

## STANDING ORDERS

### 1. COUNCILLORS

- 1.1. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of declaration of Acceptance of Office in the presence of the Clerk of the Council.
- 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 that interest and the nature of the interest at the earliest opportunity.

### 2. CODE OF CONDUCT

- 2.1. All Councillors shall observe the code of conduct adopted by the Council.
- 2.2. If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No. 1159) has been adopted by the Council pursuant to relevant provision in a statutory code of conduct in force at the time, Councillors may exercise the rights contained in standing order below only if members of the public are permitted to (i) make representation, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- 2.3. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representation (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room.

### 3. ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT

- 3.1. On receipt of a notification that there has been an alleged breach of the Code of Conduct the Clerk shall refer it to the Chair who will convene a Complaints Committee. If the alleged breach of the Code of Conduct is about the Chair then the Vice-Chair shall convene a Complaints Committee.
- 3.2. The subject matter of notifications shall be confidential and, insofar as it is possible, to do so by law, the Council, including the Clerk and the Chair of the Complaints Committee shall take the steps set out below, together with other steps considered necessary to maintain confidentiality.
  - 3.2.1. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - 3.2.2. Ensure any background papers containing the information are not made public.
  - 3.2.3. Ensure that the public and press are excluded from meetings as appropriate.
  - 3.2.4. Ensure that the minutes of meetings preserve confidentiality.

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- 3.2.5. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- 3.3. The above standing order should not be taken to prohibit the Council (whether through the Council, the Clerk or the Chair of the Complaints Committee or otherwise) from disclosing information to members of the Council or to other persons where such disclosure is necessary to deal with the complaint by law.
- 3.4. The Complaints Committee shall have the powers to:
  - 3.4.1. Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter.
  - 3.4.2. Seek and share information relevant to the complaint.
  - 3.4.3. Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.

### 4. CLERK TO THE COUNCIL

- 4.1. The Clerk will act as the Proper Officer of the Council.
- 4.2. The Clerk will act as Responsible Financial Officer (RFO)
- 4.3. As an employee of the Council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will be administered by the Chair or a designated Councillor acting with the authority of the Council.
- 4.4. The Clerk shall do the following:
  - 4.4.1. Sign and serve on Councillors by delivery, post or email a summons confirming the time, date and venue and the agenda of a meeting of the Council and a meeting of a committee/sub-committee at least three clear days before the meeting.
  - 4.4.2. Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
  - 4.4.3. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office, in accordance with standing order 4.4.2 above.
  - 4.4.4. Make available for inspection the minutes of meetings at an agreed location.
  - 4.4.5. Receive and retain copies of the bylaws made by other local authorities.
  - 4.4.6. Receive and retain declarations of acceptance of office from Councillors.
  - 4.4.7. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - 4.4.8. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.

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- 4.4.9. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- 4.4.10. Refer a planning application received by the Council to Councillors 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.
- 4.4.11. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

### 5. ANNUAL MEETINGS

- 5.1. If the Annual Meeting is in an election year it must be held within 14 days after that election. If it is not an election year then the annual meeting will take place on an appropriate day in May.
- 5.2. In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of equality of votes.
- 5.3. If the Annual Meeting is not in an election year and the outgoing Chair is available then he/she will preside until a new Chair has been elected. The first business of the Annual meeting will be the election of the Chair and Vice-Chair and to receive their acceptance of office.
- 5.4. The retiring Chair will report on the activities of the Council for the preceding year.
- 5.5. If no other time is fixed, the annual meeting of the Council shall take place at 7 pm.
- 5.6. Following the election of the Chair and Vice-Chair of the Council at the Annual Meeting the following business shall be conducted:
  - 5.6.1. In an election year, delivery by Councillors of their declaration of acceptance of office.
  - 5.6.2. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees (If any).
  - 5.6.3. When appropriate, review and adoption of standing orders and financial regulations.
  - 5.6.4. Review of the Council's and/or employees' membership of other bodies.
  - 5.6.5. Establishing or reviewing the Council's complaints procedure.
  - 5.6.6. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 6. ORDINARY MEETINGS

- 6.1. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.

