Spaldington Parish Council

Standing Orders

Contents

1. Councillors	2
2. Annual Meetings	2
3. Meetings	2
4. Extra Ordinary Meetings and Committees	4
5. Motions	4
6. Disorderly Conduct at Meetings	4
7. Planning	4
8. Finance	5
9. Accounting and Audit	5
10. Banking	5
11. Cheques, Invoices and Bank statements	5
12. Borrowing	5
13. All investments	5
14. Contracts and Purchase Orders	5
15. Assets	6
16. VAT	6
17. Insurance	6
18. Risk Assessment	6
19. Freedom of Information	6
20. Clerk to the Council	6
21. Committees	7
22. Emergency Business	7
23. Alteration or reversal of a decision	7
24. Recording and Filming	7
25. Responsibilities to provide information	8
26. Code of Conduct and dispensations	8
27. Code of Conduct complaints	8
28. Communication with Unitary Council	9
29. Restrictions on councillor activities	9
30. Relations with the Media / Press	9
31. Handling confidential or sensitive information	9
32. Responsibilities under Data Protection Legislation	10

Spaldington 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, Standing Orders of the Council, and Financial Regulations. 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 prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity.

2. Annual Meetings

2.1. If the Annual Meeting is in an election year it must be held within 14 days after that election. If it is not an election year then the annual meeting will take place on an appropriate day in May.

2.2. If the outgoing Chairman is available, then he/she will preside until a new Chairman has been elected. The business of the Annual Meeting will be the election of the Chairman (and vice Chairman, if appropriate) and to receive their acceptance of office. If the outgoing chairman is unavailable the clerk to preside during the election of chairman. The agenda to include minutes from previous Annual Meeting.

2.3. As a good practice it is recommended that every year all Councillors renew their Declaration of Acceptance of office of Councillor

2.4. The retiring Chairman will report on the activities of the Council for the preceding year.

3. Meetings

3.1. Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available free or reasonable cost the meetings will not be held in premises used for the supply of alcohol.

3.2. Ordinary meetings well be held a minimum of six times per year. The first of these to follow the Annual meeting in May. Provisional dates for subsequent meetings to be discussed in May meeting.

3.3. Councillors will be advised of the meetings by the issue of a summons and agenda normally by email, but where this is not possible, by post or by hand. In any case the agenda must be issued at least 3 clear business days to Councillors before the meeting.

3.4. If Councillors require items to be added to the agenda these must be given to the clerk at least 10 working days before the agenda is due.

3.5. Public notices will be posted in a conspicuous place 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 3 clear working days before the meeting.

3.5.1. The minimum 3 clear days does not include the day of the meeting, the day on which the notice was given, a Sunday, a day of the Christmas break, a day of the Easter break or bank holiday or a day for public mourning or Thanksgiving.

3.5.2. The minimum 3 clear days does not include the day on which the notice was given, or the day of the meeting unless the meeting is conveyed at shorter notice when 3 days is allowed

3.6. Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is declared as confidential.

3.7. Members of the public may speak at Council meetings at the discretion of the Chairman of the meeting. If a response is required this can be deferred until a later date and an indication given to the persons of when they may expect it.

3.8. The total amount of time for the public participation is 20 minutes unless decided otherwise by the Chair. An individual can speak for 5 minutes unless the Chair decides to extend the time.

3.9. All comments should be directed to the Chair.

3.10. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.

3.11. The agenda for the meeting will be agreed by the Chairman, Vice Chair and Clerk as appropriate. The agenda will always include an item to enable Councillors to declare interests. An opportunity for public questions will be made available. Motions on the agenda shall be considered in the order they appear unless the order is changed at the Chairman discretion.

3.12. 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.

3.13. 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 a Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.

3.14. The quorum for Spaldington Parish Council will be three members. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.

3.15. 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.

3.16. Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. A Councillor may request 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.

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

3.18. 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.

3.19. 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.

