



# **Standing Orders for Hapton Parish Council**

## **Adopted May 2011 Reviewed September 2015**

### **1. Constitution**

- a. Hapton Parish Council is a non party political council.
- b. The Council shall consist of 7 Members elected by the electors of the Parish of Hapton, or such other number as may be specified by the District Council which shall not be less than five.

### **2. Councillors**

- a. All Councillors shall retire together in every 4th year of election of such Councillors, on the fourth day after the ordinary day of election of such Councillors and the newly elected Councillors shall come into office on the day on which their predecessors retire.
- b. Casual vacancies:**
- c. In the event of a vacancy occurring, for whatever reason, in the membership of the Council, the vacancy will be advertised by public notice in all Parish Notice Boards. If a poll is not claimed the vacancy may be filled by co-option within sixty days of the date of the public notice and the Council will be convened to fill the vacancy.

**d. The procedure for co-option is as follows:-**

- i. The Clerk will place a notice in all Parish Notice Boards inviting applications for co-option;
  - ii. Applications must be in writing and include brief background information of the candidate;
  - iii. Any applications must be received fourteen working days prior to the date of the next Full Council Meeting;
  - iv. The applicants will be formally invited in writing to attend the next Full Parish Council meeting;
  - v. All letters of application will be forwarded with the Papers for the Meeting to Councillors eligible to interview.
  - vi. Councillors will interview the applicant/s, at the next full Parish Council meeting after the publication of the vacancy.
  - vii. If more than one applicant is being considered they will be interviewed one at a time, the other applicants will leave the meeting.
  - viii. Councillors conducting the interview/s will then mark the applicant/s against the criteria on the Hapton Parish Council Co-option Sheet. After interview the sheets will be passed to the Clerk who will be total up the marks for each applicant. In the event of a tie the Chair will have the deciding casting vote.
  - ix. Following the interviews the successful candidate/s will be informed and invited to join the Parish Council. The person/persons co-opted will then receive and complete the Declaration of Acceptance of Office and Declaration of Interests etc and serve for the remainder of the term of the Councillor/s replaced.
  - x. All paperwork will be stored by the clerk of the council for a period of one year; . Unsuccessful applicants will be asked if they wish their details to be held for future vacancies, when they will be contacted again, but the above procedure will still be followed.
  - xi. 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.
- e. All Councillors will observe the Hapton Parish council 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.
- f. The Code of Conduct will define when a Councillor will declare a personal or prejudicial interest in an agenda item at a Council meeting. The Councillor will complete the relevant Hapton Parish Council DOPI form, obtainable from the clerk of the council, before the commencement of the meeting.

- g. The only exception is for the agenda items covering planning applications, as due to the often tight timescale of receiving Planning Applications from the Borough Council, it is not always possible to circulate details prior to the meeting. In these circumstances a verbal DOPI must be declared accepted and noted by the Clerk prior to the item being put forward for discussion, the councillor must then leave the room, until all discussions are completed.

#### **h. Unauthorised Activities**

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- i. Inspect any lands or premises which the Council has a right or duty to inspect; or Issue orders, instructions or directions. Unless authorised to do so by the Council or the relevant committee or sub-committee.

#### **i. Confidential Business**

- i. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- ii. Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **3. Disorderly Conduct**

- a. All members must observe the Code of Conduct.
- b. No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c. If, in the opinion of the Chair, a member has broken the provisions of paragraph (b) of this Order, the Chair shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England).
- d. If either of the motions mentioned in paragraph c is disobeyed, the Chair may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

#### **4. Annual Meetings**

- a. 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.
- b. The first business of the Annual Meeting will be the election of the Chair. The clerk of the council will preside over the meeting until a new Chair has been elected.
- c. The new Chair will then take over the meeting and elections for Vice Chair, RFO, representatives to outside bodies will take place, then receive and complete the Declaration of Acceptance of Office and Declaration of Interests.

#### **5. Meetings**

- a. Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.
- b. 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 post or by hand. The agenda may be delivered by email provided the Council has previously agreed to this. In any case the agenda must be issued at least three clear business days before the meeting.
- c. Public notices will be posted in conspicuous places 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.
- d. The agenda for the meeting will be agreed by the Clerk, Chair as appropriate. The agenda will always include an item to enable Councillors to declare interests.
- e. An opportunity for public questions will be made available at each meeting.
- f. Admission of The Public and Press to Meetings**
  - i. 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:-
  - ii. "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"

- iii. Members of the public, District/County councillors may speak at Council meetings at the discretion of the Chair of the meeting.
- g. If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that (s)he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
- h. 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.
- i. 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 then the Vice Chair 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 Chair for the meeting and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received
- j. The quorum for the Council will be one third of the total Councillor places but in any case not fewer than 3. 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.
- k. 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.
- l. Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. The proposer and seconder will not be recorded in the minutes unless a Councillor requests this, where only the proposer and seconder will be recorded unless a Councillor requests 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.
- m. In cases of equal votes the Chair (or other person presiding) will have a second or casting vote.
- n. 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.

- o. With regard to planning applications The Clerk shall, as soon as it is received, enter in a record kept for the purpose the following particulars of every planning application notified to the Council:-
  - i. the date on which it was received
  - ii. the name of the applicant
  - iii. the place to which it relates;
- p. The Clerk shall refer every planning application received to the meeting in order to consider and respond within the timetable set by Burnley Borough Council

## **6. Finance**

### **a. Responsible Finance Office (RFO)**

- b. 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.

### **c. Income and Expenditure**

- d. 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 spent revenue will be identified and earmarked to reserves by a Council resolution.

### **e. Accounting and Audit**

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

### **g. Banking Arrangements and Cheques**

- h. 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. A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques. 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. Any utility bill may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

**i. Loans and Investments**

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

**k. Contracts and Purchase Orders**

- l. 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. Orders for values £500 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required. Contracts exceeding £50,000 requires additional safeguards and will follow Proper Practice. 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.

**m. Assets**

- n. 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. Insurance**

- a. 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. Risk Assessment**

- a. A risk assessment will be undertaken annually of all the activities of the Council and a report approved by the Council.
- b. If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

**9. Freedom of Information**

- a. 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.

## **10. Clerk to the Council**

- a. The Council will appoint a Clerk to the Council on an employed basis.
- b. 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.
- c. The Clerk will act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.
- d. 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 Chair or designated Councillor acting with the authority of the Council.

## **11. Committees and Working Groups**

- a. The Council from time to time may set up committees and task-and-finish groups to undertake work on behalf of the Council. The Council will set their Terms of reference, and they will report periodically to the Council.

## **12. Emergency Business**

- a. Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chair and one other Councillor. Actions will be reported promptly to the Council.

## **13. Alteration or Reversal of previous decisions**

- a. 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**

- a. Standing orders will be reviewed annually by the Clerk and the Chair, and any amendments will be decided by the Council.
- b. 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 the advice of the Burnley Borough Council and or Lancashire Association of Local Councils.

- c. 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. Code of Conduct on Complaints**

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) for consideration

These Standing Orders were adopted by the Parish Council at a meeting of the Council held on 9th May 2011 and reviewed at a meeting held in April 2014.