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting;
- [c] a member, when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate;
- (d) a member shall direct his speech to the question under discussion or to a personal explanation or to a question of order;

- (e) no speech by a mover of a resolution shall exceed 6 minutes and no other speech shall exceed 3 minutes, except by consent of the Parish Council;
- (f) an amendment shall be, either to leave out words; to leave out words and insert others; to insert or add words;
- (g) an amendment shall not have the effect of negating the resolution before the Parish Council;
- (h) if an amendment is carried, the resolution as amended shall take place of the original resolution and shall become the resolution upon which any further amendment may be moved;
- (i) a further amendment shall not be moved until the Parish Council has disposed of every amendment previously moved;
- (j) the mover of a resolution or of an amendment shall have right of reply, not exceeding 3 minutes;
- (k) a member other than the mover of a resolution shall not, without leave of the Parish Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation or to move a closure;
- (l) a member may speak on a point of order or on a personal explanation. A member speaking for these purposes shall be heard forthwith. He shall confine a personal explanation to some material part of a former speech, which may have been misunderstood;
- (m) a motion or amendment may be withdrawn by the proposer with the consent of the Parish Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused;
- (n) when a resolution is under debate no other resolution shall be moved except: - to amend the resolution; to proceed to the next business; to adjourn the debate; that the question be now put; that a member named be not further heard; that a member named do leave the meeting; that the resolution be referred to a committee; to exclude the public and press; to adjourn the meeting;
- (o) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed
- (p) members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon;
- (q) whenever the Chairman speaks during a debate all other members shall be silent.

9.0 Closure

- 9.1 At the end of any speech a member may, without comment, move "That the question be now put." "That debate be now adjourned", or "That the Parish Council do now adjourn". If such motion is seconded, the Chairman shall put the motion, but in the case of a motion "That the question be now put", only if he is of the opinion that the question before the Parish Council has

been sufficiently debated. If the motion "That the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Parish Council shall not prejudice the mover's right of reply at the resumption.

10.0 Right of Reply

- 10.1 The mover of the resolution shall have a right of reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived a vote shall be taken without further resolution.

11.0 Alteration of Resolution

- 11.1 A member may, with the consent of his seconder, move amendments to his own resolution.

12.0 Alteration or Reversal of Previous Decisions

- 12.1 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.

13.0 Discussions and Resolutions affecting the Council's Employees

- 13.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Parish Council, it shall not be considered until the Parish Council has decided whether or not the press and public shall be excluded (see Standing Order 25).

14.0 Expenditure (payments)

- 14.1 Orders for the payment of money shall be authorised by resolution of the Parish Council and signed by two of the persons authorised on the bank mandate (see also Standing Order 17.8).

15.0 Signing of Legal Agreements

- 15.1 A legal document shall not be signed on behalf of the Parish Council unless signing has been authorised by resolution. Signing shall be by two of the persons referred to in Standing Order 14.

16.0 Special Meeting

- 16.1 The Chairman, or Clerk, may summon an additional meeting of the Parish Council at any time. The summons shall set out the business to be considered at the Special Meeting and no other business shall be transacted at that meeting.

17.0 Accounts, Financial Statements, Estimates and Precepts

- 17.1 The Responsible Financial Officer (RFO) will 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.

- 17.2 The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimates. 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.
- 17.3 The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.
- 17.4 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 and report on them to the Council. The Council will carry out a 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.
- 17.5 An Internal Auditor will be appointed to 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.
- 17.6 The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.
- 17.7 The Council's banking arrangements, including the Bank Mandate will be made by the RFO and approved by the Council. These will be regularly reviewed for efficiency.
- 17.8 A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques.
- 17.9 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. Cheques will be completed for all transactions and signed by two authorised Councillors.
- 17.10 All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.
- 17.11 All borrowings will be in the name of the Council and will not be entered into unless necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These items must be reviewed annually.
- 17.12 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.
- 17.13 An official order or letter will be issued for all work or service paid for 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.
- 17.14 Orders for values £500 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required.
- 17.15 All estimates will be approved by the Council; while the Council is not obliged to accept the lowest quotation the reasons for accepting the quotation will be recorded.
- 17.16 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.
- 17.17 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.

