

## **Hayfield Parish Council**

### **Standing Orders**

**Revised and adopted by Hayfield Parish Council on 3<sup>rd</sup> June 2020**

Minute 0620/18 - Last review 10/05/2023 minute 0523/20

#### **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 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.**

#### **1.4 Code of conduct and dispensations**

1.4.1 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.

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

1.4.3 A dispensation may be granted in accordance with standing order 1.4.2 above if having regard to all relevant circumstances the following applies:

i) 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

ii) granting the dispensation is in the interests of persons living in the council's area or

iii) it is otherwise appropriate to grant a dispensation.

#### **1.5 Code of conduct complaints**

Upon notification by the District or 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.

#### **2. Council Meetings**

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.

2.2 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.

2.3 If no other time is fixed, the annual meeting of the council shall take place at 6pm.

2.4 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.

2.5 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.

2.6 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.

2.7 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.

2.8 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.

2.9 2.9 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.

2.10 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.

### **3. Meetings Generally**

3.1 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.

3.2 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.

3.3 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 (in an emergency situation)

3.4 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.

3.5 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of business on the agenda. Members of the public will be asked to state their name and this will be recorded in the minutes.

3.6 The period of time designated for public participation at a meeting in accordance with standing order 3.5 above shall not exceed 10 minutes unless directed by the Chairman of the Meeting.

3.7 Subject to Standing Order 3.6 above, a member of the public shall not speak for more than 3 minutes.

3.8 In accordance with standing order 3.5 above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.

3.9 Borough Councillors, if present, will be given a period of time not exceeding 10 minutes to speak on subjects relevant to the Parish, unless directed by the Chairman of the meeting.

3.10 Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is now permitted but any persons intending to record the meeting should state their intentions must not do so from the public seating area and must respect the wishes of members of the public who have come to speak at a meeting but do not wish to be filmed. Oral commentary during the meeting is not permitted.

3.11 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.

3.12 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).

3.13 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.

3.14 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.

3.15 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.

3.16 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 before moving on to the next item of business on the agenda.

3.17 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.

3.18 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 four. For committee and sub-committee in no case shall the quorum

of a meeting be less than three.

3.19 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.

3.20 An agreed frequency of meetings will be decided at the Annual Meeting.

3.21 The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman as appropriate. The agenda will include an item to enable Councillors to declare interests and an item for public speaking.

3.22 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.

3.23 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 an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.

3.24 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.

3.25 Members interest in any agenda item must be declared in accordance with the Code of Conduct adopted by the Council on 4<sup>th</sup> July 2012

3.26 Extraordinary meetings of the council and committees and sub-committees

3.26 (i) The Chairman of the Council may convene an extraordinary meeting of the council at any time.

3.26 (ii) 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.

## **4. Committees and Sub Committees**

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.

## **5. Proper Officer**

The Proper Officer shall:

i) 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 Proper Officer.

ii) 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);

iii) Convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;

iv) Receive and retain copies of bye-laws made by other local authorities

## **6. Clerk to the Council**

6.1 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 which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.

6.2 The Clerk will act as the Proper Officer of the Council, and he/she will: receive the Declarations of Acceptance of Office and notices disclosing interests; sign documents on behalf of the Council and issue agendas and notices of meetings; receive and distribute plans and documents on behalf of the Council; and also advise the bank of changes to mandates with the bank.

6.3 The Clerk will act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.

6.4 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 effectively be administered by the Chairman or designated Councillor acting with the authority of the Council.

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

### **7.1 Responsible Finance Office (RFO)**

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

### **7.2 Estimates and Precept**

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 the Collection Authority in January. 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.

### **7.3 Income and Expenditure**

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

#### **7.4 Accounting and Audit**

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

#### **7.5 Annual Financial Statement and Statutory Annual Return**

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

#### **7.6 internal Auditor**

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.

#### **7.7 Banking Arrangements and Cheques**

7.7.1 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.

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

7.7.3 Cheques and Warrants will be signed by two Councillors

7.7.4 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.

7.7.5 Any utility bill may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

**7.7.6 If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.**

#### **7.8 Loans and Investments**

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

7.8.2 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 Council, especially the terms and purpose. These terms must be reviewed annually.

7.8.3 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.

#### **7.9 Contracts and Purchase Orders**

7.9.1 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.

7.9.2 Orders for values £500 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required.

**7.9.3 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 £50,000 shall be procured on the basis of a formal tender as summarised in standing order 6.9.4 below.**

7.9.4 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:

- a specification for the goods, materials, services or the execution of works shall be drawn up;
- 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;
- the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 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

**7.9.5 Where 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 whether 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.**

7.9.6 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.

### **7.10 Assets**

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.

### **7.11 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.

## **8. 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, Employers Liability, Money and Fidelity Guarantee.

8.1. 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.

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

## **9. Execution and sealing of legal deeds**

**A legal deed shall not be executed on behalf of the council unless authorised by a resolution.**

**Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

**The above is applicable to a council without a common seal.**

## **10. Freedom of Information**

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

## **11. Responsibilities under Data Protection Legislation**

The Council will appoint the Clerk as the Data Protection Officer. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data. 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. 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 shall maintain a written record of its processing activities.

The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.

Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **12. Emergency Business**

Should it not be appropriate to convene a special meeting then 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.

## **13. 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.

## **14. Standing Orders**

14.1. 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.

14.2. 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 Derbyshire Association of Local Councils.

14.3. The Council 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.