

COMBS PARISH COUNCIL

## Standing Orders

JUNE 2019

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## COMBS PARISH COUNCIL

### Introduction

Much of the conduct of parish local government affairs is governed by the Local Government Act 1972 ('LGA72') which, together with any other relevant legislation, is the ultimate authority for those matters. These Standing Orders govern the manner in which (subject to the law) Combs Parish Council ('the Council') carries out its business and responsibilities. They deal with matters that the Council is likely to encounter in its day to day business and are designed to be read and understood by the registered electors of Combs civil parish as much as by the Councillors.

If any unusual circumstances arise which are not covered by these Standing Orders or relevant legislation then reference should be made to the NALC Model Standing Orders which are incorporated herein pursuant to paragraph 16.1 below.

References to the male gender include, for simplicity of drafting only, the female gender. References to 'Chairman' or 'Vice-chairman' shall, if such office-holder is of the female gender, include such title as she may agree with the Council at the start of her office.

### 1. Councillors

- 1.1. Parish Council elections are held every four years, at which all Councillors are elected and will form the Council. Any vacancy on the Council may be filled either by an interim election or by a volunteer being appointed by resolution of the existing Councillors ('co-opted'). A Councillor's primary and overwhelming obligation is to act in what he or she considers are the best interests of the whole parish community.
- 1.2 A Councillor's term of office begins at the first meeting of the Parish Council after his election or appointment (LGA72, s83(4)), when he signs a Declaration of Acceptance and such other forms and declarations as may be required by law. His term of office ends when he resigns or is not re-elected.
- 1.3 Following election or appointment to the Council, each Councillor shall be issued with a copy of the Code of Conduct, Standing Orders, Financial Regulations, current annual budget, and all current adopted Policies. Each Councillor must observe the Code of Conduct at all times when on Council business and no member may act in such a way that may bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.

### 2 Annual Parish Meeting (LGA72, Schedule 12, Part 3)

- 2.1 The Annual Parish Meeting is a forum for registered electors to discuss parish matters generally. It shall be held between 1<sup>st</sup> March and 1<sup>st</sup> June inclusive each year, save that in an election year it shall be held after, not before, the election. Although there is no legal requirement for Councillors to attend the Annual Parish Meeting it is the practice in Combs for it to be held immediately before the

May Council meeting with all available Councillors present. The Chairman (or failing him/her, the Vice-chairman) of the Council shall take the chair.

### **3. Parish Council Meetings (LGA72, Schedule 12, Part 2)**

- 3.1 Council meetings are held on the second Monday of each month except August. These meetings are where the ordinary business of the Council is transacted and Council decisions are made. If however it is necessary for an urgent parish matter to be considered and resolved in the interim, the Chairman may convene an extraordinary meeting of the Council, subject to the normal rules for notice.
- 3.2 In a year when there is no ordinary election of parish Councillors the May Council meeting shall be the **Annual Meeting of the Parish Council** (this is distinct from the Annual Parish Meeting). In an election year this Annual Meeting of the Council shall be held on or within fourteen days after the day on which the Councillors elected at that election take office (this will usually be the May Council meeting). The first item on the agenda at the Annual Meeting of the Parish Council shall be the election of a Chairman and Vice-chairman who shall, unless they resign or become disqualified in the interim, hold office until the election of the next Chairman/Vice-chairman at the next Annual Meeting of the Parish Council.
- 3.4 In addition to its usual business, the Council shall at its Annual Meeting review the Standing Orders and Financial Regulations, all policies and procedures, insurances, subscriptions, associations and any other standing arrangements (including the risk assessment). In addition, the previous year's expenditure under s137 LGA 1972 or the general power of competence shall be reviewed.
- 3.5 An invitation to attend each Council meeting shall be sent to the ward Councillors of the District and County Councils.

### **4. Conduct of meetings**

- 4.1 The conduct of Parish Council meetings is governed by the LGA72, Sch 12, Part 2, paragraphs 7 to 13. These Standing Orders supplement those provisions only, if necessary further supplemented by the NALC Model Standing Orders (see paragraph 16.1 below).
- 4.2 Meetings shall be held in appropriate, accessible accommodation. Unless no other accommodation is reasonably available the meetings shall not be held in premises used for the supply of alcohol.
- 4.3 In addition to serving the appropriate Summons on Councillors, the Clerk shall ensure that public notices are posted on the parish notice boards informing registered electors of the venue, time, date and business to be transacted at the meeting. The notice shall be posted at least three clear working days before the meeting.
- 4.4 The Chairman or, in his absence, the Vice-chairman shall chair meetings. If neither the Chairman nor the Vice-chairman is present, the Councillors shall elect one of their number to chair that meeting, and he/she shall exercise all the powers of the Chairman for that meeting.

