

BURCOMBE
PARISH COUNCIL

STANDING ORDERS
and
FINANCIAL REGULATIONS

March 2010

ADOPTION OF PARISH COUNCIL STANDING ORDERS

**These Standing Orders were adopted by the Parish Council on the
??? and will take effect from the .**

MEETINGS GENERAL

- 1.* The statutory Annual Parish Council Meeting will be held on the second Tuesday in May in each year, or as the Parish Council may determine. In an election year the statutory Annual Meeting will be held on, or within fourteen days after, the day on which the Councillors elected at that election take office.
2. The remaining three statutory meetings will be held on the second Tuesday of September and March and the first Tuesday of December.
- 3.* An extraordinary meeting of the Parish Council may be called at any time by the Chairman .
- 4.* If the Chairman fails to call within seven days an extraordinary meeting of the Parish Council , after a request signed by two members of the Parish Council has been presented to him/her, any three members of the Parish Council, on the expiration of those seven days, may convene an extraordinary meeting of the Parish Council.
- 5.* At least three clear days before a Parish Council meeting, notices of the time and place of the meeting should be fixed in such conspicuous places in the village as the Parish Council may determine and a summons to attend the meeting, specifying the business to be transacted will be left at, emailed or be posted to, the residence of every member of the Parish Council . This to include the Wiltshire Councillor. representing the Parish.
- 6.* The Chairman will, if present, preside at meetings of the Parish Council. In his/her absence, the Vice - Chairman will preside but, if both are absent, the members present will elect one of their number to preside.
- 7.* No business will be transacted at a meeting of the Parish Council unless at least three members are present, which constitutes a quorum.

- 8.* If a quorum is not present when the Parish Council meets or if during a meeting the number of Councillors present falls below the quorum, the business not transacted at that meeting will be transacted at the next meeting or on such day as the Chairman , Vice - Chairman or presiding Chairman may fix.
- 9.* Minutes of the Parish Council meetings will be kept, including the date of the meeting and the names of all Councillors present and those in official attendance.
- 10.* No person except a member may address the Parish Council without permission of the Chairman , Vice - Chairman or presiding Chairman.
- 11.* Subject to the notice required by Standing Order 27, a deputation, if introduced by a member, may be heard by the Parish Council and a petition on any matter affecting the Parish may be presented by a member and considered as part of the general business of the meeting.
- 12.* All meetings of the Parish Council and its standing Committees will be open to the public. The Parish Council or a Standing Committee, may exclude the public for a particular item of business if it considers that such exclusion is in the public interest.

If a member of the public interrupts the proceedings of any meeting, the Chairman , Vice -Chairman or presiding Chairman may, after warning, order that he/she be removed from the meeting or that the part of the meeting room open to the public be cleared.
- 14.* No member of the Parish Council will disclose to any person not a member of the Parish Council any business declared by the Parish Council to be confidential.
- 15* All activities of the Council and its members shall comply with the current statutory Code of Conduct for English Local Government.

ELECTIONS

- 16.* Prior to or at the first meeting after election every member will sign, in the presence of the Parish Clerk, a declaration that he/she accepts office.
- 17.* At each Annual Meeting the first business will be to elect a Chairman and appoint a Vice -Chairman and to receive the Chairman 's declaration of acceptance of office or, if not received, decide when it will be received.
- 18.* The Chairman and the Vice - Chairman will continue in office until the next Annual Meeting unless either resigns or becomes disqualified, in which case the Parish Council will forthwith elect or appoint a successor.
- 19.* If a member fails throughout a period of six consecutive months to attend any meetings of the Parish Council or its committees of which he/she is a member, he/she will, unless the failure was due to some reason approved by the Parish Council before the expiry of that period, cease to be a member.
- 20.* If a casual vacancy occurs on the Parish Council , the Parish Clerk will within a reasonable time declare the vacancy and it will be publicly notified in the usual manner. If no poll is claimed within the time allowed, the Parish Council may fill the vacancy by co-option.
- 21.* If more than two persons have been proposed for co-option and, of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes will be removed from the list and a fresh vote taken; this procedure to be repeated until a majority of votes is given in favour of one person.

