

Standing Orders – Sampford Peverell Parish Council

Councillors

- 1.1 The term of office of councillors is four years, from the fourth day after the date of the ordinary election until the fourth day after the next ordinary election.
- 1.2 Vacancies arising because an ordinary election does not fill all seats on the Council or because of Councillors resigning between elections may be filled by co-option. A councillor co-opted or appointed between ordinary elections will serve out the term of the person he / she has replaced.
- 1.3 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.
- 1.4 All Councillors will observe the Code of Conduct at all times 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.
- 1.5 The Code of Conduct adopted by the Council defines when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor must declare that interest and the nature of the interest at the earliest opportunity.
- 1.6 The term of office of a Councillor may be ended by written resignation to the Chairman, by failure to attend meetings for six consecutive months without a reason approved by the council, or by disqualification for a prison sentence, bankruptcy, an election offence or for a serious breach of the code of conduct.

Meetings

Annual Meetings

- 2.1 The Annual Parish Meeting is obligatory and must be held between 1 March and 1 June each year. Local government electors of the parish are entitled to attend, speak and vote. The Chairman, if present, must preside. The meeting may discuss any matter of relevance to the parish.
- 2.2 The Annual Parish Meeting may be held on the same day as the Annual Meeting of the Council, but must be entirely separate from it.

2.3 The Annual Meeting of the Council must be held in May. In an ordinary election year, it must be held between the fourth and the eighteenth day after the election. The election will usually be held on the first Thursday in May.

2.4 At the Annual Meeting, if the outgoing Chairman is available, he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be to elect a Chairman and a Vice Chairman to serve a term of one year, and to receive their acceptance of office. The retiring Chairman will report on the activities of the Council for the preceding year.

2.5 At the Annual Meeting, members of any committees and sub-committees are elected and terms of reference agreed.

Other Meetings

2.6 Meetings will be held in appropriate, accessible accommodation.

2.7 The Annual Meeting will decide the agreed frequency of meetings. Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post, by hand or by e-mail. If unable to attend, Councillors should notify the Clerk as soon as possible.

Agenda and Procedure

2.8 The Clerk, Chairman and Vice Chairman as appropriate will agree the agenda for the meeting. The agenda will always include an item to enable Councillors to declare interests.

2.9 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 at that meeting.

2.10 The Chairman will preside at meetings and will be responsible for their conduct. If the Chairman is not present then the Vice Chairman will preside. If both Chairman and Vice Chairman are not present, then the first matter on the agenda will be the election of an appropriate Councillor to chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.

2.11 The quorum for the Council will be one third of the total Councillor places, ie no 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.

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

2.13 Voting at meetings shall be by a show of hands unless a majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless Councillors request that their vote be 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.

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

2.15 A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes circulated to Councillors will be draft minutes until they are approved by the Council at its next meeting and signed by the person presiding at that meeting.

Public Attendance

2.16 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. An opportunity for public questions will be made available immediately before the commencement of each meeting.

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

2.18 In respect of 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.

2.19 The taking of photographs and video and sound recording by any person at any meeting may only be done with the permission of the Council. Such permission will only be withheld where there is good reason to do so. Such recording must be done in such a way as not to disrupt proceedings and must take account of the wishes of members of the public who do not wish to be photographed, filmed or recorded. Where such recording is taking place, the Chairman will make those attending aware of what is happening.

Finance

Responsible Finance Officer

3.1 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.

Estimates and Precept

3.2 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. It will be 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.

Income and Expenditure

3.3 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.

Accounting and Audit

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

3.5 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 there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures in line with proper practice.

3.6 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.

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

Banking Arrangements and Cheques

3.8 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.

3.9 A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques. The RFO will be a signatory to the account, to facilitate access to account details, but will not be authorised to sign cheques.

3.10 All items of expenditure will be authorised by the Council and the payments approved. The RFO will examine invoices and certify the expenditure. Cheques will be completed for all transactions and signed by two authorised Councillors.

Loans and Investments

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

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

3.13 All investments of money under the control of the Council will be in the Council's name. All certificates or other documents will be retained by the RFO.

Contracts and Purchase Orders

3.14 An official order or letter will be issued for all work or service paid for by the Council. All Councillors and the Clerk are responsible for obtaining good value for money at all times and that appropriate terms are obtained for the transaction.

3.15 Orders for values £500 to £3000 require a minimum of two quotations; values above £3000 require three quotations. Contracts exceeding £50,000 require additional safeguards and will follow proper practice.

3.16 The Council will approve all quotations to be accepted. While the Council is not obliged to accept the lowest quotation, the reasons for accepting any higher quotation will be recorded.

Assets

3.17 The RFO will ensure that the Council maintains an appropriate and accurate Register of Assets. It will be reviewed at least annually, in conjunction with a health and safety inspection of assets if appropriate.

VAT

3.18 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.

Risk Assessment

4.1 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.

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

Insurance

5.1 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.

Freedom of Information

6.1 The Council is subject to the Freedom of Information Act and has adopted the Model Publication Scheme for Parish Councils. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the

appropriate documents, including agendas, papers presented at meetings, and minutes of meetings.

Clerk to the Council

7.1 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 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.

Alteration or reversal of previous decisions

8.1 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.

Standing Orders

9.1 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.

9.2 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 Mid Devon District Council.

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

Sampford Peverell Parish Council adopted these Standing Orders at a meeting held on 11 May 2016