

CLAVERTON PARISH COUNCIL

Standing Orders

Introduction

Standing Orders are the written rules of a local council which are essential to regulate the proceedings of a meeting.

The Parish Council has used the National Association of Local Council's "Models of Standing Orders for small Parish Councils" as a benchmark and example of good practice.

The areas in bold type contain legal and statutory requirements.

1. Meetings generally

- a. 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.
- b. The minimum three clear days' public notice for a 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.
- c. Meetings shall be open to the public 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 a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- e. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- f. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in their absence be done by, to or before the Vice-Chairman of the Council (if any).
- g. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- h. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- i. The chairman 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 their casting vote whether or not they gave an original vote.
- j. 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

- k. The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent.
 - iii. interests that have been declared by councillors and non-councillors with voting rights.
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered.
 - v. the resolutions made.
- l. A councillor or a non-councillor with voting rights who has a disclosable 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 their right to participate and vote on that matter.
- m. No business may be transacted at a 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.
- n. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- o. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

2. Committees and sub-committees

- a. Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- c. Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

3. Ordinary Council Meetings

- a. 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.
- b. In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c. If no other time is fixed, the annual meeting of the council shall take place at 7pm.

- d. 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.
- e. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.
- f. The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.
- g. The Vice-Chairman of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Chairman of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:

In an election year, delivery by the Chairman 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 Chairman of the Council of their acceptance of office form unless the council resolves for this to be done at a later date.

4. Extraordinary meeting of the Council and committees and sub-committees

- a. The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b. If the Chairman 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.

5. Previous resolutions

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer or by a motion moved in pursuance of the recommendation of a committee.
- b. When a motion moved pursuant to standing order 5 (a) above has been disposed of, no similar motion may be moved within a further six months.

6. Voting on appointments

- a. 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 exercisable by the chairman of the meeting.

7. Dispensations

- a. **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.**
- b. A decision as to whether to grant a dispensation shall be made by a meeting of the council and that decision is final.
- c. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates.
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- d. **A dispensation may be granted in if having regard to all relevant circumstances the following applies:**
 - 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 or**
 - 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.**

8. Code of Conduct Complaints

- a. Upon notification by the Bath & North East Somerset Council that it 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 without disclosing confidential information.
- b. Upon notification by the Bath & North East Somerset 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 them. Such action excludes disqualification or suspension from office.

9. The Proper Officer (Clerk)

- a. The Proper Officer shall be the Clerk or other staff member nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer will also be the Responsible Financial Officer The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- c. The Proper Officer shall:
 - i. **serve at least three clear days before a meeting of the council by delivery or post at their residences, a signed summons confirming the time, place and the agenda OR send an email containing the electronic signature and title of the Proper Officer and confirming the time, place and the agenda.**
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them).**
 - iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office.**
 - iv. facilitate inspection of the minute book by local government electors.
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. retain acceptance of office forms from councillors;
 - vii. retain a copy of every councillor's register of interests;
 - viii. 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 relating to the same;
 - ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
 - x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
 - xi. arrange for legal deeds to be executed; *See also standing order 14 below.*

- xii. 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;
- xiii. refer a planning application received by the council to the Chairman of the Planning Committee as soon as practicable after receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council;
- xiv. manage access to information about the Council via the publication scheme; and
- xv. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

10. Accounts and accounting statements

- a. **“Proper practices”** in standing orders refer to the most recent version of *Governance and Accountability for Local Councils - a Practitioners' Guide* (England).
- b. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's receipts and payments for each quarter;
 - ii. the council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council 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.
- e. 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 31 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.

11. Financial Control and Procurement

- a. 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:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. 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;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 11(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £2,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **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 £2,000 shall be procured on the basis of a formal tender as summarised in standing order 11(d) below.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- e. **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 No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract.**

12. Requests for information

- a. 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.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The said Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

13. Relations with the press/media

- a. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be circulated to all Councillors via email, and opinions canvassed to provide a suitable response.

14. Execution and sealing of legal deeds

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. Subject to standing order 9 above, 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.

15. Communicating with district councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of Bath & North Somerset District Council.

16. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

17. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form.
- c. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.