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- 6.2. 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.
- 6.3. Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post, by hand or by email. The agenda must be issued at least three clear working days before the meeting.
- 6.4. An invitation to attend a meeting of the Council will be sent, together with the agenda, to the District Councillor for Bringsty Ward.
- 6.5. 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.
- 6.6. Meetings shall be open to the public and press 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 the meeting shall be by a resolution which shall give reasons for the public's exclusion.
- 6.7. Members of the public may speak at Council meetings at the discretion of the Chair. The Chair may direct that a response to a question posed by a member of the public be referred to a Councillor or to the Parish Clerk for a written or oral response.
- 6.8. The period of time which is designated for public participation shall not exceed 15 minutes.
- 6.9. A record of public participation session at a meeting shall be included in the minutes of that meeting.
- 6.10. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.
- 6.11. 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.
- 6.12. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his/her absence be done by, to or before the Vice-Chair.
- 6.13. The agenda for the meeting will be agreed by the Clerk, Chair and Vice-Chair as appropriate. The agenda will always include an item to enable Councillors to declare interests and an opportunity for public questions will be made available.
- 6.14. The Chair of the Council will preside at the meeting and will be responsible for the conduct at that meeting. If the Chair is not present then the Vice-Chair will preside. If they are not present then the first matter will be the election of an appropriate Councillor who will Chair the meeting. Whoever Chairs the meeting will assume the duties of the Chair for the meeting.
- 6.15. The Council may only take decisions on items clearly specified on the agenda; if agreed by the Chair, any urgent matters may be discussed, but no decision may be made, at the meeting. The quorum for the Council will be one third of the total Councillor places but in any case no fewer than 3. If there be insufficient members

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present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.

- 6.16. If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.
- 6.17. All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- 6.18. Voting at the meeting shall be by a show of hands unless the majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless the Councillor(s) requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving to the next business.
- 6.19. The Chair may give an original vote on any matter put to the vote. In cases of equal votes the Chair (or other person presiding) will have a second and casting vote.
- 6.20. A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated will be draft minutes until they are approved by the Council at their next meeting and signed by the person presiding at that meeting.
- 6.21. The minutes of a meeting shall record the names of Councillors present and absent.
- 6.22. The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- 6.23. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- 6.24. With regard to planning applications - if there is a personal interest a statement can be made to the Council meeting but then the person must leave the meeting while discussions take place.
- 6.25. Meetings shall not exceed a period of two hours.

### **7. EXTRAORDINARY MEETINGS**

- 7.1. The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- 7.2. If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

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## 8. PARISH MEETINGS

- 8.1. Whitbourne Parish will convene and hold an annual Parish meeting as required by the Local Government Act 1972 §9(1). The chairman of the Parish Council will preside if present; the vice-chairman will preside in the chairman's absence.
- 8.2. The Annual Parish meeting will take place annually between 1<sup>st</sup> March and 1<sup>st</sup> June, but typically will coincide with the Annual Parish Council meeting. The Parish Council may convene other Parish meetings as often as may be required.
- 8.3. The chairman of the Parish Council or any two Parish Councillors may convene a Parish meeting. In addition, SIX electors within the Whitbourne area may convene a Parish meeting. In this case, the Parish Council may convene the meeting but is under no obligation to do so.
- 8.4. Notices specifying the time, date and place of the Parish meeting will be affixed to the Whitbourne Parish noticeboard. The notice period will be seven clear days as a minimum.
- 8.5. The quorum of a Parish meeting is two, unless a document has to be executed, in which case it is three.
- 8.6. Decisions are taken in the first instance by a majority of those present and voting. If the chairman is an elector he has an original as well as casting vote; if he is not an elector he only has a casting vote.
- 8.7. A Parish meeting is not required to vote in any particular way and so the chairman may ascertain the effect of the voting from any evidence, which may in the circumstances, lead to an accurate result.
- 8.8. Though a Parish meeting may discuss Parish affairs, its resolutions differ considerably in their legal consequences. In a few cases the resolution is legally binding (for example, the provision of allotments). In all others a resolution is persuasive only; the Parish Council may legally disregard it.
- 8.9. The Parish Council will meet the expenses of Parish meetings.
- 8.10. The rules on the signature and admissibility of the minutes of a Parish meeting are in effect the same as those for the Parish Council. Therefore, the minutes of any Parish meeting convened by the Parish Council will be signed by the Parish Council at its next ordinary meeting. In particular, the minutes of the annual Parish meeting (if convened by the Parish Council) will be signed at the next ordinary Parish Council meeting, or as appropriate.

## 9. MOTIONS REQUIRING WRITTEN NOTICE

- 9.1. No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Clerk at least ten clear days before the next meeting.
- 9.2. If the wording or nature of a proposed motion is considered unlawful or improper, the Clerk 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.
- 9.3. Having consulted with the Chair or Councillors the decision of the Clerk as to whether or not to include the motion in the agenda shall be final.

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- 9.4. Notice of every motion received in accordance with the Council's standing orders shall be numbered and shall be entered into a book, which shall be open to inspection by all Councillors.
- 9.5. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving the reasons for its rejection in a book for that purpose which shall be open to inspection by all Councillors.
- 9.6. Every motion and resolution shall relate to 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.

