

Standing Orders
For
Throwleigh Parish Council

Introduction

Standing orders are the written rules of a local council.

Throwleigh is a small Parish Council and has compiled these Standing Orders to help clarify its rules and to help communicate how the Parish Council and its Councillors must operate.

Throwleigh Parish Council operates with 7 Councillors. 3 Councillors must be present for the Council to be quorum.

The purpose of the Council is to be aware of local issues and to represent our parishioners and to take decisions on behalf of the local community. The Council has a responsibility to be well informed, especially about diverse local views. We should not assume that we represent the interest of all our parishioners without consulting them

Local councils have the legal power to take action, but they have very few duties that they have to do. They have greater freedom to choose what action they want to take.

The following Standing Orders in conjunction with the Code of conduct set out what we **MUST** do to act legally, transparently and with good governance.

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 <i>'Declaration of Acceptance of Office'</i> in the presence of the Clerk of the Council, or in the presence of a Councillor who has been specifically designated by the Council for this purpose. An individual cannot act as a Councillor until this form is signed.
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	If a casual vacancy arises during the term of a Council, then this vacancy must be advertised. An election must be held if 10 or more parishioners call for one. In the event that no election is called for then a vacancy can be filled by co-option.
1.5	If a Councillor resigns, then this is with immediate effect from the time the Chair accepts the resignation.
1.6	When an agenda is issued by the Clerk this is a legal summons to attend a Parish Council meeting. A Councillor could lose their place by failure to attend meetings. A Councillor ceases to be a member of the Council if they fail throughout a period of six consecutive months to attend a meeting, unless the Council approves this absence.
1.7	All Councillors must complete a <i>'Register of Parish & Town Council Members' Interests'</i> for both themselves and for their partner/spouse. This must be done by the end of May in an election year (or upon co-option). This data is recoded on the West Devon District Council website.
2	Annual Parish Council Meetings
2.1	The Parish Council must hold an Annual Parish Council Meeting in April each year.
2.2	The retiring Chair presides at the start of the May Meeting (even if they are not a member of the new council). The retiring Chair will report on the activities of the Council for the preceding year. The first business of the May Meeting will be the election of the Chair and Vice Chair, and to receive their acceptance of office. As soon as the new Chair is elected and accepts office, they preside over the remainder of the meeting. At this point, if the retiring Chair is retiring from the council or was not re-elected, they cease to be a councillor. The retiring Chair may be re-elected as Chair.
3	Meetings
3.1	Meetings will be held in appropriate, accessible accommodation.. i.e. the village hall. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol or in a private dwelling. Throwleigh Village Hall is generally booked and rented and the fee for this is allocated in the Parish Council budget.

3.2	<p>The Parish Council must hold at least 7 meetings each calendar year, one of which is the Annual Parish Meeting. Throwleigh usually has 7 meetings a year, and holds the Parish Council Meetings on the 1st Monday of every alternative month.</p> <p>An agreed frequency of meetings will be decided at the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons and agenda delivered by email, post or by hand. Throwleigh Parish Council has agreed that the agenda may be delivered by email. In any case the agenda must be published at least 3 clear working days before the meeting (3 clear days do not include Sundays or Bank Holidays, but can include a Saturday).</p>
3.3	<p>Public notices will ALWAYS be posted on the village notice board 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 three clear working days before the meeting. The notice <i>may</i> also be e-mailed.</p>
3.4	<p>Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.</p>
3.5	<p>Members of the public may speak at Council meetings at the discretion of the Chair of the meeting on matters relating to the agenda only. It will be the practice of Throwleigh Parish Council. The Chair may halt any public debate after 15 minutes. To allow as many people as possible to speak, the Chair may choose to restrict individual speaking time to 3 minutes. However, the purpose of the Parish Council is to listen to the views of the parishioners therefore the Chair may choose to keep a constructive conversation going for a reasonable period of time.</p>
4	<p>Creating the agenda:</p>
4.1	<p>The agenda for the meeting will be agreed by the Clerk and Chair (or Vice Chair) as appropriate. The Chair has responsibility for the proper conduct of the meeting and needs to be involved in the planning of the meeting. The agenda will always include an item to enable Councillors to declare interests. An opportunity for public questions on agenda items will be made available immediately before the commencement of each meeting. Any Councillor may request an item to appear on the agenda. This request should be made in writing to the Clerk at least 7 days before the agenda must be published. The Clerk and Chair can decide if this is a proper item to be included. The Clerk has ultimate responsibility for the Agenda as the Proper Officer. Usual format will be:</p> <ul style="list-style-type: none"> • Record members Present • Public Participation • Record Apologies • Declarations of Interest • Agree minutes from previous meetings • Business on the Agenda
4.3	<p>The Council may only take decisions on items clearly specified on the agenda; if agreed by the Chair, any urgent items which are not on the agenda may be discussed, but no decision may be made at that meeting. In exceptional circumstances pressing legal or safety matters may be decided upon.</p>
4.4	<p>The Chair of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chair is not present, the Vice Chair will preside. If both 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 Chair for the duration of the meeting.</p>

