

# Sampford Arundel Parish Council Standing Orders

Adopted on: 2 May 2017 reviewed 7 May 2019      Signature of Janet Lloyd (signed copy with Clerk)

Standing orders are the written rules of the Parish Council. They are used to confirm the Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a Council but they may refer to them. Meetings of full Council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. The Parish Council has standing orders to confirm those statutory requirements and has standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements.

**Standing orders that are in bold type contain statutory requirements.** Other model standing orders not in bold are designed to help us operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit the Council's needs. For convenience, the word "councillor" is used to include a non-councillor with or without voting rights, such as the Footpaths Officer. The standing orders do not include financial regulations. These financial regulations, as opposed to the standing orders of a Council, include most of the requirements relevant to the Responsible Financial Officer.

## Rules of Debate at Meetings

Motions on the agenda shall be considered in the order they appear unless the order is changed at the discretion of the chair of the meeting.

1. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
2. An amendment is a proposal to remove or add words to a motion. It does not negate the motion.
3. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
4. An amendment shall not be considered unless early verbal notice of it is given at the meeting
5. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
6. The Chair of the meeting shall decide a point of order and his decision shall be final.
7. When a motion is under debate, no other motion shall be moved except:
  - a) to amend the motion;
  - b) to proceed to the next business;
  - c) to adjourn the debate;
  - d) to put the motion to a vote;
  - e) to ask a person to be no longer heard or to leave the meeting;
  - f) to refer a motion to a committee or sub-committee for consideration;
  - g) to exclude the public and press;
  - h) to adjourn the meeting;
8. 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 his right of reply.

## Disorderly Conduct at Meetings

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. If any person(s) disregards 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion. If a resolution made is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting and in extreme circumstances summoning the police.

### Meetings Generally

1. **Council 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. Meetings shall terminate not later than 9.30 pm, unless by resolution this standing order is suspended. Any matters not considered shall be adjourned to the beginning of the next meeting.**
2. **The minimum three clear days for notice of a Council 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.**
3. **The minimum three clear days' public notice for a committee meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
4. **Council and Committee 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 and press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
5. 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.
6. The period of time designated for public participation at a meeting shall not exceed thirty minutes unless directed by the Chair of the meeting. A member of the public shall not speak for more than three minutes.
7. A question shall not necessarily require a response at the meeting or start a debate on the question. The Chair of the meeting may direct that a written, emailed or oral response be given at a later date.
8. Photographing, recording, broadcasting or transmitting the proceedings of a meeting is allowed with the chair's permission. The public are required to ensure that members of the public and particularly children are not photographed unless an adult has given their written or witnessed verbal consent.
9. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a Council or Committee meeting at which they are entitled to be present.**
10. **Subject to standing orders, which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council.**
11. **The Chair, if present, shall preside at a Council meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
12. **Subject to a Council or Committee meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
13. **The Chair of a 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 casting vote whether or not he gave an original vote.**
14. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as**

**to show whether each councillor present and voting gave his vote for or against that question.**

15. The minutes of a meeting shall include an accurate record of the following:
16. the time and place of the meeting
17. the names of councillors present (reasons for absences will be recorded)
18. the names of visitors and members of the public present
19. interests that have been declared by councillors
20. whether a councillor left the meeting and the reason
21. the resolutions made and action to be taken.
22. **A councillor or a non-councillor with voting rights who has a pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
23. **No business may be transacted at a Council 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.**
24. **If a Council or Committee meeting is or becomes not quorate then no business shall be transacted**

#### Committees and Sub-committees

1. The Council may at the annual meeting appoint Standing Committees and may at any time appoint other Committees as are necessary
2. All Committee meetings shall be public meetings 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 or press's exclusion from part or all of a meeting shall be by a resolution which must be minuted.
3. The Standing Committees shall be as follows:- none
4. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
5. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
6. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

#### Ordinary Council Meetings

1. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
2. **In a year which is not an election year, the annual meeting of the Council shall be held on such a day in May as the Council may direct.**
3. **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.** Ordinary meetings will be held on the first Tuesday of alternate months with the exception of May the annual meeting and December for agreement of the precept. Meetings will start at 7.30pm
4. **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council**
5. **The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
6. **The Vice-Chair of the Council, if any, unless he 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.**

7. **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he 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.**
8. **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chair of the Council has been elected. He 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 an equality of votes.**
9. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - a. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - b. The appointment of lead councillor roles.
  - c. To confirm the Footpath Officer - None
  - d. Confirmation of the accuracy of the minutes of the last annual meeting of the Council; the annual Council meeting may have normal business items on the agenda.
  - e. Review and adoption of appropriate standing orders and financial regulations;
  - f. 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
  - g. Arrange a review date of inventory of land and assets
  - h. Confirmation of arrangements for insurance cover in respect of all insured risks
  - i. Confirming the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.