VOTING

- 22.* Members will vote by a show of hands or, if at least two members request it, by a secret ballot and every decision will be made by a majority of members present and voting.

- 23.* If a member so requires, the Parish Clerk will record the names of the members who voted on any matter showing whether they voted for or against it, or any member to ask for his/her vote to be recorded.
- 24.*a. Subject to b. below the Chairman , Vice - Chairman or presiding Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he/she gave no original vote.
- b. If the person presiding at the Annual Meeting has ceased to be a member of the Parish Council but for the statutory provisions which preserve the membership of the Chairman until the end of his/her term of office he/she may not give an original vote in an election for the Chairman but is allowed a casting vote only.

ORDER OF BUSINESS

- 25.* At every meeting of the Parish Council, other than the Annual Meeting, the first business will be to appoint a Chairman if the Parish Chairman or Vice-Chairman be absent and to receive any declarations of office or, if not then received, to decide when they will be received.
- 26.* Thereafter, the order of business, unless the Parish Council otherwise decided on the grounds of urgency, will be as follows:-
- a. To read and consider the minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
- b. To approve the minutes, the Chairman ,Vice - Chairman or presiding Chairman should sign them as a correct record.
- c. To deal with business expressly required by statute to be done.
- d. To deal with matters adjourned from the last meeting.
- e. To receive and consider communications laid before the Chairman , Vice - Chairman , presiding Chairman or Parish Clerk.

f. To consider special items of business notified by members in accordance with Standing Orders.

g. To receive and consider reports by Committees.

h. To authorise the signing of Precepts and Orders for Payment.

27. A motion to vary the order of business on the ground of

urgency:-

- a. May be proposed by the Chairman, Vice - Chairman, presiding Chairman or by any member and, if proposed from the Chair, may be put to the vote without being seconded, and
- b. Will be put to the vote without discussion.

RESOLUTIONS

28. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Parish Clerk at least seven clear days before the next meeting of the Parish Council.

29. The Parish Clerk will date every notice of motion and/or recommendation from a committee or sub-committee when received by him, will number each notice in the order in which it was received and will enter it in a book which will be open to the inspection of every member of the Parish Council.

30. The Parish Clerk will insert in the summons for every meeting, all notices of motion or recommendation properly given in the order in which they have been received; unless the member given a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.

31. If a resolution or recommendation specified in the summons is not moved, it will, unless postponed by the Parish Council, be treated as withdrawn and will not be moved without fresh notice.

32. If the subject matter of a resolution comes within the province of a Committee of the Parish Council, it will, upon being

moved and seconded, stand referred without discussion to that Committee or to such other Committee as the Parish Council may determine for report; provided that the presiding Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved, or if a vote is taken and the meeting agrees that the matter be taken at that time.

33. Every resolution or recommendation will be relevant to some question over which the Parish Council has power or which affects its Parish.
34. Resolutions dealing with the following matters may be moved without notice:
- a. To appoint a Chairman of the meeting.
 - b. To correct the minutes.
 - c. To approve the minutes.
 - d. To alter the order of business.
 - e. To proceed to the next business.
 - f. To close or adjourn the debate.
 - g. To refer a matter to a committee.
 - h. To appoint a committee or any members thereof.
 - i. To adopt a report.
 - j. To authorise the signing of documents.
 - k. To amend a motion.
 - 1. To exclude the press.
 - m. To exclude the public.
 - n. To silence or eject from the meeting a member named for misconduct.

- o. That the question be now put.
 - p. To suspend the Standing Orders, except those required in law.
 - q. To invite a member having an interest in the subject matter under debate to remain subject to the Code of Conduct.
35. A decision of the Parish Council made within the preceding six months will not be reversed unless:-
- a. Written notice of a special resolution bearing the names of at least three members of the Parish Council is given to the Parish Clerk in accordance with Standing Order 27, or
 - b. A resolution is moved in pursuance of the report or recommendation of a Committee or
 - c. Fresh information becomes available which, in the opinion of the majority of the Parish Councillors present, justifies further consideration of the matter.