4.5	The quorum for the Council will be one third of the total Councillor places but in any case not fewer than 3. If there are insufficient members present after 30 minutes of the start of the meeting, then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.
4.6	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.
4.7	Voting at the meeting shall be made by a show of hands unless a majority of Councillors wants to hold a ballot. A Councillor may request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature to be made before moving on to the next business.
4.8	In cases of equal votes, the Chair (or other person presiding) will have a second or casting vote.
5	Creating the Minutes:
5.1	<p>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 approved by the Parish Council and they are signed by the person presiding at the next meeting.</p> <p>Minutes can be produced in court and other judicial processes as evidence of decisions of the council. They form part of the council archives and must be preserved.</p> <p>Minutes should be produced as quickly as possible. A draft should be sent to the Chair to allow for matters of accuracy. Minutes will normally be circulated as draft minutes within 10 days of the meeting. Throwleigh Parish Council has agreed to circulate minutes to Councillors by email and post draft minutes on the Parish Notice Board. The minutes remain as DRAFT until signed and dated at next meeting.</p>
5.2	Declaration of Interests must be recorded. With regard to planning applications - if a Councillor has a personal interest in a planning application then a statement can be made to the Parish Council meeting but the person must leave the meeting while discussions are taking place.
5.3	Any 2 Councillors may submit a written request to the Chair for an Extraordinary Parish Council meeting. If the Chair has not called a meeting within 7 days of receiving such a request, then the 2 Councillors may call the meeting.
6	Communication Methods:
6.1	<p>Email is an efficient means of communication and Councillors have agreed to receive all communication by email.</p> <p>The Notice Board and village website are kept up to date as the primary methods of communication with parishioners.</p>
7	Finance:
7.1	Responsible Financial Officer (RFO)
7.1.1	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
7.2.1	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 January meeting in preparation for the precept being agreed and submitted to West Devon District Council 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
7.3.1	The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimates. Significant underspends and 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
7.4.1	The RFO will determine all accounting procedures and financial records in accordance with the Accounts and Audit Regulations.
7.4.2	The RFO will complete the annual financial statements of the Council including the annual return as soon as practical 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 Practise.
7.4.3	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 competent and independent of the operation of the Council.
7.4.4	The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.
7.5	Banking Arrangements and Cheques
7.5.6	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.
7.5.7	A resolution of the Council will nominate at least 2 members to be authorised by the Council to sign cheques.
7.5.8	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. The signatories will initial all counterfoils. Should banking become allowable online then a new SO will be added.
7.6	Loans and Investments
7.6.1	All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.
7.6.2	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 full Council, especially the terms and purposes. These terms must be reviewed annually.
7.6.3	All investments of money under the control of the Council will be in the name of the Council and all certificates and other documents will be retained by the RFO.
7.7	Contracts and Purchase Orders

7.7.1	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.
7.7.2	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. The Council will always consider good value and the Social Value Act 2013.
7.8	Assets:
7.8.1	The RFO will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed at least annually.
7.9	VAT:
7.9.1	The RFO will promptly complete any VAT Return that is required. Any repayment due in accordance with the VAT Act 1974 Section 33 will be made at least annually coinciding with the financial year.
7.10	Insurance:
7.10.1	The Council will review the level of insurance cover and ensure that it is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.
8	Freedom of Information:
8.1	The Council is subject to the Freedom of Information Act and has adopted the Model Publication Scheme for Parish Councils. The Clerk will ensure that the Council conforms to the requirements of the Act allowing public access to the appropriate documents.
9	Clerk to the Council:
9.1	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 who will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.
9.2	The Clerk will act as the Proper Officer of the Council and 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.
10	Committees
10.1	A decision cannot be taken by a single Councillor. Under Section 101 of the Local Government Act 1972, the Council can delegate decisions to a committee, a sub-committee or the Clerk. The Council from time to time may set up committees to undertake work on behalf of the Council. They will report to the Council at each meeting. These sub-committees are not subject to the full requirements of these Standing Orders. Good governance and practice should be applied where applicable. Where reports are to be submitted to the Parish Council, it is good practice to submit to the Clerk all papers for distribution in advance of the meeting so that all Councillors have time to read the papers. Papers may however be tabled at the meeting.
11	Planning

11.1	The full Parish Council will discuss all decisions where appropriate. When the Clerk receives a planning notice, the Parish Council has a time limit (generally 3 weeks) to comment on any planning application. The Clerk will notify all Councillors by e-mail of any planning notices stating the reference number. Councillors will all review the planning notices. Throwleigh Parish Council has agreed to table a meeting to discuss planning applications in the months between Council meetings and the Clerk will advise if these meetings are required. The Clerk will record the decision and submit the correct documentation. In the event of a request for a site visit, there must be a minimum of 3 councillors present.
11.2	The Clerk will usually send all formal letters and handle all correspondence. Where appropriate the Chair can be copied. It is not necessary to copy all Councillors. Councillors should be mindful that all correspondence can be asked for under a Freedom of Information request.
12	Urgent Business
12.1	Should it not be appropriate to convene a special meeting, then any urgent business will be handled by the Clerk in consultation with the Chair and one other Councillor. Actions will be reported promptly to the Council and minuted at the next meeting. (for example: payment of a cheque to avoid late payment charges)
13	Alteration or Reversal of previous decisions
13.1	Decision of the Council will not usually 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 Chair, and any amendments will be decided by the Council.
14.2	During the course of meetings of the council, the Chair's decision as to the interpretation of the Standing Orders will be final. In cases of doubt, the Council will seek advice from the Devon 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.
15	Annual Parish Meeting
	The Annual Parish Meeting must be held between 1 st March and 1 st June. The Chairman of the Parish Council chairs this meeting with the Clerk recording the minutes. This meeting cannot be held in licenced premises. It is usually held in the Village Hall.