

# CALDBECK PARISH COUNCIL: STANDING ORDERS AND FINANCIAL REGULATIONS

## STATUTORY REQUIREMENTS ARE IN BOLD TYPE.

### 1 a) Meetings of the Parish Council

Meetings shall be held in Caldbeck Parish Hall at 7.30pm unless the Council otherwise decides at a previous meeting.

**b) When calculating the 3 clear days for notice of a meeting to Councillors and the public, 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 shall not count.**

**c) 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.**

**d) 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.**

e) Subject to standing order 1(d) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. Members of the public may also raise any question or issue relevant to Caldbeck Parish and the Parish Council. Consideration of the issue raised may be deferred to an agenda item at the next meeting. The period of time designated for public participation is at the Chairman's discretion.

f) Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted within the terms of the Openness of Local Government Bodies Regulations 2014.

**g) In accordance with standing order 1(f) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

**h) A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To report means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or to persons later not present.**

**i) A person present at a meeting may not provide oral report or oral commentary about a meeting as it takes place without permission.**

**j) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman, or presiding Councillor.**

**k) 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.**

**l) 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 the meeting be less than three. For Caldbeck Parish Council four members shall constitute a quorum. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.**

Any outstanding business of a meeting so adjourned shall be transacted at the following meeting.

**m) 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.**

**n) The Chairman 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.**

**o) Unless standing orders provide otherwise, voting on any 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 must be made before moving on to the next business.**

- p) **A Councillor 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.**
- q) The minutes of a meeting shall record the names of councillors present and absent.
- r) The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- s) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.
- t) The Council may establish Working Groups for detailed examination of issues and to report progress and recommendations to the Council. The members of the Working Group may include non-Councillors. Unless the Council determines otherwise, a Working Group may appoint a sub-group whose terms of reference and members shall be determined by the Working Group.
- u) Executive powers are delegated to the Clerk of the Council following consultation with the Chairman or Vice-Chairman of the Council or Committee, as appropriate, subject to prior consultation by electronic communication with council members, for matters which require a decision before the next ordinary meeting.

## **2. Council Meetings**

- a) **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.**
- b) **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.**
- c) **The annual meeting of the council shall take place at 7.30pm.**
- d) **In addition to the annual meeting of the council seven or eight other statutory meetings shall be held in each year approximately six weeks apart.**
- e) **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman.**
- f) **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.**
- g) **The Vice-Chairman of the Council, 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.**
- h) **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.**
- i) **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.**
- j) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- k) Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
  1. **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;**
  2. After consideration, to approve the signature of the Minutes by the person presiding as a correct record.
  3. Review of the Council's and/or employees' memberships of other bodies.
  4. To deal with business expressly required by statute to be done.

### 3. Extraordinary meetings

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

b) 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, any 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.

### 4. Proper Officer: The Council's Proper Officer (the Clerk) shall do the following:

a) Electronically serve on Councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Clerk.

b) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).

c) Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing orders 4 (a) and 4 (b) above.

d) Make available for inspection the minutes of meetings.

e) Receive and retain copies of byelaws made by other local authorities;

f) Receive and retain declarations of acceptance of office from Councillors.

g) Retain a copy of every Councillor's register of interests and any changes to it, upload a copy to the council's website and keep copies of the same available for inspection.

h) Undertake the duties of the Responsible Financial Officer in accordance with proper practices as set out in 'Governance and Accountability for Local Councillors – A Practitioners' Guide'

### 5. Code of conduct

a All councillors shall observe the code of conduct adopted by the Council.

b Unless he has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

c **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.

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

e A dispensation request shall confirm:

i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

iv. an explanation as to why the dispensation is sought.

f Councillors with "other registrable interests" relevant to an item of business on the agenda shall disclose such interests at the start of the meeting. Councillors may only speak on the matter if and when the public has a right to speak.

g **A dispensation may be granted in accordance with standing order 5(d) above if having regard to all relevant circumstances the following applies:**

- a. 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
  - b. granting the dispensation is in the interests of persons living in the council's area or
  - c. it is otherwise appropriate to grant a dispensation.
- h Upon notification by the District 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.**

## **6. Questions**

- a. A Councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Clerk.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions (public participation).
- c. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution. In accordance with such a resolution any two Councillors may sign, on behalf of the Council, any deed required by law and their signatures must be witnessed.**

## **7. General Power of Competence**

- a Before exercising the general power of competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council. Caldbeck Parish Council is not, to date, an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 8 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility.

