

BODENHAM PARISH COUNCIL

STANDING ORDERS

1. Councillors

1.1. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk to the Council, or of a Councillor who has been specifically designated by the Council for this purpose. The Clerk or designated Councillor will also draw their attention to the legal requirement that they register their interests with Herefordshire Council within 28 days of their election or co-option.

1.2. All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in any way that will bring the Council into disrepute, behave offensively in meetings, or obstruct the Council's business.

1.3. The Council's Code of Conduct defines when a Councillor will declare a Disclosable Pecuniary Interest, a non-disclosable pecuniary interest, or a non-pecuniary interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity in the meeting.

2. Annual Parish and Parish Council Meetings

2.1. **Annual Parish Meetings.** The Parish Council will sponsor an annual meeting of the Parish, at which local organisations, clubs and societies, other than sub-committees of the Parish Council itself, will be invited to report on their activities over the past year. This Annual Parish Meeting will normally be held immediately before the Annual Parish Council Meeting.

2.2. Annual Parish Council Meetings.

2.2.1. If the Annual Parish Council Meeting is in an election year it must be held within 14 days after that election. If it is not an election year, the Annual Meeting will take place on a day in May to be decided by the Council.

2.2.2. The outgoing Chairman, if available, will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the new Chairman and Vice-Chairman and to receive their acceptances of office.

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

3. Meetings

3.1. Arrangements for Meetings

3.1.1. An agreed frequency of meetings will be decided at the Annual Meeting and Councillors will be advised of each meeting by the issue of a

summons and agenda delivered by post, by hand or by email. The agenda must be issued at least two clear working days before the meeting.

3.1.2. Subject to 3.1.1. above, meetings will normally be held at 7.30pm on the first Monday of the month, except that:

3.1.2.1. Where this falls on a bank holiday they will be held on the following Monday.

3.1.2.2. The Annual Parish Meeting will normally start at 7.00pm to allow for the Annual Parish Council and monthly Parish Council Meetings following it.

3.1.3. The agenda for each meeting will be agreed by the Clerk and the Chairman or, in the latter's absence, the Vice-Chairman. The agenda will always include an item to enable Councillors to declare interests.

3.1.4. Public notices will be posted on the Parish Council's notice boards on the Green and on the car park opposite the School informing members of the public of the venue, time, date and business to be transacted at each meeting. The notices will be posted at least two clear working days before the meeting.

3.2. **Quorum.** The quorum for the Council will be 4. If there are insufficient members present, no business will be transacted and the meeting will be reconvened at a later date. If at any time during a meeting it ceases to be quorate, the meeting may be allowed to continue at the Chairman's discretion. However, no decision may be taken while the meeting is inquorate unless the Chairman deems a matter to be so urgent as to require immediate action. The Clerk must report any such decision to all Councillors not present at the meeting as soon as possible after it has ended.

3.3. **Conduct of Meetings**

3.3.1. The Chairman of the Council will preside at each meeting and will be responsible for the conduct of that meeting. If the Chairman is not present, then the Vice-Chairman will preside. If neither is present, the first matter on the agenda will be the election of a Councillor to chair the meeting.

3.3.2. Meetings will be open to the public and press, but they may be temporarily excluded from a meeting if the Council decides that the business to be discussed should be regarded as confidential. If so, the Chairman should state the reason for the exclusion before it takes effect.

3.3.3. There will be an agenda item at every Council meeting for members of the public to raise issues. Unless otherwise decided by the Chairman, the time allotted to this will be limited to 15 minutes, with no member of the public being permitted to speak for more than 5 minutes. Members of the public may only speak at other times in a meeting at the discretion of the Chairman of the meeting.

3.3.4. The Chairman may require a member of the press or public to leave a meeting, or may adjourn the meeting, if he/she considers that person to be behaving in an offensive manner or otherwise obstructing the Council's business.

3.3.5. Meetings will not exceed a period of two hours. Any business not completed by that point in the meeting will be held over until the next meeting or referred to an extraordinary meeting, if so decided by a show of hands.

3.4. **Declarations of Interest.** If a Councillor declares an interest in any matter before the Council, he/she may make representations, answer questions and give evidence on that matter, but must then leave the room while the matter is discussed and any vote arising from it is taken.

3.5. **Decision-Making**

3.5.1. The Council may only take decisions on items on the agenda. If the Chairman decides that there is any issue not on the agenda which the Council should deal with as a matter of urgency requiring immediate action, this may be discussed, but no decision on that issue may be made at that meeting without the unanimous agreement of all Councillors present.

3.5.2. Each decision by the Parish Council must first be formally proposed and seconded by Councillors. No formal vote need be taken on a decision unless this is requested by one or more Councillors. Voting at a meeting shall be by a show of hands unless a majority of Councillors wants a ballot.

3.5.3. Only the proposer and seconder of a decision will be recorded in the minutes unless one or more Councillors request that their own votes are 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.