3.20. A meeting shall not normally exceed a period of 2hours.30 minutes. A meeting can be extended by permission of the Chairman.

3.21. A meeting can be cancelled at short notice as long as notification is placed on the notice board and website and a majority of 3 (quorate) councillors agree to the reasons.

4. Extra Ordinary Meetings (EOM) and Committees

4.1. The chairman of the council can convene an Extraordinary meeting at any time.

4.2. If the chairman of the council does not call an extraordinary meeting within 7 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, agenda giving the time, place and agenda for such a meeting and signed by the two councillors.

5. Motions

5.1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.

5.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

5.3. A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.

5.4. If a motion (including an amendment) has been seconded it may be withdrawn by the proposer only with consent of the seconder and the meeting.

5.5. An amendment is a proposal to add or remove words to a motion. It shall not negate the motion.

6. Disorderly Conduct at Meetings

6.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

6.2. The chairman of the meeting shall request such person(s) to moderate or improve their conduct.

6.3. If the person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

6.4. If a resolution is ignored, the chairman of the meeting may temporarily suspend or close the meeting.

7. Planning

7.1. There are two types of interest that should be declared during the meeting:

7.1.1. If there is a Personal or Declaration of interest is knowing the family/ person, live nearby etc

7.1.2. A Pecuniary Interest is a Business or Financial interest within the Parish

7.2. The clerk will notify councillors of the reference number within 3 days of the application.

7.3. All planning applications sent from East Riding of Yorkshire Council are reviewed at the next meeting or a EOM will be called

Spaldington Parish Council

Standing Orders

8. Finance

8.1. The Responsible Finance Officer (RFO) is a statutory office and appointed by the Council. The Clerk usually takes on this role of managing the council's financial affairs in accordance with Proper Practices.

8.2. The RFO will compile estimates of income and expenditure annually for the council's consideration. The council will review the budget not later than the end of December in preparation for the precept being agreed and submitted to ERYC.

8.3. 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.

8.4. The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant under spends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Under spend revenue will be identified and earmarked to reserves by a Council resolution.

9. Accounting and Audit

9.1. The RFO will determine all accounting procedure and financial records of the Council in accordance with the Account and Audit regulations.

9.2. 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.

9.3. 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.

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

10. Banking

10.1. The councils banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. This requires a minimum of two cheque signatories.

11. Cheques, Invoices, Bank statements

11.1. These should be checked and signed by a different councillor every quarter.

12. Borrowing

12.1. All borrowing 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

13. All investments

13.1. Money under the control of the Council will be in the name of the council and all certificates or other document will be retained by the RFO.

14. Contracts and Purchase Orders

14.1. An official order of 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.

14.2. Purchases under £25 can be made with the consent of the Clerk and Chair. The purchases will be brought to the attention of the council at the next parish council meeting.

14.3. Orders of £500 and over require three quotations.

14.4. All estimates will be approved by the Council; while the Council is not obliged to accept the lowest quotation the reasons for accepting quotation will be recorded.

15. Assets

15.1. 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.

16. VAT

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

17. Insurance

17.1. 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, Money and Fidelity Guarantee.

18. Risk Assessment

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

19. Freedom of Information

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

19.2. Requests for information should be addressed the clerk.

19.3. Copy documents can be obtained at £5 per document.

20. Clerk to the Council

20.1. The Council may appoint a number of employees to assist it in the performance of its duties. The Council will appoint a Clerk which will be on an employed or a temporary unpaid capacity. The Clerk will act as the Proper Officer for the Council, unless decided by a resolution of the council. The clerk will:

20.1.1. receive the Declarations of acceptance of Office and notices disclosing interest;

20.1.2. sign documents on behalf of the Council and

20.1.3. issue agendas and notices of meetings;
20.1.4. receive and distribute plans and documents on behalf of the Council;

20.2. 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 Council.