QUESTIONS

- 36. A member may ask the Chairman or the Parish Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 37. No questions not connected with business under discussion will be asked except during the part of the meeting set aside for questions.
- 38. Every question will be put and answered without discussion.
- 39. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

40. No discussion will take place upon the minutes except upon their accuracy. Corrections to the minutes will be made by resolution and must be initialled by the Chairman , Vice - Chairman or presiding Chairman.
41. An amendment will not have the effect of negating the motion to which it relates. If an amendment be carried, the resolution as amended will take the place of the original resolution and will become the resolution on which further amendment may be moved. A further amendment will not be moved until every previous amendment has been disposed of.
42. No member, other than the mover of a resolution, will speak more than once to a resolution without leave of the Chair, except on an amendment or on a point of order or in personal explanation. The mover of a resolution or amendment will have the right to reply.
43. Members when speaking will address the Chair and not speak across the floor.
44. The ruling of the Chair on a point of order, on the relevancy of a motion or amendment or on the admissibility of a personal explanation is final and will not be discussed.
45. At the end of any speech a member may, without comment, move "that the question be now put", "that the Parish Council proceed to the next business", "that the debate be now adjourned" or "that the Parish Council do now adjourn". If such a motion is seconded and, if the Chair is satisfied that the question has been sufficiently debated, he/she will put the motion to the vote.
46. Any member may at any time address the Chair on a point of order if he/she considers that the business of the meeting is not being conducted according to Standing Orders.
47. Members may remain seated when speaking unless instructed by the presiding Chairman to stand.

- a. If two or more members speak together, the Chairman will call upon one of them to speak whilst the others await for the Chairman to call upon them.
 - b. Whenever the Chairman rises during a debate all other members will be seated and silent.
 - c. A member will direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech will exceed five minutes except by consent of the Chair.
48. No member will misconduct himself/herself at a meeting by disregarding the ruling of the Chair, by wilfully obstructing business, by behaving offensively or by using insulting language.
49. If, in the opinion of the Chair a member has so misconducted himself/herself, the Chair will express that opinion to the Parish Council and thereafter any member may move that the member named is no longer heard or that the member named shall leave the meeting, and the motion, if seconded, will be put straightaway and without discussion.
50. If either of the motions mentioned in Standing Order 48 is disobeyed, the Chair may suspend the meeting or take such further steps as may be reasonably necessary to enforce them.
51. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Parish Council, it will not be considered until the Parish Council or Committee (as the case may be) has decided whether or not the public and press be excluded.

COMMITTEES AND SUB COMMITTEES

52. The Council will at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that respect:-
- a. Will not appoint any member of a committee so as to hold office later than the next Annual Meeting

- b. May appoint persons other than members of the Council to any sub-committee; and
 - c. May at any time dissolve or alter the members of a committee.
53. The Chairman or Vice - Chairman will be ex officio members of all standing committees.
54. Every committee will at its first meeting before proceeding to its business, elect a Chairman and may elect a Vice-Chairman who will hold office until the next Annual Meeting of the Council.
55. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting will also be summoned on the requisition in writing of not less than two members of the committee. The summons will set out the business to be considered at the special meeting and no other business will be transacted at that meeting.
56. Every committee may appoint sub-committees for purposes to be specified by the committee.
57. The Chairman and Vice-Chairman of the committee will be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
58. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub committee will be three of its members.
59. The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of members in contracts and other matters will apply to committee and sub-committee meetings.