#### Extraordinary Meetings of the Council and Committees and Sub-committees

**The Chair of the Council may convene an extraordinary meeting of the Council at any time.**

**If the Chair of the Council does not or refuses to 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 public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

#### Voting on Appointments

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. A tie in votes may be settled by the casting vote of the Chair of the meeting.

#### Handling Confidential or Sensitive information

1. The agenda, papers that support the agenda, and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information.
2. Councillors and staff shall not disclose confidential or sensitive information

### Draft Minutes

1. 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.
2. An inaccuracy in the draft minutes shall be amended and indicated by the signature of the Chair.
3. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and each page shall be signed and dated by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
4. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, and stands in opposition to the council's majority opinion, he shall sign the minutes and include a note to that effect.

### Code of Conduct and Dispensations

1. All councillors and non-councillors with or without voting rights shall observe the code of conduct adopted by the Council.
2. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a pecuniary interest. The Councillor or Non-councillor may however, where the meeting is a meeting to which the public are permitted to attend and that the public have not been excluded sit with the public and he may answer questions from councillors on matters of fact. He may return to the meeting as a member after it has considered the matter. The Councillor or Non-councillor shall not vote on any matter for which he has a pecuniary interest unless he has been granted a dispensation.
3. **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.
4. A decision as to whether to grant a dispensation shall be made by the full council.
5. A dispensation request shall confirm:
  - a. the description of the pecuniary interest to which the dispensation relates;
  - b. whether the dispensation is required to participate in a discussion only or a discussion and a vote;
  - c. the date of the meeting for which the dispensation is sought;
6. The 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
7. **A dispensation may be granted if having regard to all relevant circumstances the following applies:**
  - a. **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 or**
  - b. **granting the dispensation is in the interests of persons living in the Council's area or**
  - c. **it is otherwise appropriate to grant a dispensation.**

### Code of Conduct on Complaints

1. Upon notification that the local authority is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall report this to the Council.
2. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of this fact, and the Chair shall nominate another to assume the duties of the Proper Officer in relation to the complaint until it has been determined

3. **Upon notification by Taunton Deane or Somerset County Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

Proper Officer : The Proper Officer shall be the Parish Clerk or other staff member nominated by the Council to undertake the work of the Proper Officer when he/she is absent.

The Proper Officer shall:

1. **at least three clear days before a meeting of the Council, a committee or a sub-committee, serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.** Agendas and minutes can be posted on request.
2. **give public notice of the time, place 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;**
3. **convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
4. **receive and retain copies of byelaws made by other local authorities;**
5. retain acceptance of office forms from councillors
6. retain a copy of every councillor's register of interests
7. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures.
8. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
9. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form
10. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations
11. record every planning application notified to the Council in the agenda, and the Council's response to the local planning authority recorded in the minutes of the appropriate meeting.

#### Responsible Financial Officer

1. The Council shall appoint an appropriate staff member to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

#### Accounts and Accounting Statements

1. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
3. The Responsible Financial Officer shall supply a quarterly reconciliation to the council and **record** in each minute **transactions over £100**. An aggregated list will be prepared for the Annual Parish Meeting.
4. As soon as possible after the financial year End at 31 March, the Responsible Financial Officer shall provide:
  - a. each councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; this may be done digitally.

- b. the full Council with the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
5. The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31st March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

#### Financial Controls and Procurement

1. 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:
  - a. the keeping of accounting records and systems of internal controls;
  - b. the assessment and management of financial risks faced by the Council;
  - c. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - d. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
2. **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £1,000 shall be procured on the basis of a formal tender**
3. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender, but are responsible for obtaining value for money at all times.
4. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI 2006/5), as amended) and the Utilities Contracts Regulations 2006 (SI 2006/6) as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

#### Requests for Information

1. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Council. The Chair shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

#### Execution and Sealing of Legal Deeds

**The Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

#### Communicating with District and County Councillors

An invitation to attend a meeting of the Annual Parish and Council meetings shall be sent, together with the agenda, to the Somerset West and Taunton and Somerset County Councillors responsible for the Parish.