- 4.5 Meetings shall be open to the public and press but they may be temporarily excluded from the meeting for any business which the Chairman deems to be confidential. The reason for that decision shall be recorded in the minutes.
- 4.6 Members of the public may speak at Council meetings, subject to a maximum of three minutes or such longer time as the Chairman may direct.
- 4.7 The agenda for meetings shall be set by the Clerk after discussion with the Chairman. The agenda shall include an opportunity for Councillors to declare any actual or potential conflict of interest in a matter to be discussed. Notwithstanding such opportunity, if a Councillor at any time realises that he or she may have a conflict of interest in the matter being discussed he should declare it forthwith. If a Councillor is in doubt whether he has a conflict or potential conflict of interest then he should err on the side of transparency and declare it.
- 4.8 In order to allow Councillors time for mature consideration before decisions are made, and to notify registered electors who may be interested in a particular matter, the Council may take decisions only on matters clearly identified for decision on the agenda. If agreed by the Chairman, any urgent items not on the agenda may be discussed, but no decision may be made, at that meeting.
- 4.9 The quorum for a meeting of the Council shall be one-third of the whole number of Councillors, subject to a minimum of 3 Councillors. If there be insufficient members present then no business shall be transacted and a fresh notice shall be issued to reconvene the meeting at a later date.
- 4.10 If at any time during the meeting it ceases to be quorate then the meeting shall be adjourned and any further business carried forward to the meeting when next convened.
- 4.11 Business on the agenda shall normally be moved by the Chairman without the need for a formal proposer and seconder. Any Councillor with a dissenting view shall be allowed reasonable time to be heard and for that view to be discussed. Any Councillor may at any time make a proposal for consideration and discussion. Voting on all matters shall be by a show of hands. Any Councillor may request that the Clerk records his vote in the minutes, or how each Councillor has voted, including abstentions. Any request of this nature shall be made before moving on to the next business.
- 4.12 In cases of equal votes the Chairman shall have a second or casting vote. He is not obliged to cast his vote in the same direction as he voted originally.
- 4.13 Minutes of Council Meetings shall be kept by the Clerk or, in his absence, another person. The minutes which are circulated shall be in draft until they are approved by the Parish Council at their next meeting and signed by the Chairman.
- 4.14 If a Councillor has a personal interest in a particular planning application, he may make a statement to the meeting but then the Councillor shall, if required by the Chairman, leave the meeting while discussions take place. In any event, that Councillor may not vote.

## **5. The Parish Clerk**

- 5.1 The Parish Clerk ('the Clerk') is the Council's 'Proper Officer' – in effect, the executive arm of the Council, responsible for putting the Council's decisions into effect.

- 5.2 The Clerk is also the 'Responsible Financial Officer', responsible for managing the financial affairs of the Council.
- 5.3 Unless the duties of the Clerk are carried out by a Councillor, he shall be an employee of the Council and have the benefits of employment prescribed by law. He shall be issued with an employment contract which will include the main elements of his duties and responsibilities. The Clerk shall, as soon as reasonably practicable, undertake relevant training in his duties, and will be expected to undertake his duties in accordance with that training, notwithstanding that the details may not be listed in his employment contract. His line manager shall be the Chairman of the Parish Council.
- 5.4 By virtue of his training referred to above in paragraph 5.3, the Parish Clerk acts as adviser to the Chairman and to the Council as a whole. This advice includes practice and procedure, as well as the application of relevant law.

## **6. Policies**

- 6.1 The Parish Council shall review its operations and risks at least once a year, and ensure that it has the necessary policies and procedures in place for the correct performance of its operations and the control of its risks.
- 6.2 In particular, the Clerk shall undertake a risk assessment annually of all the activities of the Council, and submit a report for approval by the Council. This assessment shall also cover the appropriateness of the internal audit arrangements.
- 6.3 If the Council undertakes a new activity not covered by the existing risk assessment an assessment shall be undertaken before the activity commences.

## **7. Code of Conduct, Disclosable Interests and Dispensations**

- 7.1 All Councillors shall observe the Code of Conduct adopted by the Council, a copy of which shall be supplied to him when he first becomes a Councillor.
- 7.2 Unless he has been granted a dispensation, a Councillor may not speak and may not vote when the Council is considering a matter in which he has a Disclosable Pecuniary Interest (as defined in the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012). He shall leave the meeting during the discussion.
- 7.3 When the Council is considering a matter in which a Councillor has a Local **Non**-Pecuniary Interest, the Chairman shall determine whether that Councillor shall withdraw from the meeting for the discussion, or whether he may remain but not speak, or whether he may speak but not vote, or whether he may speak and vote.
- 7.4 Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 7.5 A decision as to whether to grant a dispensation shall be made by the Chairman under advice from the Clerk OR by a meeting of the Council for which the dispensation is required. That decision is final.

