

**Yarpole Group Parish Council Standing orders
(October 2017)**

1. Parish Council Meetings – Conduct and Debate

- 1.1 Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- 1.2 Any point of order shall be decided by the chair of the meeting and their decision shall be final.
- 1.3 The contributions or speeches by a councillor shall relate only to the agenda item under discussion and shall not exceed 5 minutes without the consent of the chair of the meeting.
- 1.4 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 this request is disregarded any councillor or the chair of the meeting may move that the person be no longer heard or excluded from the meeting.

2. Parish Council Meetings – General

- 2.1 **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.**
- 2.2 **The minimum three clear days for notice of a 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.**
- 2.3 **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.**
- 2.4 The period of time designated for public participation at a meeting in accordance with standing order 2.3 above shall not exceed 20 minutes unless directed by the chair of the meeting.
- 2.5 Subject to standing order 2.3 above, a member of the public shall not speak for more than 5 minutes.
- 2.6 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**

- 2.7** 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 their absence be done by, to or before the Vice-Chair of the Council.
- 2.8** The Chair, if present, shall preside at a 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.
- 2.9** 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.
- 2.10** 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 their casting vote whether or not he gave an original vote.
(See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.)
- 2.11** 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.
- 2.12** 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.
- 2.13** 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.
- 2.14** 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.

3. Committees and sub-committees

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

4. Ordinary council meetings

- 4.1 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.**
- 4.2 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.**
- 4.3 If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- 4.4 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.**
- 4.5 The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair of the Council.**
- 4.6 The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.**
- 4.7 The Vice-Chair of the Council 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.**
- 4.8 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.**
- 4.9 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.**
- 4.10 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:**
- 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 their acceptance of office form unless the council resolves for this to be done at a later date;**
 - Appointment of any new committees in accordance with standing order 3 above;
 - Review of representation on or work with external bodies and arrangements for reporting back;
 - Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;

5. Extraordinary meetings of the council

- 5.1 The Chair of the Council may convene an extraordinary meeting of the council at any time.**
- 5.2 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.**

6. Handling confidential or sensitive information

- 6.1 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.**
- 6.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.**

7. Code of conduct and dispensations

- 7.1 All councillors shall observe the code of conduct adopted by the council.**
- 7.2 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.**
- 7.3 Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.**
- 7.4 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.**
- 7.5 A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.**
- 7.6 A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
- 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**
 - granting the dispensation is in the interests of persons living in the council's area or**
 - it is otherwise appropriate to grant a dispensation.**

8. Code of conduct complaints

- 8.1 Upon notification by the County Council 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 5 above, report this to the council.
- 8.2 **Upon notification by the District 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.**

9. Proper Officer

- 9.1 The Proper Officer shall be the clerk. The Clerk will also act as the Responsible Financial Officer for the Council.
- 9.2 The Proper Officer shall:
- **at least three clear days before a meeting of the council serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
 - **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);**
 - **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
 - **receive and retain copies of byelaws made by other local authorities;**
 - carry out all other duties as specified in their contract of employment.

10. Accounts and accounting statements

- 10.1 All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- 10.2 The Responsible Financial Officer shall supply a financial update to each meeting of the Council
- 10.3 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide the 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.
- 10.4 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 payment) for a year to 31 March. 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 controls and procurement

- 11.1 The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer; these regulations shall be reviewed regularly for fitness of purpose.
- 11.2 **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 £60,000 shall be procured on the basis of a formal tender as summarised in standing order 11.3 below.**
- 11.3 **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.**

12. Handling staff matters

- 12.1 The chair or in their absence, the vice-chair shall conduct a review of the performance and annual appraisal of the work of the Clerk.
- 12.2 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.

13. Requests for information

- 13.1 Requests for information held by the council shall be handled in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 13.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chair. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

14. Execution and sealing of legal deeds

- 14.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 14.2 **Subject to standing order 14.1 above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**