

FLITCHAM CUM APPLETON PARISH COUNCIL

STANDING ORDERS

Model Standing Orders for Local Councils are contained in "Local Councils Explained" by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published. Flitcham cum Appleton Parish Council has adopted these where appropriate and some paragraphs are copied below, including those that had to be completed by the Parish Council.

Times and dates of meetings

1. Meetings of the Council shall be held at 7.45 p.m. on a pre-arranged Tuesday in January, March, May, July, September and November, unless the Council decides otherwise at a previous meeting.
2. The statutory Annual General Meeting of the Parish Council shall be held in May at 7.30pm. In an election year, the meeting must be held on or within 14 days following the day on which the councillors elected take office.
3. Three members shall constitute a quorum at meetings of the Council.
4. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
5. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

Voting

6. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
7. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
8. The Chairman may give an original vote on any matter* put to the vote, and in any case of an equality of votes may give a casting vote whether or not he or she gave an original vote.

**Except if he or she would have ceased to be a member of the council after an election, in which case he or she may not give an original vote in an election for Chairman. However, the person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.*

9. **Remote Meetings**

- a) Meetings shall take place at a time and date as the Council shall determine LAPCP Regulations 2020 Part 2 Reg 4(a)
or
In the interest of Council maintaining an open and transparent policy and in the spirit of cohesiveness the usual following guidelines may still be followed.
- b) Council may alter the frequency, move or cancel such meetings.
LAPCP Regulations 2020 Part 2 Reg 4(a)
- c) A meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
LAPCP Regulations 2020 Part 2 Reg 5 (1)
- d) Members(including members of the public) in remote attendance attends the meeting at any time if all of the conditions in subsection are satisfied:
(a) to hear, and where practicable see, and be so heard and, where practicable, be seen by the other members in attendance,
(b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
(c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
LAPCP Regulations 2020 Part 2 Reg 5 (2) (3) & (4)

Order of business

- 10 At each Annual General Parish Council meeting the first business shall be to elect a Chairman of the Council and to receive the Chairman’s declaration of acceptance of office or to decide when it shall be received. In the ordinary year of election of the Council, the next business should be to fill any vacancies left unfilled at the election by reason of insufficient nominations and to decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

Resolutions moved on notice

- 11 Except as provided by Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than Monday in the week prior to the next meeting of the Council.

Disorderly Conduct

- 12 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 13 If 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 be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 14 If a resolution made under standing order 12 is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

Expenditure Accounts and financial statement

- 15 Orders for the payment of money shall be authorised by resolution of the Council. Except as provided in para.15 all accounts for payment and claims upon the Council shall be laid before the Council. Cheques shall be signed by two authorised signatories as amended from time to time and notified to Barclays Bank.
- 16 Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Chairman/Vice-Chairman of the Council and signed by two authorised signatories.
- 17 All payments ratified under para.15 shall be separately included in the next schedule of payments before the Council.
- 18 The Responsible Financial Officer shall keep the accounts of the Parish Council in accordance with the latest Accounts and Audit Regulations and following the advice, where appropriate, given in the current edition of the 'Governance and Accountability in Local Councils in England and Wales: a Practitioners' Guide'. The Responsible Financial Officer shall supply to each member as soon as practicable after 31st March in each year a statement of receipts and payments for the completed financial year. A financial statement prepared on the appropriate accounting basis (receipts and payments) for a year to 31st March shall be presented to each member before the end of the following month of April. The statement of accounts of the Council (which is subject to external audit) shall be presented to the Council for formal approval prior to its submission for audit.

Estimates and precepts

- 19 The Council shall decide if an increase in the precept should be requested at its meeting in November and approve written estimates for the coming financial year at its meeting in March.
- 20 Any committee or member desiring to incur expenditure shall, not later than the January meeting, give the Clerk a written estimate of the expenditure recommended for the coming year.

Interests

- 21 If a member has a personal and prejudicial interest as defined by the Council's Code of Conduct he or she shall declare such an interest either at the beginning of the meeting or as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 22 At all meetings of the Parish Council, the Chairman may permit members of the Council (including co-opted members) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct shall apply to members of the Council in respect of the entire meeting.
- 23 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.
- 24 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- 25 The Clerk is required to compile and hold a Register of Member's Interests, or copy thereof as required by statute.

