

# **Colyton Parish Council**

## **Standing Orders**

**V7**

**Amended to add Para 7d**

**Minutes ref 21/02/42 dated 8<sup>th</sup> Feb 2021**

# Index of standing orders

Standing order		Page	Standing order		Page
1	Meetings	3	19	Estimates/precepts	13
2	Ordinary Council meetings	4	20	Canvassing of and recommendations by Councillors	13
3	Proper Officer	5	21	Inspection of documents	13
4	Motions requiring written notice	6	22	Unauthorised activities	14
5	Motions not requiring written notice	6	23	Confidential business	14
6	Rules of debate	7	24	Power of well-being	14
7	Code of conduct	9	25	Matters affecting council employees	14
8	Questions	10	26	Freedom of Information Act 2000	15
9	Minutes	10	27	Relations with the press/media	15
10	Disorderly conduct	11	28	Liaison with County, District and Unitary Councillors	16
11	Rescission of previous resolutions	11	29	Financial matters	16
12	Voting on appointments	11	30	Allegations of breaches of the code of conduct	17
13	Expenditure	11	31	Variation, revocation and suspension of standing orders	18
14	Execution & sealing of legal deeds	12	32	Standing orders to be given to Councillors	19
15	Committees	12	33	CPC Co-option Procedure	19
16	Sub-committees	12	34	Scheme of delegation	20
17	Extraordinary meetings	12			
18	Accounts and Financial Statement	13			

# 1 Meetings

## **Council and committee meetings are meetings held in public (subject to 1c), they are not a public meeting.**

- 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 for notice of a meeting to councillors and the public, 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 shall not count.
- c 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.
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e The period of time designated for public participation in accordance with standing order 1(d) above is at the Chair's discretion.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda, or on more items at the Chair's discretion.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chair may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j Any person speaking at a meeting shall address his comments to the Chair.
- k Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- l Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted as per the Local Government Audit & Accountability Act 2014 and the CPC protocol adopted 1st September 2014. Under new GDPR legislation anyone recording a meeting is requested to declare it prior to the commencement of the meeting as the public are entitled to anonymity and

cannot exercise that right if they are unaware a meeting is being recorded. As stated in the CPC Recording Policy.

- m In accordance with standing order 1(c) above, 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.
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair.
- o 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.
- p Subject to standing order 1 (w) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- q The Chair 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 they gave an original vote.
- r Unless standing orders provide otherwise, voting on any question/item 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. Matters to be voted on where a person is being chosen for a role either within or for the Council can, at the discretion of the Chair, be voted on by a paper ballot with a record declared of the total number of votes cast for each candidate.
- s The minutes of a meeting shall record the names of councillors present and absent.
- t The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- u An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- v No business may be transacted at a full council meeting unless at least 7 voting members of the Council are present. At the Finance, Planning & Amenities committee meetings there must be 5 voting members present for the meeting to be quorate. (*see min ref 16/01179*) At planning site visits a quorum will be accepted as 4..
- w If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.

## 2 Ordinary Council meetings

- a 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.
- b 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.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7pm
- d 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.

- e The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council.
- f The Chair of the Council, unless they have 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-Chair of the Council, if any, unless they 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.
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they 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.
- i In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They 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.

### **3 Proper Officer**

- a The Council's Proper Officer shall be the clerk or such other person as may be nominated by the Council from time to time.
- b The Council's Proper Officer shall do the following.
  - i. Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee 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 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).
  - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least five days before the meeting confirming his withdrawal of it.
  - iv. Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) i above.
  - v. Make available for inspection the minutes of meetings.
  - vi. Receive and retain copies of byelaws made by other local authorities.
  - vii. Receive and retain declarations of acceptance of office from councillors.
  - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - ix. Keep proper records required before and after meetings;

- x. Process all 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 send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed
- xiv. 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.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4 Motions requiring written notice**

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least five clear days before the next meeting on the form provided from the Clerk.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least five clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chair or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5 Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub- committee or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds signed by two councillors and witnessed.
  - xvii. To authorise the payment of monies.
  - xviii. To amend a motion relevant to the original or substantive motion under consideration this shall not have the effect of nullifying it.
  - xix. To extend the time limit for speeches.
  - xx. To exclude the press and public for all or part of a meeting.
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxii. To give the consent of the Council if such consent is required by standing orders.
  - xxiii. To suspend any standing order except those which are mandatory by law.
  - xxiv. To adjourn the meeting.
  - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxvi. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chair's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.

- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chair, be reduced to writing and handed to the Chair who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which they considers has been breached or specify the irregularity in the meeting they is concerned by.
- q A point of order shall be decided by the Chair and his decision shall be final.

- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## 7 Code of conduct

- a. All councillors shall observe the Code of Conduct document adopted by the Council which can be found on the CPC Web Site.
- All councillors shall undertake training in the code of conduct wherever possible within 6 months of the delivery of their declaration of acceptance of office.
- b. If the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2012 Regulation 2012(SI2012/1464) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- c. Councillors with a disclosable pecuniary Interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber. Written request for dispensation can be made to the clerk 7 days before the meeting. Dispensations will normally only be granted if the business of the parish council could not be carried out without a dispensation (for example where several members would be deemed to have a DPI) or if there is a valid business reason for granting a dispensation. The clerk or proper officer will grant a blanket dispensation to the Parish Council to discuss the precept.

d. A parish councillor will, cease to be a councillor if they fail to attend a meeting, or represent the council, for a period of six months. "Failed to attend" means has not attended and a councillor who has not attended a meeting for six months has failed to do so whether or not a meeting has been called because Section.85 of the Local Government Act 1972 states that the six months starts with the last meeting attended and therefore covers the entire period up to the next meeting called. If there are no meetings for six months all councillors will cease to be councillors. Members may give the reasons for their absence. It is the member's full responsibility to request the Parish Council to approve and minute their prolonged absence within the 6 month period of absence via request to the Clerk. If Parish Council chooses to accept a parish councillor reason for absence, the six month period will reset to the meeting the absence is accepted, any accepted reasons for absence must be entered in the Minutes.

## 8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided five clear days' notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for public participation to ask such questions. At the Chairs discretion the meeting can be suspended to allow clarification, understanding or right of reply from the questioner.
- c Every question shall be put and answered without discussion subject to lg & 1h

## 9 Minutes – these record the decisions made and actions to be taken, they are not a verbal record of speeches made by Councillors – LGA1972, Sch 12, par 41(1)

- a 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.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:  
  
"The Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
- f Min ref 13/05/37 - Approval of In Committee minutes. It was agreed that the Council would meet In

Committee to ratify any previous In Committee minutes.

## 10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chair, there has been a breach of standing order 10(a) above, the Chair shall express that opinion and thereafter any councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

## 11 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least six councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12 Voting on appointments

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.
- b **Appointments to External Bodies & Charitable trusts.** Min ref 12/05/08  
Because of a concern that any new councillors may be faced for voting for people they didn't know at their first council meeting It Is proposed, seconded & accepted that the following procedure will take place.  
The current vacancies will be distributed In April  
The names will be put forward In May  
The Vote will take place In June.

## 13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money

in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## 14 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 14(a) 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.

## 15 Committees

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer five days before the meeting that they are unable to attend;
  - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vi. may in accordance with standing orders, dissolve a committee at any time.

## 16 Sub-committees

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

## 17 Extraordinary meetings

- a The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chair 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.

- c The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chair of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within five days of having been requested by to do so by two councillors, those two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by two councillors.

## **18 Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **19 Estimates/precepts**

- a The Council shall approve whenever possible written estimates for the coming financial year at its meeting before the end of January.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

## **20 Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **21 Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **22 Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **23 Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 23(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **24 Power of well-being**

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 24 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

## **25 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chair or, in his absence, the Vice-Chair of any absence occasioned by illness or urgency and that person shall report such absence to the Council at the next meeting.

- c The Chair or in his absence, the Vice-Chair shall upon a resolution conduct a review of the performance and/or appraisal of an employee and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution of the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chair or in his absence, the Vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the Chair or Vice-Chair of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 25(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(g) and (h) above shall be provided only to (post holder) Proper Officer and/or the Chair or Vice Chair of the Council.

## **26 Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Request should be acknowledged and answered in 20 working days from the day after the request was received.
- c Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

## **27 Relations with the press/media**

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media as per the Media Policy available on the CPC Web Site.

- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media without authority from the Parish Council.

## 28 Liaison with District or County Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County Councillors representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council councillor representing its electoral ward.

## 29 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, 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 29(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £10,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £10,000 shall be procured on the basis of a formal tender as summarised in standing order 29(c) below.
- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e Wherever 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 if 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.

- f Ongoing regular suppliers and salary will be paid by BACS payment as agreed in minute ref 19/05/18i. The following procedure will be followed. At the meeting a list of BACS payments currently in the agenda will be signed as approved for payment by the Chair and Finance Chair. The RFO will make those payments and sign and date the form as completed. This will be checked by the Finance Chair/Vice Chair against the bank statement and signed and dated as being a completed transaction.

## **g STANDING ORDERS ON CONTRACTS**

- i Where it is intended to enter into a contract exceeding £1,000 in value for the supply of goods or materials or for the execution of works or specialist services, the Clerk shall invite tenders from at least three firms.
- ii The full Council and each committee of the Council have the power of making contracts.
- iv When application is made to waive standing orders relating to contracts to enable a tender to be negotiated without competition, the reason shall be taken to full council for approval.
- v Every exception made by a committee to which the power of making contracts has been delegated shall be reported to the council and the report shall specify the emergency by which the exception shall have been justified.
- vi Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of postal delivery. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- vii All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least one other member of the Council and shall be reported by the Clerk or deputy to the Council or, where the tenders have been sought by a committee, to that committee.
- viii If fewer than three tenders are received for contracts valued above £1,000, or if all the tenders are identical, the Council may made such arrangements as it thinks fit for procuring the goods or materials or executing the works.