VOTING IN COMMITTEES

60. Members of committees and sub-committees entitled to vote will vote by show of hands, or recorded vote, or, if at least two members so request, by signed ballot.
- 61 .* Chairmen of committees will in the case of an equality of votes have a second or casting vote.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

62. A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but will not vote.

DOCUMENTS

63. The Clerk and any two members of the Parish Council may seal, on behalf of the Parish Council, any document required by law to be issued under seal. The execution of such documents must be authorised by a resolution of the Parish Council.
64. All books and documents under the control of the Parish Council will be kept in a secure place by the Parish Clerk and will be open for the inspection of any member of the Parish Council.
- 65.* Minutes of the Parish Council and its Committees will be open for inspection of electors without payment at all reasonable times.
- 66.* Any abstracts made from the accounts of the Parish Council and reports made by the Auditor on those accounts will be open for inspection.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

67. If a candidate for any appointment under the Parish Council is to his/her knowledge related to any member of or the holder of any office under the Parish Council , he/she and the person to whom he/she is related will disclose the relationship in writing to the Parish Clerk. A candidate who fails to do so will be

disqualified for such appointment, and if appointed, may be dismissed without notice. The Parish Clerk will report to the Parish Council or to the appropriate Committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interest of members in contracts and other matters will apply.

68. a. Canvassing of members directly or indirectly, for any appointment under the Parish Council will disqualify the candidate for such appointment.
 - b. A member of the Parish Council will not solicit for any person any appointment under the Parish Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Parish Council with an application for appointment.
69. Standing Orders 67 and 68 will apply to tenders as if the person making the tender were a candidate for an appointment.

STANDING ORDERS

70. The Parish Council may by resolution at any meeting suspend any Standing Order other than those marked with an asterisk in relation to a specific item of business at that meeting.
71. A motion permanently to vary or revoke a Standing Order will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Parish Council.
72. A printed copy of these Standing Orders will be given to each member of the Parish Council upon election to the Council.

PLANNING APPLICATIONS

73. The Clerk will enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
 - a) the date on which it was received
 - b) the name of the applicant
 - c) the place to which it relates and its reference number

74. The Clerk shall refer every planning application received to the Cllr responsible for Planning or in their absence to the Chairman of the Parish Council.
75. Planning applications of serving councillors.
- All members, except the applicant, should participate fully in any decision making.
76. Details of all planning decisions made at the meeting shall be agreed by two members (Chairman of relevant meeting and one other) before submission to Wiltshire Council.

AGENDAS and MINUTES

77. The Clerk (or the appropriate member for Planning matters) shall ensure that members receive copies of Council agendas together with explanatory notes at least 3 clear days prior to a meeting.

Copies of the agenda shall be displayed in the village no later than 3 clear days prior to the meeting.

FINANCIAL REGULATIONS

1. General

1.1 These financial regulations will govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the council.

1.2 The Council will appoint a Responsible Financial Officer (RFC¹).

1.3 The RFO will be responsible for the proper administration of the Council's financial affairs.

1.4 The RFO will be responsible for the production of financial management information.

2. Annual Estimates

2.1 Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, will be prepared each year by the RFO.

2.3 The Council will review the estimates not later than the end of December in each year and will recommend the precept to be levied for the ensuing financial year. The RFO will supply each member with a copy of the approved estimates.

2.4 The annual capital and revenue budgets will form the basis of financial control for the ensuing year.

3. Budgetary Control

3.1 The RFO will provide before each PC meeting, a written statement of income and expenditure, to date under each head of the approved annual revenue and capital budgets together with a current bank reconciliation.

3.2 The clerk may incur expenditure on behalf of the Council, after consultation with the Chairman or Vice Chairman, which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £100.00. The clerk will report the action to the Council as soon as practicable thereafter.

3.3 Where expenditure is incurred in accordance with regulation 3.2 above and the sum required cannot be met from savings made elsewhere within the Council's approved budget, it will be subject to the provisions of a supplementary estimate approved by the Council.

3.4 Unspent provisions in the revenue budget may be carried forward to a subsequent year.

3.5 No expenditure will be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Council is satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.

3.6 All capital works will be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. Accounting and Audit

4.1 All accounting procedures and financial records of the council will be determined by the RFO as required by the Accounts and Audit Regulations 1996.

4.2 The RFO will be responsible for completing the annual accounts of the council ready for presentation at the Annual Parish Council Meeting in May.

5. Banking Arrangements and Cheques

5.1 The Council's banking arrangements will be made by the RFO and approved by the Council.

5.2 A schedule of the payment of money will be prepared by the RFO and together with the relevant invoices etc presented to the Council. If the schedule is in order it will be authorised by a resolution of the Council and signed by the chairman or vice chairman.