## **9. Planning Applications.**

- a) When the Local Planning Authority's deadline is prior to the next scheduled meeting of the Council, the Clerk is authorised to determine the Council's observations on uncontentious planning applications following consultation with the Chairman and other appropriate members.
- b) 'Uncontentious applications' and 'other appropriate members' shall be determined by the Clerk in consultation with the Chairman. The decision of the Clerk shall be reported to the next meeting of the Council.
- c) In the event of a contentious application the Clerk is authorised to summon an additional meeting of the Council to consider the application.

## **10. Financial Regulations**

- a) The Council shall review and adopt appropriate standing orders and financial regulations once a year between January and March, drawing on latest guidance.
- b) The Council shall review its inventory of land and assets including buildings and office equipment once a year between January and March.
- c) The Clerk shall maintain a file of contracts which are current or held over to which the Council is party and shall list them once a year for noting by the Council.

- d) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and Councils financial regulations. Two nominated members are required to authorise payments over £500.
- e) The Clerk shall maintain a receipts and payment account and provide financial monitoring reports as a minimum at the end of each quarter. The Council shall nominate a parishioner to verify the bank reconciliations produced by the Clerk at least once per quarter.
- f) The Clerk shall prepare the annual governance and accountability return with supporting papers for annual audit.
- g) Under delegation of Council powers, the Clerk can spend up to £500 without prior approval at a meeting, if necessary.
- h) The Council shall approve written estimates for the coming financial year at a meeting before the end of January.
- i) The Council may use internet banking where they deem appropriate.
- j) The Council shall appoint a Petty Cash Officer who will be responsible for:
  1. Collecting and collating monies donated via the car park donation boxes.
  2. Maintaining records of receipts and payments and providing them as required by the Clerk so as to enable compliance with 10 e) above.
  3. Ensuring that all payments are authorised, approved and paid in accordance with the law, proper practices and Councils financial regulations.
  4. Enabling a nominated member of the Council to verify the petty cash reconciliations at least once per quarter.
  5. Banking any monies that would bring the petty cash float to more than £350 or any revised cash limit informed by the insurers.

#### **11. Contracts and Tenders**

- a) Where it is intended to enter into a contract exceeding £2,500 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given. Where the value of the contract exceeds £10,000, similar notice shall be given in addition in such newspapers circulating in the district, as the Council shall direct.
- b) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- c) Tenders shall be opened by the Clerk and one member of the Council and reported by the person who opened them to the Council.
- d) A minimum of three tenders shall be obtained for contracts exceeding £2,000, if possible to do so.
- e) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- f) Where a value for money case is made, the Council can determine to award a contract or extend a contract without seeking tenders. Such circumstances may arise where specialist expertise is required, where there is an evident track record of value for money or where there have been difficulties in attracting tenders.

#### **12. Management of Information**

- a) 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.

**b) 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).**

**c) The agenda, papers that support the agenda and minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

**d) Councillors, the Clerk, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

### **13 Responsibilities to provide information**

**a. 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.**

**b. If gross annual income or expenditure (whichever is the higher) does not exceed £25,000, the Council shall publish information in accordance of the Smaller Authorities Transparency Requirements (England) Regulations 2015.**

**c. If the Council's gross annual income or expenditure (whichever is the higher) does not exceed £25,000, it shall publish draft minutes on a website which is publically accessible and free of charge not later than one month after the meeting has taken place.**

### **14 Responsibilities under Data Protection Regulations**

**a) The Clerk is responsible for the proper management of data to ensure that it complies with the General Data Protection Regulation.**

**b) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

**c) The Council shall have a written policy for responding to and managing a personal data breach.**

**d) 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.**

**e) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available format and kept up to date.**

**f) The Council shall maintain a written record of its processing activities.**

### **NOTE:**

The Council has the power, without prior written notice, to suspend by resolution any standing order except those which are mandatory by law (those in bold type above), in relation to any specific item of business.

### **IT IS RECOMMENDED THAT:**

A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.