DATED: 10th January 2000

Minute Reference: 2000/12

## **30 Allegations of breaches of the code of conduct**

Adopted 13<sup>th</sup> December 2010 Revised 2012, May 2013, Sept 2014, Aug2015,Jan 2016,Oct 2018, V5 Reviewed June 2019, Approved at Full meeting 8<sup>th</sup> June 2020 Ref 20/06/54,

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chair) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 30(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
- v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 30(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chair or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Chair shall have the power to:
  - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

## **31 Variation, revocation and suspension of standing orders**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

- b A motion to permanently add to or 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.

## 32 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chair's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

## 33 Co-option Procedure (min ref 15/08/84)

1. In the event of a resignation or another reason for creation of a vacancy the clerk will immediately contact the District Council electoral registration office on the effective date of the vacancy and request the initiation of the advertising of the notice of vacancy.  
If the vacancy has arisen because of a death, it is courteous that the notice is not displayed until after the funeral has taken place.
2. If this advertisement does not initiate the 10 signatures of electors in the period of time required by legislation (at present 14 working days) move to the co-option process step 3, otherwise the election process will be followed. If Parish elections are to be held within 6 months then the council is not obliged to co-opt
3. The co-option process will be advertised within 21 days of the end of the time for notice of vacancy.
4. The co-option notice will include the final date for acceptance of requests for consideration (20 working days after the date of notice) and the number of vacancies.
5. The notice will be placed on the parish notice boards.
6. The co-option process etc. will be put into the parish newsletters when possible and local press if agreed by the council.
7. Members may point out the vacancies and the process to any qualifying candidate(s).
8. Candidates found to be offering inducements of any kind will be disqualified.
9. All candidates will be expected to put their request for consideration in writing with the following additional information:- reason for wishing to be a councillor, previous community/council work, other skills they can bring to the council. It will be a condition of membership that a means of contact by telephone and/or e-mail will be public information.
10. Discussion will take place in full council session without intervention from the candidates or public
11. A resolution may be put at this stage that a vote not be taken at this stage – the parish council does not have to accept any of the nominees.
12. A vote will then be taken by paper ballot and recorded. In the event of multiple vacancies all candidates names will be on the ballot and the Councillors will vote for candidates to fill the number of vacancies available.  
The candidates with the maximum number of votes will be appointed onto the council. The Chair will have a deciding vote.

This procedure will also be adopted when voting for representatives onto outside bodies.

13 Candidates will be furnished with a full agenda of the meeting at which they are to be considered for election with the code of conduct and standing orders of the council. The successful candidates will immediately sign their declaration of acceptance of office and can then act as Councillors. The Declaration of Interest will be filled in within 28 days and a copy passed on to the monitoring officer.

## **34 Scheme of Delegation**

**This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person) to act with delegated authority in the specific circumstances detailed.**

### **1. Responsible Financial Officer Duties & Powers**

The Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

### **2. Proper Officer Duties & Powers**

2.1 The Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- 2.1.1 Receive declarations of acceptance of office;
- 2.1.2 Receive and record notices disclosing interests at meetings;
- 2.1.3 Receive and retain plans and documents;
- 2.1.4 Sign notices, agreements, licences or other documents on behalf of the Council;
- 2.1.5 Receive copies of By-laws made by another local authority;
- 2.1.6 Certify copies of By-laws made by the Council;
- 2.1.7 Sign and issue summonses to attend meetings of the Council.
- 2.1.8 Keep proper records for all Council Meeting
- 2.1.9 Notify the Returning Officer of any casual vacancies and liaise with him/her regarding the conduct of elections

2.2 In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- 2.2.1 The day to day administration of services, together with routine inspection and control.
- 2.2.2 Authorisation of routine expenditure within the agreed budgets.
- 2.2.3 Emergency or necessary expenditure up to £200 outside of the agreed budget (see 3 - Urgent matters below).
- 2.2.4 Dealing with all press and public relations on behalf of the Council in consultation with the Chair or Vice-Chair.
- 2.2.5 Liaise with EDDC on clear uncontentious matters of concern raised by members of the public or Councillors without first putting it on a Council agenda.
- 2.2.6 Liaise with EDDC on time sensitive, uncontentious planning application to give a CPC response following the procedure in 3.1

- 2.3 Delegated actions of the Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

### **3 Urgent Matters**

- 3.1 In the event of any matter arising ***which requires an urgent decision*** notwithstanding delegated powers granted by paragraph 2.2 above, the Clerk shall forthwith consult with the Chair and/or Vice-Chair and those Members so consulted together with the Clerk shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 3.2 Before exercising the delegated powers granted by paragraph 3.1 above, those Members consulted shall consider whether the matter is of sufficient interest to justify recommending to the Chair that an Extraordinary Meeting of the Council should be called.
- 3.3 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meeting of the Council.

This scheme of delegation was agreed at meeting of the Parish Council on 8<sup>th</sup> October 2018 – min ref 18/10/118a