5.3 Cheques drawn on the bank accounts in accordance with the schedule referred to in the previous paragraph will be signed by any two members whose authority is lodged with the Council's bank. This should not include the R.F.O.

6. Payment of Accounts

6.1 All payments will be effected by cheque or other order drawn on the Council's bankers.

7. Payment of Salaries and Wages

7.1 The payment of any salary or wages will be made by the RFO subject to the approval of the Council.

8. Loans and Investments

8.1 Subject to the approval of the Council, all loans and investments will be negotiated by the RFO in the name of the Council, and will be for a set period of time in accordance with Council policy.

8.2 All investments of money under the control of the council will be in the name of the Council.

8.3 All borrowings will be effected in the name of the Council.

8.4 All investment certificates and other documents relating thereto will be retained in the custody of the RFO.

9. Income

9.1 The collection of all sums due to the Council will be the responsibility of and under the supervision of the RFO.

9.2 Particulars of all charges to be made for work done, services rendered or goods supplied will be notified to the RFO and the RFO will be ultimately responsible for the collection of all accounts due to the Council.

9.3 The Council will review all fees and charges annually, following a report of the clerk.

9.4 Any debts thought to be unrecoverable by the RFO will be reported to the Council as soon as possible.

9.5 All sums received on behalf of the Council will be paid to the RFO for banking.

10 Orders of Work, Goods and Services

- 10.1 An official order or letter will be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purchases. Copies of orders issued will be maintained.
- 10.2 Order books will be controlled by the RFO.
- 10.3 The RFO is responsible for obtaining value for money at all times. He/she is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

11. Contracts

11.1 Procedures as to the contracts are laid down in the Council's standing orders as follows:-

(a) Every contract whether made by the council or by a committee to which the power of making contracts has been delegated will comply with these standing orders, and no exception from any of the following provisions of these standing orders will be made otherwise than by direction of the Council or in an emergency by such a committee as aforesaid provided that these standing orders will not apply to contracts which relate to items (i) to (v) below:-

- (i) for the supply of gas, electricity, water, sewerage and telephone services;
- (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;

(v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.

(b) Where it is intended the Parish Council enter into a contract:-

(i) exceeding £1,000.00 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the clerk will invite quotes from a least two firms.

(ii) Capital expenditure of more than £30,000 to go to tender, the Clerk will obtain at least 3 tenders for any contracts exceeding £30,000.

(c) When applications are made to waive standing orders relating to contracts to enable a tender to be negotiated without competition the reason will be embodied in a recommendation to the Council.

(d) Every exception made by a committee to which the power of making contracts has been delegated will be reported to the Council and the report will specify the emergency by which the exception will have been justified.

(e) Such invitation to tender will state the general nature of the intended contract and the clerk will obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation will in addition state that tenders must be addressed to the clerk and the last date by which such tenders should reach the clerk in the ordinary course of post. Each tendering firm will be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

(f) All sealed tenders will be opened at the same time on the prescribed date by the clerk in the presence of at least one member of the Council.

(g) If less than three tenders are received for contracts valued above £1,000.00 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

(h) The Council will not be obliged to accept the lowest

or any tender.

12 Properties and Estates

12.1 The clerk will make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFC¹ will ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of interest, tenancies granted, rents payable and purpose for which held in accordance with regulation 4(3)(b) of the Accounts and Audit Regulations 1996.

13. Insurance

13.1 The RFO will effect and maintain all appropriate insurance and negotiate all claims on the Council's behalf.

13.2 The RFO will ensure that adequate levels of cover are current and appropriate and will give prompt notification to the Council of all new risks or properties which require to be insured and of any alterations affecting existing insurances.

13.3 The RFO will keep a record of all insurances effected by the Council and the properly and risks covered thereby and annually review and report to the Council.

13.4 All appropriate employees of the Council will be included in a suitable fidelity guarantee insurance.

14. Revision of Financial Regulations

14.1 It will be the duty of the Council to review its financial regulations at least once every four years and to make such recommendations to the Council as are required.