18.0 Insurance

- 18.1 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, Money and Fidelity Guarantee.

19.0 Risk Assessment

- 19.1 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.
- 19.2 If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

20.0 Freedom of Information and GDPR

- 20.1 The Council is subject to the Freedom of Information Act and has adopted an appropriate Model Publication Scheme for Abbotsham Parish Council. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents.

21.0 Clerk to the Council

- 21.1 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.
- 21.2 The Clerk will act as the Proper Officer of the Council and he/she will:
- a. receive the Declarations of Acceptance of Office and notices disclosing interests;
 - b. sign documents on behalf of the Council and issue agendas and notices of meetings;
 - c. receive and distribute plans and documents on behalf of the Council;
 - d. advise the bank of changes to mandates with the bank.
- 21.3 The Clerk will act as Responsible Financial Officer and be responsible for managing any employees of the Council.

22.0 Local Authority's Model Code of Conduct

- 22.1 The Parish Council adopted a Code of Conduct for Members on 3rd October 2017 which is the same Code as adopted by Torridge District Council who employ the "Monitoring Officer" appointed under section 5 & 5a of the Local Government and Housing Act 1989.
- 22.2 There is a separate Code of Conduct for members of the Public – see Para 25

23.0 Member's Interests

- 23.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Parish Council, then he/she shall declare such interests as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 23.2 A member who has declared an "Interest" should act in accordance with Paragraph 19 of the Code of Conduct.
- 23.3 The Clerk may be required to compile and hold a Register of Members' Interests, or a copy thereof, in accordance with the agreement reached with the Torridge District Council Monitoring Officer and or as required by statute.

- 23.4 If a candidate for any appointment under the Parish Council is to his/ her knowledge related to any member of or holder of office under the Parish Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk who shall report the fact to the Parish Council. A candidate who fails to do so shall be dismissed without notice.

24.0 Unauthorised Activities

- 24.1 No member of the Parish Council shall in the name of, or on behalf of the Parish Council, inspect any lands or premises which the Council has a right or duty to inspect, or issue orders, instructions or directions unless authorised to do so by the Parish Council.
- 24.2 No separate meetings shall be held with members of the public to discuss matters which should properly be discussed in front of all of the Parish Council. Persons wishing to discuss such matters should be invited to a scheduled Parish Council meeting, where the proceedings can be properly recorded. This excludes site visits to look at planning applications or requests passed on to Parish Councillors for consideration at the next scheduled Parish Council meeting.

25.0 Admission of the Public & Press to Meetings

- 25.1 The public and press shall be admitted to all meetings of the Parish Council, which may temporarily exclude the public and press by means of the following resolution:
“That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded and they are temporarily instructed to withdraw”
The Parish Council shall state the special reasons for exclusion.
- 25.2 At all meetings of the Parish Council, the Chairman may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any member of the public to address the meeting, for up to 3 minutes, in relation to the business to be transacted at that meeting.
- 25.3 The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio, video or television recording or photographs of the meeting, without the express approval of the Parish Council.
- 25.4 If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

26.0 Confidential Business

- 26.1 No member of the Parish Council shall disclose to any person who is not a member of the Parish Council any business declared to be confidential by the Parish Council.

27.0 Liaison with County & District Councillors

- 27.1 A summons and agenda shall for each meeting be sent, as an invitation to attend, to both the County Councillor and District Councillor for Abbotsham.

28.0 Emergency Business

- 28.1 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.

29.0 Alteration or Reversal of previous decisions

- 29.1 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.

30.0 Standing Orders

- 30.1 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.
- 30.2 During the course of meetings of the Council, the Chairman's decision as to the interpretation of the standing orders will be final.
- 30.3 Any or every part of the Standing Orders may be suspended by resolutions in relation to any specific item of business. A resolution to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion, to the next ordinary Parish Council meeting.
- 30.4 A copy of these Standing Orders shall be given to (or emailed to) each member by the Clerk upon delivery to said Clerk of a member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Parish Council.