

All Saints Parish Council Standing Orders

Standing Orders in **bold type** are statutory.

1. Meetings

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. When calculating the 3 clear days' notice for a meeting, 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, a bank holiday, or a day appointed for public thanksgiving or mourning, shall not count.

c. Councillors shall receive a summons to a council meeting in accordance with standing order 1(b) above, by way of either a notice delivered by hand or by 1st class post, and/or a notice sent by electronic means, including but not limited to, email communications.

d. A copy of this summons is to be sent to all those who the Council wishes to formally invite, including but not limited to the Local M.P., the District Councillor, the County Councillor, the Hamlet representatives, the Police representative, the Footpath Warden, the Tree Warden, the Road and Snow Wardens, the Neighbourhood Watch Co-Ordinator for the purpose of making a report, either verbal or written, for the benefit of the Council. This copy is to be delivered by post, by hand or by electronic means.

e. A notice shall also be displayed in a prominent position within the Parish alerting members of the public to the time and date of the meeting. A copy of summons including an agenda shall also be posted on the council's website in accordance with standing order 1(b).

f. 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 3. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a disclosable pecuniary interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at a following meeting.

g. 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.

h. Subject to standing order 1(g) above, members of the public are permitted to make representations, ask and answer questions and give evidence in respect of any item of business whether or not included in the agenda during the 15 minute public forum which immediately precedes the meeting. In addition, a further 10 minute period of public participation is permitted at the end of the same meeting.

i. In accordance with standing order 1(h) above, a public question shall not require a response at the meeting, nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

j. The local Member of Parliament, County Councillors, District Councillors, police representatives and incumbent vicar are permitted to speak during council meetings at the discretion of the Chairman.

k. Any person who attends a council meeting may report on the proceedings of the meeting. A person present may not give an oral report or commentary during the meeting, but may: film, photograph or make an audio recording of proceedings; use any other means to enable people not present to see or hear proceedings as it takes place or later; use written reporting on the proceedings during or after the meeting; or use oral reporting after the meeting.

l. 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.

m. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman 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.

n. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman, may in his absence be done by, to or before the Vice-Chairman.

o. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

2. Extraordinary Meetings

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 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.

3. Disclosable pecuniary interests

- a. Councillors must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting they are present where an item of business which affects or relates to the subject matter of that interest is under consideration (unless the interest is a sensitive interest, as defined by the Localism Act, in which event you need not disclose the nature of the interest).**
- b. Councillors must make a verbal declaration of the existence and nature of any non-disclosable pecuniary or personal interests at any meeting they are present (see All Saints Parish Council's Code of Conduct for a definition of a non-disclosable pecuniary interest).**
- c. Councillors must comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a Disclosable Pecuniary Interest (unless you have obtained a dispensation). Councillors must leave the room whilst the item is considered.**
- d. A dispensation may be granted to permit a member to discuss and vote on an item where they have a disclosable pecuniary interest if after having had regard to all relevant circumstances, the council considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or considers that granting the dispensation is in the interests of persons living in the authority's area, or considers that it is otherwise appropriate to grant a dispensation. A member must submit a written request to the council for a dispensation.**
- e. A dispensation must specify the period for which it has effect and not exceed four years.**
- f. No member of the Council shall disclose to any person, not a member of the Council, any business declared to be confidential by the Council.**

4. Voting

- a. Members shall vote verbally or by show of hands.**
- b. All questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- c. 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. Such a request shall be made before moving on to the next item of business on the agenda.**
- d. The Chairman 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.**

e. A councillor 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 his right to participate and vote on that matter.

5. Statutory Annual Meeting

a. In an election year, the statutory 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 the 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 7.00pm.

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

e. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.

f. The Chairman 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.

g. The Vice-Chairman of the Council, unless he resigns or becomes 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, he 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, he shall preside at the meeting until a new Chairman of the Council has been elected. He 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. At each Annual Meeting of the Council, the business shall include:

i. Elect a Chairman and Vice-Chairman of the Council.

ii. Receive the Chairman's declaration of acceptance of office.

iii. 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 his acceptance of office form unless the council resolves for this to be done at a later date;

k. Furthermore, at each annual meeting of the council, the business shall also include:

i. Review the Council's policies and procedures including but not limited to: Standing Orders, Financial Regulations, Risk Management Policy (including annual tree management inspection report), Complaints Procedure and Grievance and Disciplinary Policy.

ii. Review of inventory of land and assets including buildings and office equipment.

iii. Annual Inspection of Assets by clerk.

iv. Review the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

v. Review and confirmation of arrangements for insurance cover in respect of all insured risks.

vi. Review designated bank signatories for payments.

vii. Review banking arrangements including interest levels on accounts

viii. Review the pay and conditions of service of existing staff.

ix. Councillors to review declarations of interest and notify All Saints Parish Council / East Devon District Council of any changes.

x. Review of website and update where required.

xi. Review of the Council's and/or employees' memberships of other bodies.

xii. Review / Update Parish Council Action Plan.

xiii. To resolve (if applicable) to permit the Parish Council to utilise the General Power of Competence for a further 12 months as outlined in the Localism Act 2011.