## 10. MOTIONS NOT REQUIRING WRITTEN NOTICE

10.1. Motions in respect of the following matters may be moved without written notice:

- To appoint a person to preside at a meeting.
- To approve the absences of Councillors.
- To approve the accuracy of the minutes of the previous meeting.
- To correct an inaccuracy in the minutes of a previous meeting.
- To dispose of business, if any, remaining from the last meeting.
- To alter the order of business on the agenda for reasons of urgency or expedience.
- To proceed to the next business on the agenda.
- To close or adjourn debate.
- To refer by formal delegation a matter to a committee, sub-committee or an employee.
- To appoint or dissolve a committee or sub-committee.
- To note minutes of any committee or sub-committee and consider their proposals/ reports.
- To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- To suspend any standing order except those which are mandatory by law.
- To appoint representatives to outside bodies and receive reports.

## 11. MINUTES

- 11.1. If a copy of the draft minutes has been circulated to Councillors no later than the day of service of the summons to attend a scheduled meeting they shall be taken as read.
- 11.2. 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.

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- 11.3. Minutes, including any amendment to correct an inaccuracy, 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.

## 12. COMMITTEES AND SUB-COMMITTEES

- 12.1. The Council from time to time may set up committees to undertake work on behalf of the Council. The Council will set their terms and conditions and they will report periodically to the Council.
- 12.2. The Council shall appoint and determine the term of office of Councillors or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law).
- 12.3. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## 13. DISORDERLY CONDUCT

- 13.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- 13.2. If, in the opinion of the Chair, there has been a breach of standing order 13.1 above the Chair shall express that opinion and thereafter any Councillor may move that the person be silenced or excluded from the meeting, and the motion, if seconded shall be put forthwith and without discussion.
- 13.3. If a resolution made in accordance with 13.2 above, is disobeyed, the Chair may take such further steps as may be necessary to enforce it and/or may adjourn the meeting.

## 14. FINANCIAL MATTERS

- 14.1. The Responsible Finance Officer (RFO) is a statutory office and appointed by the Council. The Clerk of the Council will take on this role of managing the Council's financial affairs.
- 14.2. The Council shall consider and approve financial regulations drawn up by the RFO, which shall be reviewed annually and will include detailed arrangements in respect of the following:
- The accounting records and systems of internal control.
  - The assessment and management of financial risk faced by the Council.
  - The work of the internal auditor and receipt of regular reports from the internal Auditor, which shall be required at least annually.
- 14.3. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations.
- 14.4. The RFO will compile written estimates of income and expenditure annually for the Council's approval for the coming year at its meeting before the end of January.
- 14.5. The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant underspends or

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overspends will be brought to the attention of the Council and action taken to address any discrepancies.

- 14.6. 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.
- 14.7. An internal auditor will be appointed by the Council who shall be competent and independent of the operation of the Council.
- 14.8. The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.
- 14.9. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- 14.10. The Council's financial regulations shall be reviewed once a year.

The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## 15. RISK ASSESSMENT

- 15.1. The Clerk will undertake an annual risk assessment of all activities of the Council and provide a report to be approved by the Council. This assessment will also cover the appropriateness of the internal audit arrangements.
- 15.2. If the Council undertakes a new activity not covered by the existing risk assessment and assessment will be undertaken before the activity commences.
- 15.3. 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.

## 16. EXECUTION OF LEGAL DEEDS

- 16.1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 16.2. In accordance with a resolution made under standing order 16.1 above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## 17. INSPECTION OF DOCUMENTS

- 17.1. Subject to a standing order to the contrary or in respect to matters which are confidential, a Councillor may, for the purpose of his/her official duties (but not otherwise) inspect any document in the possession of the Council or committee or sub-committee, and request a copy for the same purpose.

## 18. UNAUTHORISED ACTIVITIES

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

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## **19. CONFIDENTIAL BUSINESS**

- 19.1. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

## **20. FREEDOM OF INFORMATION**

- 20.1. The Council is subject to the Freedom of Information Act. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents.

## **21. EMERGENCY BUSINESS**

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

## **22. STANDING ORDERS**

- 22.1. Standing orders will be reviewed annually by the Clerk and the Chair, and any amendments will be decided by the Council.
- 22.2. During the course of meetings of the Council, the Chair's decision as to the interpretation of the standing orders will be final.
- 22.3. Any or 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.

Signed:

Chairman of Whitbourne Parish Council

Adopted on: 5th May 2021