3.5.4. In cases of equal votes the Chairman (or other person presiding) will have a second or casting vote, except that at the Annual Parish Council Meeting the outgoing Chairman will not have an original vote in the election of his/her successor but must give a casting vote if the need for this arises.

3.6. **Extraordinary Meetings**

3.6.1. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

3.6.2. If the Chairman 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.

3.7. **Record of Meetings.** A minute of every Council meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated to Councillors and placed on the Bodenham Parish Council Website will be unconfirmed minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.

4. **Alteration or Reversal of Previous Decisions.** Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council.

5. **Emergency Business.** Should it not be appropriate to convene an extraordinary meeting, any emergency business will be handled by the Clerk, in consultation with the Chairman and one other Councillor. Actions will be reported promptly to the Council.

6. **Filling of Casual Vacancies**

6.1. Where a casual vacancy in the Council's membership arises (for example, as a result of the resignation, disqualification or death of a councillor), the Parish Clerk must notify the 'Proper Officer' in Herefordshire Council. The vacancy must then be advertised in the Parish for a period of 14 working days (excluding Bank Holidays) and during this time an election can be requested by 10 electors from the Parish signing a 'Request for An Election' form. If no valid request for an election is made, the Council may co-opt a member to the Council, provided that this person is:

- A British, Commonwealth, Irish, or European Union citizen;
- At least 18 years old;
- Either on the list of electors for the Parish, or during the whole of the previous twelve months has:
 - Occupied land in the Parish as an owner or tenant;
 - Had a principal place of work in the Parish;
 - Resided in, or within three miles, of the Parish.

6.2. Any person(s) who meet(s) the above criteria and express(es) an interest in filling the vacant position will be invited to attend the next Meeting of the Council where:

6.2.1. The Chairman or other person presiding at the meeting will make an opening statement explaining the circumstances and welcoming the applicant(s);

6.2.2. The candidate(s) will be invited to give a brief résumé of their experience, career/ employment, interests, etc.

6.2.3. Councillors may ask questions of the candidate(s).

6.2.4. The candidate(s) will then withdraw from the room, while the Councillors vote on the co-option, after which they will be invited to return to the meeting to be informed of the outcome.

6.2.5. Any candidate who is duly co-opted may be invited to join the Council's discussion for the remainder of the meeting, but does not become a councillor and may not vote on any matter until after they have signed the Declaration of Acceptance of Office.

7. **Clerk to the Council**

7.1. The Council may appoint a number of employees to assist it in the performance of its duties. The Council will appoint a Clerk to the Council on an employed basis, unless the Clerk is a member of the Council acting in an unpaid capacity.

7.2. The Clerk will act as the Proper Officer of the Council, and will:

- receive the Declarations of Acceptance of Office;

- sign documents on behalf of the Council;
- conduct correspondence on behalf of the Council;
- deal with emergency business in accordance with Paragraph 5. above.
- issue agendas and notices of meetings;
- record and circulate minutes of meetings;
- receive, store and distribute plans and documents on behalf of the Council in both paper and electronic form;
- process all requests made to the Council under the Freedom of Information Act 2000 and Data Protection Act 1998 and maintain the records required under the Acts;
- advise the bank of changes to mandates with the bank.

7.3. The Clerk will act as Responsible Finance Officer, unless the Council appoints one of its members to that role. The Clerk will also be responsible for managing the work of the Lengthsman and that of any other employees or contractors engaged by the Council.

7.4. As an employee of the Council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, 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 be administered by the Chairman or by a designated Councillor acting with the authority of the Council. Any complaint made against the Clerk will be dealt with as an employment matter by the Chairman or, in his/her absence, by the Vice-Chairman.

8. **Committees and Task and Finish Groups.** The Council may set up committees and task-and-finish groups to undertake work on its behalf. The Council will set the Terms of Reference of such groups, and they will report to the Council at such intervals as it requires.

9. **Liaison with Herefordshire Council.** In advance of each meeting of the Council the Clerk will send to the District Councillor representing the Parish's electoral ward an invitation to the meeting, together with the agenda, and, unless the Council orders otherwise, will copy to the District Councillor all letters and e-mails sent to Herefordshire Council. When he is present at a meeting the District Councillor will be 'in attendance' to provide such advice, information and assistance as requested by the Council, but has no vote in any decision made by the Council.

10. **Finance**

10.1. **Responsible Finance Office (RFO).**

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

10.1.2. In these Standing Orders the term 'Proper Practice' or 'Proper Practices' shall refer to guidance issued in *Governance and Accountability in Local Councils in England and Wales – a Practitioners' Guide*, which is published jointly by the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) and updated from time to time.

10.2. **Financial Reporting and Budgeting.** The RFO will provide the Council with monthly reports of income and expenditure for its consideration. These will

include variances between actual figures and those in the budget for the current year. Significant underspends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Amendments to the current year's budget will be discussed in Council and changes minuted. The Council will review the budget for the following year in good time for the precept to be agreed and submitted to Herefordshire Council.