20.2.1. as an unpaid clerk, the clerk is governed by the Code of conduct and Grievance and Complaints procedures. Complaints about the clerk should be given to the chair and all attempts be made to resolve the issues informally.

20.2.2. a councillor can be appointed clerk and may continue to be a councillor. However, a councillor may not receive payment for any council office while they remain a councillor, or for twelve months afterwards.

21. Committees

21.1. The Council from time to time may set up committees and groups to undertake work on behalf of the Council.

21.2. The Council will set their Terms of reference, and they will report periodically to the Council as stated in terms of reference.

21.3. Shall determine the number and time of the meetings of that committee until the date of the next annual meeting.

21.4. The committee can appoint their own Chair at the first meeting of the committee.

21.5. The meetings must be no less than three councillors to be quorate.

21.6. Shall determine if the public may participate at a meeting.

22. Emergency Business

22.1. Should it not be appropriate to convene a special meeting (EOM) then an emergency business will be handled by the Clerk or Chairman and one other Councillor. Actions will be reported promptly to the Council and recorded at the next meeting.

23. Alteration or reversal of a decision

23.1. Reversal of previous decisions. Decisions of the Council will not be revised within 6 months, except where a special item is placed on the agenda bearing the name of two Councillors, is considered and approved by the Council.

24. Recording and Filming

24.1. At the commencement of a meeting it should be declared if it is recorded by the council.

24.2. It is required by the public or press to advise the council via the Clerk or Chair that recording will take place.

24.3. All recordings and transmissions must be open and transparent – ie visible to anyone in attendance at the meeting.

24.4. Oral commentary in the meeting room during a meeting is not permitted as it may be disruptive.

25. Responsibilities to provide information

Also see standing order 32.

25.1. In accordance with Freedom of information legislation, the council shall respond to requests for information held by the council. If documents are required there will be a charge of £5 per document

25.2. The council shall publish information in accordance with the requirements of smaller Authorities Regulations. (Transparency Requirements England)

26. Code of conduct and dispensations

Also see standing order 3.18.

26.1. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.

26.2. Unless he 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 may return to the meeting after it has considered the matter in which he had the interest.

26.3. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

26.4. A decision as to whether to grant a dispensation shall be made by the meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.

26.5. A dispensation request shall confirm:

26.5.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

26.5.2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

26.5.3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

26.6.4. an explanation as to why the dispensation is sought.

26.6. Subject to standing orders 26.4 and 26.6 above, a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

26.7. A dispensation may be granted in accordance with standing order 26.4 above if having regard to all relevant circumstances the following applies:

26.7.1. 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;

26.7.2. granting the dispensation is in the interests of persons living in the council's area; or

26.7.3. it is otherwise appropriate to grant a dispensation.

27. Code of conduct complaints

27.1. Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 31 report this to the council.

27.2. Where the notification in standing order 27.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 27.4 below.

27.3. The council may:

27.3.1. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is a legal requirement;

27.3.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

27.4. Upon notification by the Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

28. Communication with Unitary Council

28.1. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Unitary Council representing the area of the Council.

28.2. Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

29. Restrictions on councillor activities

29.1. Unless authorised by a resolution, no councillor shall:

29.1.1. inspect any land and/or premises which the council has a right or duty to inspect

29.1.2. issue orders, instructions or directions.

30. Relations with the Media/Press

30.1. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

31. Handling confidential or sensitive information

Also see standing order 32

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

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

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

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

32. Responsibilities under Data Protection Legislation

Also see standing order 31.

32.1. The Council may appoint a Data Protection Officer.
32.2. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
32.3. The Council shall have a written policy in place for responding to and managing a personal data breach.
32.4. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
32.5. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

The Council

These standing orders will be reviewed annually by the Clerk and the Chairman, and any amendments will be decided by the full Council.

During the course of meetings of the Council, the Chairman's decision as to the interpretation of the standing orders will be final.

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.

These Standing Orders were adopted by Spaldington Parish Council 6th July 2020.