Admission of the Public and Press to meetings

- 26 The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions: "That in view of the (special/confidential) nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw."
- 27 The Council shall state the special reason for exclusion.

Public participation

- 28 At all meetings of the Parish Council, the Chairman may at his/her discretion, and at a convenient time in the transaction of the business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted. The Code of Conduct adopted by the Council shall apply to members of the Parish Council in respect of the entire meeting. Where however, members of the Council exercise their rights pursuant to para. 28 below, members of the public shall be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
- 29 The length of public participation sessions, and the length of time per speaker are subject to the discretion of the Chairman, but should not normally exceed a total of 15 minutes per meeting.

Remote meetings

30 Public access to documents and remote access of public and press to a local authority meeting must be in place to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.

LAPCP Regulations 2020 Part 2 Reg 6(b) (c)

31 A meeting being “open to the public” include access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;

LAPCP Regulations 2020 Part 2 Reg 13(a)

Being “present” at a meeting include access through remote means mentioned in paragraph (9) above.”

LAPCP Regulations 2020 Part 2 Reg 13(b)

Financial Matters

32 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. These Financial Regulations shall be subject to review at least once every four years.

33 Such Regulations shall include detailed arrangements for the following:

- a. the accounting records and systems of internal control
- b. the assessment and management of risks faced by the Council
- c. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually
- d. the financial reporting requirements of members and local electors

34 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 77(3) in the NALC Model Standing Orders.

The following paragraphs are in addition to those given in the Model Standing Orders.

Delegation of authority

35 Where it is necessary between meetings, or during a recess of the Parish Council, to make a decision on a planning matter or any other function, the Council delegates authority to the Clerk, under the Local Government Act 1972, section 101, to take action on the Council’s behalf following consultation with and agreement by at least two Councillors, including, if possible, the Chairman and /or the Vice Chairman.

Management of Information

- 36 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.
- 37 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).
- 38 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.
- 39 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

Responsibilities to provide information

- 40 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- 41 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

Responsibilities under Data Protection legislation

(Below is not an exclusive list).

- 42 The Council may appoint a Data Protection Officer.
- 43 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 44 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 45 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.
- 46 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.
- 47 The Council shall maintain a written record of its processing activities.

Race Relations

48 Flitcham cum Appleton Parish Council acknowledges the general duty placed upon it by the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000. The Council will, in its functions and policies, have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups.

Code of practice on complaints

49 Complaints about an employee of the Council (e.g. the Clerk) should be dealt with as an employment matter. The complainant should be informed that the matter will be dealt with internally and appropriate action taken as required.

50 All complaints regarding the ethical conduct of Councillors in relation to the Code of Conduct for Parish and Town Councils must in the first instance be addressed to the Borough Council.

51 The code of practice below is aimed at those situations where a complaint has been made about the administration of the Council or its procedures and is not a forum for a complaint against individuals.

Before the meeting

- a) The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk, he or she may be advised to put it to the Chairman of the Council.
- b) The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the committee established for the purposes of hearing complaints.
- c) Complainants shall be invited to attend the relevant meeting and bring with them such representatives as they wish.
- d) Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence that they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the meeting

- a. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the Council meeting in public.
- b. The Chairman should introduce everyone and explain the procedure.
- c. The complainant (or his/her representative) should then outline the grounds for complaint.
- d. Members may ask any question of the complainant.

- e. If relevant, the Clerk should explain the Council's position.
- f. Members may ask any questions of the Clerk.
- g. The Clerk and complainant will each be offered an opportunity of a last word (in this order).
- h. The Clerk and complainant will be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.
- i. The Clerk and complainant will return to hear decision, or to be advised when the decision will be made.

After the meeting

The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

These Standing Orders were adopted by Flitcham cum Appleton Parish Council at the Parish Council Meeting on 1st September 2020.

Geoff Kilham (Chairman)