

Payhembury 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 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.

1.3 The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or pecuniary 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 Chairman is available then he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office.

2.3 The retiring Chairman will report on the activities of the Council for the preceding year unless he has already given his report at the preceding Annual Parish Meeting.

3. Meetings

3.1 Meetings will be held in appropriate accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.

3.2 A minimum of 4 meetings will be held during the year including the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post, hand or electronically delivered by email. In any case 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 Recording of meetings

3.4.1 The public and press shall be admitted to all meetings of the Council and its committees, during which they may film, photograph or make an audio recording of the meeting in a non-disruptive manner. Persons intending to record or film should notify the Council. The public may however, be temporarily excluded by means of the following resolution: "That in the view of the

Payhembury Parish Council

Standing Orders

confidential nature of the business about to be transacted in Part B it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw”.

3.4.2 The recording of proceedings should not be edited in a way that could lead to misinterpretation of the proceedings or infringe on the core values of the council. This includes refraining from editing an image or views expressed in a way that may ridicule or show lack of respect towards those being filmed or recorded.

3.4.3 The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principals or is deemed to be recording in a disruptive manner.

3.4.4 While those attending meetings are deemed to have consented to the recording or filming, those exercising the rights to film and record must respect the rights of others attending under the General Data Protection Regulation (GDPR) 2018. This will include the particular rights of children or vulnerable adults attending the meeting.

3.4.5 The Council will display requirements as to filming or recording at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

3.4.6 The Council may itself photograph, film or record at its meetings and can retain, use or dispose of such material as it sees appropriate.

3.5 Members of the public may speak at Council meetings during a public participation period which will be no longer than 15 minutes. The time allowed to each person will be 3 minutes. This period will take place after the declaration of interests when the meeting will be suspended to allow the public to participate.

3.6 The agenda for the meeting will be agreed by the Clerk, Chairman and Vice-Chairman as appropriate. The agenda will always include an item to enable Councillors to declare personal and pecuniary interests. Councillors who have registered interests may make a statement during the public period but then must leave the room while the item on the agenda is discussed.

3.7 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.

3.8 The Chairman of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chairman is not present then the Vice-Chairman 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 Chairman 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 3. 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.

Payhembury Parish Council

Standing Orders

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 hand unless a majority of Councillors wants 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 Chairman (or other person presiding) will have a second or casting vote.

3.13 A minute 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 Councillor must leave the room while the discussion takes place.

Finance

3.15 Responsible Finance Office (RFO)

3.15.1 The Responsible Finance Officer is a statutory office and appointed by the Council. The Clerk of the Council or an appointed Councillor will take on this role of managing the Council's financial affairs in accordance with Proper Practices.

3.16 Estimates and Precept

3.16.1 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 January 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.

3.17 Income and Expenditure

3.17.1 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.

3.18 Accounting and Audit

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

Payhembury Parish Council

Standing Orders

3.18.2 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.

3.18.3 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.

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

3.19 Banking Arrangements and Payments

3.19.1 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.

3.19.2 A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques and to authorise on-line payments.

3.19.3 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 or on-line payments will be completed for all transactions and signed or authorised by two authorised Councillors.

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

3.20 Loans and Investments

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

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

3.20.3 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.

3.21 Contracts and Purchase Orders

3.21.1 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.

Payhembury Parish Council

Standing Orders

3.21.2 Orders for values £200 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required. Contracts exceeding £10,000 require additional safeguards and will follow Proper Practice.

3.21.3 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.

3.22 Assets

3.22.1 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.

3.23 VAT

3.23.1 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.

4. Insurance

4.1. 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.

5. Risk Assessment

5.1 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.

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

6. 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.

7. Clerk to the Council

7.1 The Council may appoint a number of employees to assist it in the performance of its duties. 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.

Payhembury Parish Council

Standing Orders

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 The Clerk will act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.

7.4 As an employee of the Council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, 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.

8. Committees and task and finish groups

8.1 The Council from time to time may set up committees and task-and-finish groups to undertake work on behalf of the Council. The Council will set their Terms of reference, and they will report periodically to the Council.

9. Emergency Business

9.1 Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chairman and one other Councillor. Actions will be reported promptly to the Council.

10. Alteration or Reversal of previous decisions

10.1 Decisions of the Council will not be revised within 4 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.

11. Standing Orders

11.1 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.

11.2 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 the Devon Association of Local Councils.

11.3 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 it will be time-limited.

Payhembury Parish Council

Standing Orders

Version History

Version no.	Adopted	Changes	Review date
V1.0	7 th Jul 2015	Initial version	
V1.1	10 th Jul 2019	3.4 – update to GDPR 2018 and 3.19 update to include on-line banking	July 2020