

STANDING ORDERS FOR TETCOTT AND LUFFINCOTT PARISH COUNCIL

DATE OF ADOPTION: 6th November 2023

DATE OF REVIEW: May 2024

1. CODE OF CONDUCT AND DISPENSATIONS

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 and non-councillors with voting rights shall observe the Code of Conduct adopted by the council.

1.3 No member of the Council will act in such a way that will bring the Council into disrepute, behave offensively in a meeting or obstruct the Council's business.

1.4 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.

1.5 Unless a Councillor has been granted a dispensation, they shall withdraw from a meeting when the Council is considering a matter in which the Councillor has a disclosable pecuniary interest. They may return to the meeting after the matter in which they had the interest has been considered.

1.6 Dispensation requests shall be in writing and submitted to the Proper Officer (Clerk) as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

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

- i. 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.
- ii. granting the dispensation is in the interests of persons living in the Council's area; or
- iii. it is otherwise appropriate to grant a dispensation.

2. ANNUAL MEETINGS

2.1 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 April.

2.2 If the outgoing Chairman is available, then he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office.

2.3 The retiring Chairman will report on the activities of the Council for the preceding year.

3. MEETINGS

3.1 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.

3.2 An agreed number 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. This agreement of meeting dates will be an agenda item.

The agenda may be delivered by email provided the Council has previously agreed to this. In any case the agenda must be issued at least three clear business days before the meeting.

3.3 In addition to the Annual General Meeting, there will be a minimum of four other meetings annually. Dates agreed at the AGM are not binding nor restricted to just four.

3.4 Public notices will be posted online and 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.

3.5 Meetings will be open to the public and Press, but they may be temporarily excluded from the meeting if the business is regarded as confidential.

3.6 Members of the public may speak at Council meetings at the discretion of the Chairman of the meeting.

3.7 The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman as appropriate and any member of the council is welcome to submit agenda items to the Clerk up to five working days prior to the meeting.

The agenda will always include an item to enable Councillors to declare interests. An opportunity for public questions will be made available immediately before the commencement of each meeting.

3.8 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.

Any significant items brought up in AOB cannot be voted on, but will be put on the agenda for the next meeting.

3.9 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.

3.10 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.

3.11 If at any time during the meeting it ceases to be quorate then the meeting will be adjourned, any further business carried forward to the meeting when next convened.

3.12 Voting at the meeting shall be by a show of hands unless the majority of Councillors want a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor 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 on to the next business.

3.13 In cases of equal votes, the Chairman (or other person presiding) will have a second or casting vote

3.14 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 Parish Council at their next meeting and signed by the person presiding at that meeting.

3.15 With regards 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

3.16 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

3.17 If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

FINANCE

3.18 Responsible Finance Officer (RFO)

The Responsible Finance Officer 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 in accordance with Proper Practices.

3.19 Estimates and Precept

The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the 10th January in preparation for the precept being agreed and submitted to the Collection Authority later that month. 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.

3.20 Income and Expenditure

The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. 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.

3.21 Accounting and Audit

a. The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.

b. 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 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.

c. An Internal Auditor will be appointed by 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.

d. The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.

3.22 Banking Arrangements and Cheques

- a. The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.
- b. A resolution of the Council will nominate at least two members of the Council to set up and authorise online payments, in addition to the RFO.
- c. 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.

3.23 Loans and Investments

- a. All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.
- b. All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These loan terms must be reviewed annually.
- c. 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.

3.24 Contracts and Purchase Orders

- a. An official order or letter will be issued for all work or service paid for by 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.
- b. Orders for values £500 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required. Contracts exceeding £50,000 require additional safeguards and will follow Proper Practice.
- c. 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.

3.25 Assets

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.

3.26 VAT

The RFO will promptly complete any VAT Return that is required. Any repayment claims due in accordance with the VAT Act 1974 section 33 will be made at least annually coinciding with the financial year.

4. INSURANCE

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, Employers Liability, Money and Fidelity Guarantee.

5. RISK ASSESSMENT

5.1 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.

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

6. FREEDOM OF INFORMATION

6.1 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

6.2 The Council reserve the right to charge for excess time spent by the Clerk in obtaining and collating such information.

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

7. CLERK TO THE COUNCIL

7.1 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.

7.2. The Clerk will act as the Proper Officer of the Council, and he/she will: receive the Declarations of Acceptance of Office and notices disclosing interests; sign documents on behalf of the Council and issue agendas and notices of meetings; receive and distribute plans and documents on behalf of the Council; and also advise the bank of changes to mandates with the bank.

7.3 The Clerk will act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.

7.4 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 effectively be administered by the Chairman or designated Councillor acting with the authority of the Council.

8. COMMITTEES AND TASK AND FINISH GROUPS

The Council from time to time may set up committees and task-and-finish groups to undertake work on behalf of the Council.

The Council will set their Terms of Reference, and they will report periodically to the Council.

9. EMERGENCY BUSINESS

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.

10. ALTERATION OR REVERSAL OF PREVIOUS DECISIONS

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.

11. STANDING ORDERS

11.1 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.

11.2 During the course of meetings of the Council, the Chairman's decision as to the interpretation of the standing orders will be final. In cases of doubt, the Council will seek the advice of the Devon Association of Local Councils.

11.3 The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly, and it will be time limited.

12. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

12.1 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.

12.2 The Council shall have a written policy in place for responding to and managing a personal data breach.

12.3 The Council shall keep a record of all personal data breaches compromising the facts relating to the personal data breach, its effects and the remedial action taken.

12.4 The Council shall ensure that all information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

12.5 The Council shall maintain a written record of its processing activities.

CHAIRMAN: Tina Barriball

DATE: 06.11.23

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