

# **NEWTON KYME CUM TOULSTON PARISH COUNCIL**

## **Standing Orders**

**May 2018**

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| <b>1. Code of Conduct</b> |  |
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| 1.1                       | All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.   |
| 1.2                       | Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.   |
| 1.3                       | Dispensation requests shall be in writing and submitted to the Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.  |
| 1.4                       | A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies: <ul style="list-style-type: none"> <li>• without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or</li> <li>• granting the dispensation is in the interests of persons living in the council's area or</li> <li>• it is otherwise appropriate to grant a dispensation.</li> </ul>   |
| <b>2. Annual Meetings</b> |  |
| 2.1                       | In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office. 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. If no other time is fixed, the annual meeting of the council shall take place at 6pm.   |
| 2.2                       | The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.   |
| 2.3                       | The Chairman of the Council, unless he has 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.  |
| 2.4                       | The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.  |
| 2.5                       | In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.  |
| 2.6                       | In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.   |
| 2.7                       | Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include: <ol style="list-style-type: none"> <li>i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;</li> <li>ii. Review of delegation arrangements to committees, sub-committees, staff and other local authorities; Review of the terms of reference for committees; Appointment of members to existing committees; Appointment of any new committees in accordance with standing order 4</li> </ol> |

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|                    | <p>above;</p> <ul style="list-style-type: none"> <li>iii. Review and adoption of appropriate standing orders and financial regulations;</li> <li>iv. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;</li> <li>v. Review of representation on or work with external bodies and arrangements for reporting back;</li> <li>vi. Review of inventory of land and assets including buildings and office equipment;</li> <li>vii. Confirmation of arrangements for insurance cover in respect of all insured risks;</li> <li>viii. Review of the council's and/or staff subscriptions to other bodies;</li> <li>ix. Review of the council's complaints procedure;</li> <li>x. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;</li> <li>xi. Review of the council's policy for dealing with the press/media; and</li> <li>xii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.</li> </ul> |
| <b>3. Meetings</b> |  |
| 3.1                | 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.  |
|                    | 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.  |
| 3.3                | The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.   |
| 3.4                | The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.  |
| 3.5                | 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.  |
| 3.6                | Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted under the Openness of Local Government Bodies Regulations 2014. The process will be governed by separate rules adopted by the council.   |
| 3.7                | The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.  |
| 3.8                | Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).  |
| 3.9                | The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.   |
| 3.10               | Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.   |
| 3.11               | The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.  |
| 3.12               | Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made   |

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|  | before moving on to the next item of business on the agenda.  |
| 3.13   | <p>There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.</p> <p>The minutes of a meeting shall include an accurate record of the following:</p> <ul style="list-style-type: none"> <li>• the time and place of the meeting;</li> <li>• the names of councillors present and absent;</li> <li>• interests that have been declared by councillors and non-councillors with voting rights;</li> <li>• whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;</li> <li>• if there was a public participation session; and</li> <li>• the resolutions made.</li> </ul> |
| 3.14   | A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.  |
| 3.15   | No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.   |
| 3.16   | If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.   |
| 3.17   | The Chairman of the Council may convene an extraordinary meeting of the council at any time. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.   |
| <b>4. Committees, sub-committees and Working Parties</b> |   |
| 4.1  | Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.   |
| 4.2  | The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.   |
| 4.3  | Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.   |
| <b>5. Alteration or Reversal of previous decisions</b>   |   |
| 5.1  | A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 5.2 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.   |
| 5.2  | No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 4 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.   |
| <b>4. Clerk to the Council (Proper Officer)</b>          |   |
| 4.1  | <p>The Clerk shall shall:</p> <ul style="list-style-type: none"> <li>• at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Clerk.</li> <li>• give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);</li> </ul>   |

- convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- receive and retain copies of byelaws made by other local authorities;
- retain acceptance of office forms from councillors;
- retain a copy of every councillor's register of interests;
- assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- arrange for legal deeds to be executed;
- arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- manage access to information about the council via the publication scheme.

## **5. Legal Documents**

- 5.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution. Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

## **6. Accounts and Financial Statement**

- 6.1 "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- 6.2 All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- 6.3 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - the council's receipts and payments for each quarter;
  - the council's aggregate receipts and payments for the year to date; the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 6.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide: each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- 6.5 The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## **7. Financial Controls and Procurement**

- 7.1 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:
  - the keeping of accounting records and systems of internal controls;
  - the assessment and management of financial risks faced by the council;
  - the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - the inspection and copying by councillors and local electors of the council's accounts and/or

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|     | <ul style="list-style-type: none"> <li>orders of payments; and</li> <li>procurement policies for contracts of all levels (subject to standing order 7.4 below and requirements under the Public Contract Regulations 2015).</li> </ul>  |
| 7.2 | Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.   |
| 7.3 | <b>Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall satisfy the requirements of the Public Contract Regulations 2015 and will be procured on the basis of a formal tender as summarised in standing order 7.4 below. The council will advertise the contract opportunity on the Contract Finder website.</b>   |
| 7.4 | <ul style="list-style-type: none"> <li>• Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:</li> <li>• a specification for the goods, materials, services or the execution of works shall be drawn up;</li> <li>• an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;</li> <li>• the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;</li> <li>• tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;</li> <li>• tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;</li> <li>• tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.</li> </ul> |
| 7.5 | Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.  |
| 7.6 | <b>Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Office of Government Commerce from time to time) the council must comply with the Public Contracts Regulations 2015 and where applicable, the Utilities Contracts Regulations 2006 (SI No. 6, as amended). If the 2006 Regulations apply to the contract the council must comply with EU procurement rules.</b>  |
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**These Standing Orders were adopted by the Parish Council at a meeting of the Council on 17<sup>th</sup> May 2018**