6. Disorderly Conduct

a. 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) moderate or improve their conduct.

b. If person(s) disregard the request of the Chairman to moderate or improve their conduct, any councillor or the Chairman 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.

c. If a resolution made under standing order 6(b) above is ignored, the chairman 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.

7. Minutes

a. **The minutes of a meeting shall record the names of councillors present and absent.**

b. All minutes kept by the Council shall be open for the inspection of any member of the Council.

c. If a copy of the draft minutes of a preceding meeting has been circulated to councillors, no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read.

d. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.

e. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

f. Draft Minutes will be posted on the Parish Council website on the day of the meeting, and annotated as such. Once a resolution has been made to approve the minutes, a suitably worded amendment will be made on the same website. Minutes for the last 24 months (on a rolling basis) will be shown on the website.

8. Advisory Committees

a. The Council may appoint advisory committees comprised of a number of councillors and non-councillors. Advisory committees may consist wholly of persons who are non-councillors.

9. Code of Conduct

a. All councillors shall observe the code of conduct adopted by the council.

b. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

c. 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.

d. A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.

e. 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.

f. Subject to standing orders 9(d) and 9(e) above, dispensations requests shall be considered at the start of the meeting for which the dispensation is required.

g. A dispensation may be granted in accordance with standing order 9(e) above 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.**

10. Code of Conduct Complaints

a. Upon notification by the District that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, subject to standing order 8 above, report this to the council, unless it is confidential or sensitive information which for special reasons would not be in the public interest.

b. Where the notification in standing order 10(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 10(d) below.

c. The council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

d. Upon notification by the District Council that a councillor 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.

11. Complaints

a. The Council shall deal with complaints of maladministration allegedly committed by the Council, or by any officer, or member, following the Complaints Procedure.

12. Accounts and Financial Statement

a. "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.

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 either electronically or in written form, before each meeting, a financial statement summarising the Council's receipts and payments and balances held for the financial year to date and also a comparison with the budget for the financial year, highlighting 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. a statement summarising the council's receipts and payments for the last quarter and the year to date, and;

ii. 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) for a year to 31 March. A completed draft annual return shall be presented 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.

13. Financial Matters

a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer (RFO), which shall include detailed arrangements in respect of the following:

i. The accounting records and systems of internal control.

ii. The assessment and management of financial risks faced by the Council.

iii. The work of the Internal Auditor 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.

v. Procurement policies (subject to standing order 13(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.

b. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 13(c) below:

c. Any formal tender process shall comprise 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;

iii. The invitation to tender shall be advertised in a local newspaper and in any other appropriate manner;

iv. Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

v. Tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;

vi. Tenders are to be reported to and considered by the Council.

d. The Council is not bound to accept the lowest tender, estimate or quote.

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 and, if either of those Regulations apply, the Council must comply with EU procurement rules.

14. Proper Officer

a. The Council's Proper Officer shall be the clerk. The Council's Proper Officer shall do the following:

i. Sign and serve on councillors, by delivery or post or by email, at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least 3 clear days before the meeting.

- ii. Give public notice of the time, date, venue and agenda at least 3 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. Send an invitation to attend a meeting of the Council and an agenda to councillors of the District and County Council representing its electoral ward, together with any other attendees that council deems appropriate to the business being discussed at that meeting.
- iv. Facilitate inspection of the minute book by local government electors.
- v. Retain a copy of every councillor's Register of Interests, include these on the Council website and make them available for inspection.
- vi. 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.
- vii. Forward to the Council every planning application received within 72 hours of receipt by email, to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- viii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- ix. Manage the organisation, storage of and access to and destruction of information held by the Council in paper and electronic form.
- x. Process requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with, and subject to, the Council's procedures relating to the same.
- xi. Receive and retain declarations of acceptance of office from councillors.
- xii. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- xiv. Receive and retain copies of byelaws made by other local authorities.
- xv. Manage access to information about the council via the publication scheme
- xvi. A copy of these Standing Orders and the Council's Code of Conduct shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to comply with the Code of Conduct adopted by the Council.

15. Execution and Sealing of Legal Deeds

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. In accordance with a resolution made under standing order 14a 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.

16. Handling Confidential or Sensitive Information

- a. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

17. Handling Staff Matters

- a. A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 16 above.
- b. The Clerk shall notify the chairman of Council (or if he is not available, the vice-chairman of Council) of any absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c. The chairman of Council (or in his absence, the vice-chairman) shall upon a resolution conduct a review of the performance and annual appraisal of the work of employees. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by Council.
- d. Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the chairman of the Council (or in his absence, the vice-chairman of Council) in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Council.
- e. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the chairman or vice-chairman of Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of Council.
- f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and/or encrypted.

18. Freedom of 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.

19. Variation, Revocation and Suspension of Standing Orders

- a. Any or every part of the standing orders, except those which are mandatory by law (and are printed in bold type) may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to, to vary, or to revoke, one or more of the Council's standing orders, not mandatory by law, shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.
- c. The Chairman's decision as to the application of standing orders at meetings shall be final.

Standing Orders shall be reviewed at least annually by members prior to their adoption at the Annual Meeting.

Adopted by resolution of Council at the Annual Meeting held Monday 13th May 2019,
minute reference: AM20/19 a)