

STAPENHILL PARISH COUNCIL

STANDING ORDERS

1. Councillors

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 will observe the Code of Conduct when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.

1.3 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.

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 May.

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

2.3 The outgoing Chair 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 frequency 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 post/email or hand. The agenda must be issued at least three clear business days before the meeting.

3.3 Public notices will be posted 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.

3.4 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.

3.5 Members of the public may speak at Council meetings at the discretion of the Chair of the meeting.

3.6 The agenda for the meeting will be agreed by the Clerk, Chair and Vice Chair as appropriate. 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.

3.7 The Council may only take decisions on items clearly specified on the agenda. If agreed by the Chair, any urgent items which are not on the agenda may be discussed, but no decision may be made at that meeting.

3.8 The Chair of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chair is not present, the Vice Chair 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 Chair for the meeting.

3.9 The quorum for the Council will be one third of the total Councillor places but, in any case, not fewer than three. If there are insufficient members present, then no business will be transacted, and a fresh notice will be issued to reconvene the meeting at a later date.

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

3.11 Voting at the meeting shall be by a show of hands unless the majority of Councillors would prefer 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.

3.12 In cases of equal votes, the Chair (or other person presiding) will have a second or casting vote.

3.13 Minutes 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.

3.14 With regard 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.

4. Finance

4.1 The Responsible Finance Officer (RFO) 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.

4.2 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 end of December in preparation for the precept being agreed and submitted to the Collection Authority in January. 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.

4.3 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.

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

4.5 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.

4.6 The Council will appoint an Internal Auditor 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.

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

4.8 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.

4.9 A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques.

4.10 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. Cheques will be completed for all transactions and signed by two authorised Councillors.

4.11 Any utility bill may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

4.12 All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.

4.13 All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Council must approve any application, especially the terms and purpose. These terms must be reviewed annually.

4.14 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.

4.15 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.

4.16 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.

4.17 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.

4.18 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.

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

5. Insurance

5.1 The Council will review the level of insurance cover annually 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.

6. Freedom of Information

6.1 The Council is subject to the Freedom of Information Act. The Clerk will ensure the Council conforms to the requirements of the Act, allowing public access to the appropriate documents.

6.2 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

6.3 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

6.4 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

6.5 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

6.6 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.

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

7. Data Protection

7.1 The Council shall appoint a Data Protection Officer.

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

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

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

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

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

8. Signing of Deeds

8.1 A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

8.2 Any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

9. Clerk to the Council

9.1 The Council will appoint a Clerk to the Council which will be on an employed basis.

9.2 The Clerk will act as the Proper Officer of the Council and will: receive the Declarations of Acceptance of Office and notices disclosing interests; sign documents of 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.

9.3 The Clerk will act as Responsible Financial Officer.

9.4 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 she/he is employed. This will effectively be administered by the Chair or designated Councillor acting with the authority of the Council.

10. Committees and Sub-committees

10.1 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

10.2 The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

10.3 Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

10.4 The Clerk will handle any emergency business, in consultation with the Chair and one other Councillor. Actions will be reported promptly to the Council.

11. Alteration or Reversal of Decisions

11.1 Decisions of the Council will not be revised within four 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.

12. Standing Orders

12.1 Standing Orders will be reviewed annually by the Clerk and the Chair, and any amendments will be decided by the Council.

12.2 During the course of meetings of the Council, the Chair'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 Staffordshire Parish Council Association.

12.3 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 will be on a time limit.

These Standing Orders adopted by Stapenhill Parish Council on 8th MAY 2019

Signed (Chair)