10.3. Allowances and Expenses. Members of the Parish Council do not receive allowances, but may claim the refund of expenses incurred in conducting business on behalf of the Parish Council, provided these are supported by receipts.

10.4. Accounting and Audit

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

10.4.2. 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 conduct an annual review of its system for auditing its accounting, financial and other procedures and ensure that the system is fully effective in line with Proper Practice.

10.4.3. 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 a fully qualified Auditor and independent of the operation of the Council.

10.4.4. The RFO will submit the Annual Return to the External Auditor by the due date.

10.5. Banking Arrangements and Cheques

10.5.1. The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.

10.5.2. A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques.

10.5.3. All items of expenditure will be authorised by the Council and the payments approved. The RFO will examine invoices and verify and certify the expenditure. Cheques will be completed for all transactions and signed by two authorised Councillors.

10.5.4. Any regular payment may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

10.6. Loans and Investments

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

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

10.6.3. All investments of money under the control of the Council will be in the name of the Council and all certificates or other documents will be retained by the RFO.

10.7. **Contracts and Purchase Orders**

10.7.1. An official order or letter will be issued for all work or service paid for by the Council. All Councillors and officers are responsible for obtaining good value for money at all times. An officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction.

10.7.2. Orders for values £500 to £2,000 require a minimum of two quotations; for values above £2,000 three quotations are required. Contracts exceeding £10,000 require additional safeguards and will follow Proper Practice.

10.7.3. All estimates will be approved by the Council. While the Council is not obliged to accept the lowest quotation, the reasons for accepting the quotation will be recorded.

10.8. **Assets.** The RFO will ensure that a complete and accurate Register of Assets is maintained for the Council of all its assets with an estimated value of £50 or more. It will be reviewed at least annually, in conjunction with a health and safety inspection of assets where appropriate.

10.9. **VAT.** The RFO will promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1974, section 33 will be made at least annually coinciding with the financial year.

11. **Risk Assessment**

11.1. 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.

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

12. **Insurance.** 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, Employer's Liability, Money and Fidelity Guarantee.

13. **Freedom of Information.**

13.1. The Council is subject to the Freedom of Information Act 2000 and has adopted the Model Publication Scheme for Parish Councils. The Clerk is responsible for advising the Council on its obligations under the Act to allow public access to all information held by the Council. These will mainly be met by the publication of the

minutes of Council meetings, together with financial and other documents and data, on the Parish Website.

13.2. Procedure for Handling Requests for Information. The Act requires that, when a request for information is received, a response must be provided within 20 days. To ensure that this deadline is met and that the response is properly authorised by the Parish Council, any Councillor receiving such a request must pass it to the Parish Clerk without delay. The Parish Clerk will then liaise with Councillors and/or other persons or groups in the Parish as necessary to provide a complete and accurate response, and ensure that:

- The proposed response does not contain confidential or sensitive information, such as personal data;
- The disclosure is in the public interest and not prohibited by law;
- The response is sent to the applicant within the time allowed by the Act;
- The Chairman of the Parish Council or, in his/her absence, the Vice-Chairman is kept informed throughout;
- The request and its outcome are reported to the Parish Council at its next Meeting;
- Any subsequent correspondence and/ or requests for information are dealt with in the same way.
- A record of all requests for information and their outcome is maintained.

13.3. Complaints Procedure Relating to Requests for Information. If a complaint is received about the handling of a request for information under the Act, this should be dealt with by the Chairman of the Council or, in his/her absence, the Vice-Chairman. The complaint should be reviewed in accordance with the Part VI of the Code of Practice issued under Section 45 of the Act and a response provided to the complainant within 30 days. The nature of the complaint and its outcome should then be reported to the Parish Council at its next Meeting.

14. Alleged Breaches of the Council's Code of Conduct. In accordance with Herefordshire Council's Complaints Procedure, any allegation of a breach of the Code of Conduct shall be reported by the Clerk to the Monitoring Officer of Herefordshire Council in writing without delay. Insofar as the law allows, the subject matter of the complaint shall be treated as confidential.

15. Standing Orders

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

15.2. During the course of meetings of the Council, the Chairman's decision as to the interpretation of the Standing Orders will be final. In cases of doubt, the Council will seek the advice of the Monitoring Officer of Herefordshire Council.

15.3. With the exception of those Standing Orders that are mandatory by law, the Council may resolve to suspend one or more Standing Orders temporarily during a meeting. Any such decision will be recorded in the minutes. Any permanent amendment or revocation of one or more of these Standing Orders not mandatory by law may only be approved by vote of not less than two-thirds of the full Council.

16. Review of Standing Orders. The Parish Council will review these Standing Orders at least annually from 3 December 2012.

These Standing Orders were adopted by Bodenham Parish Council at a meeting of the Council held on 3 December 2012.

Paragraphs 6.1 and 6.2 were amended by the Council at a meeting of the Council held on 7 July 2014.