7.6 A dispensation request shall state:

- the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- the date of the meeting and the period (not exceeding four years) for which the dispensation is sought; and
- an explanation as to why the dispensation is sought.

7.7 A dispensation may be granted if having regard to all relevant circumstances any of the following apply:

- without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
- granting the dispensation is in the interests of persons living in the Council's area; or
- it is otherwise appropriate to grant a dispensation.

## **8. Insurance**

8.1 Following the annual review of the risk assessment the Council shall review the level of insurance cover and ensure that it is adequate and appropriate for the Council's purposes. Minimum cover shall include Public Liability, Employers Liability, Money and Fidelity Guarantee.

## **9. Freedom of Information**

9.1 As a public body, the Council is subject to the Freedom of Information Act and embraces the Model Publication Scheme for Parish Councils. The Clerk shall ensure that the Council conforms to the requirements of the FOI Act allowing public access to appropriate information.

## **10. Committees and Working Groups**

10.1 There are no standing committees. From time to time, however, the Council may set up working groups to investigate, advise and recommend concerning a particular matter. Any such working group shall be limited to its terms of reference and by time, and shall have no authority to make Council decisions.

10.2 Where the Council has tasked a working group or individual Councillor with a project then that working group or Councillor shall, subject to any limits set by the Council, proceed with that project, making any decisions and concluding any subsidiary agreements (through the Clerk) necessary to achieve its ends. Progress on the project, including any such decisions or agreements, shall be reported to the Council at its next meeting.

## **11. Emergency Business**

11.1 Should it not be possible to convene an extraordinary meeting (for example, where the required notice period is not available) then any emergency business shall be handled by the Clerk, in

consultation with the Chairman and one other Councillor. Actions shall be reported promptly to the Council.

## **12. Alteration or Reversal of previous decisions**

12.1 Decisions of the Council shall not normally be reversed 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. Procurement**

13.1 In the event it ever becomes relevant, the Council will comply with applicable legislation concerning procurement, currently s.135 of the Local Government Act 1972 and, in the event of contract values in excess of £25,000, the Public Contracts Regulations 2015. The process is set out in section 10 of the Council's Financial Regulations.

## **14. Accounting Matters**

14.1 The term 'proper practices' in these Standing Orders refers to the current version of 'Governance and Accountability for Local Councils – a Practitioners' Guide'. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.

14.2 The Council's financial year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. After each quarter-end the Responsible Financial Officer shall make available to the next Council meeting a statement summarising:

- income and expenditure for that quarter;
- aggregate income and expenditure for the year to date;
- the balances held at the end of the quarter being reported, and
- a comparison of projected actuals against budget for the full year, highlighting variances.

14.3 After the financial year-end the Responsible Financial Officer shall prepare and submit to the Council the Annual Governance and Accountability Return ('the AGAR'), in accordance with proper practices. The AGAR, including the annual governance statement, shall be presented to the Council so that it may be considered for adoption before 30 June. A copy of the AGAR shall be sent to all Councillors at least 14 days before the meeting at which it will be considered.

## **15. Financial Controls and Regulation**

15.1 The Responsible Financial Officer is responsible for drawing up and maintaining Financial Regulations which comply with best practice, current law and proper practices (as defined). The Financial Regulations shall be presented to the Council for consideration and approval, and kept under regular review. They shall cover procedures appropriate to the Council's size, legal obligations and financial resources for prudent management of the Council's finances, including authorities, systems for compliance with the law and best practice, for budgetary controls, for audit compliance, and for managing financial and other risks and preventing fraud and other malpractices.

## **16 Legal Deeds**

- 16.1 A legal deed may only be executed and delivered on behalf of the Council if authorised by a resolution of the Council.
- 16.2 As the Council has no corporate seal, any two Councillors may sign any authorised deed.

## **17 Standing Orders generally**

- 17.1 These Standing Orders shall be reviewed annually by the Clerk and the Chairman, and any proposed amendments shall be considered by the Council. If at any time it becomes apparent to the Chairman that any relevant matter or procedure is not covered adequately by these Standing Orders, the matter will be resolved in accordance with the current Model Standard Orders issued by the National Association of Local Councils which are hereby incorporated by reference to the extent that they do not conflict with these Standing Orders.
- 17.2 If during a Council meeting a question arises as to the interpretation of these Standing Orders, the Chairman, advised by the Clerk, shall make a determination. Subsequently, the advice of the Suffolk Association of Local Councils should be sought.
- 17.3 The Council may resolve to suspend a Standing Order in order to progress the business of the Council, and such decision shall be included in the minutes. The suspension shall not be made lightly and it shall be time-limited.

These Standing Orders were adopted by the Council at its meeting on 10 June 2019