MILTON PARISH COUNCIL - STANDING ORDERS

In the following document 'he' can refer to 'he' or 'she'. Chairman can represent chairman or chairwoman.

MEETINGS

1. Meetings shall normally be held on the first Monday in the month at Milton Bowls Pavilion at 7:30pm (on the second Monday when there is a Bank Holiday). A meeting will not be held in August except at the discretion of the chairman. At the chairman's discretion the meeting may start at 7pm particularly when Council has an invited visitor.

2. **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.** The clerk will therefore send out agendas for Council meetings by midnight on Wednesdays.

3. **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day at which the councillors elected take office and in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**

4. **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year at such dates and times and at such a place as the Council may direct.**

CHAIRMAN OF MEETING

5. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

PROPER OFFICER

6. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the clerk:-
    a. To receive declarations of acceptance of office.
    b. To receive undertakings to observe the code of conduct adopted by the council.
    c. To receive and record notices disclosing interests.
    d. To receive and retain plans and documents.
    e. To sign notices or other documents on behalf of the Council.
    f. To receive copies of byelaws made by a District Council.
    g. To certify copies of byelaws made by the Council.
    h. To sign summonses to attend meetings of the Council.

    In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the clerk.

QUORUM

7. **Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum of meetings of the Council.**

8. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

VOTING

9. Members shall vote by show of hands, or, if at least two members so request, by signed ballot (done in such a way that standing order 10 can be applied if necessary).

10. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

11. A member may request that his vote be recorded. Such a request must be made before moving on to the next business.

12.

    1. **Subject to (2) and (3) below the 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 whether or not he gave an original vote.**
    2. **If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
    3. **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

(In an election year Councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.)

13. **At each Annual Parish Council Meeting the first business shall be**
    a. **To elect a Chairman of the Council.**
    b. **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
    c. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
    d. **To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the council which have not been received as provided by law shall be received.**
    e. To elect a Vice-Chairman.
    f. To appoint committees or any other officers which the Council deems necessary.
    g. To appoint representatives on any other organisation or authority, which the Council deems necessary.

    and shall thereafter follow the order set out in Standing Order 17.

14. **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) 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.**

15. Tenure of office of Chairman and Vice-Chairman. Maximum period of tenure of office of Chairman and Vice Chairman for each of these offices to be three years. The above recommendation notwithstanding section 15(1) of the Local Government Act 1972 which provides for election of the Chairman annually (minute 2646 - 1975).

16. In every year the Council shall review the pay and conditions of service of the clerk and any other employees as per the relevant clause(s) in the Contract(s) of Employment.

17. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall normally be as follows:-
    a. To accept apologies for absence.
    b. **To deal with business expressly required by statute, including Declarations of Interest.**
    c. **To read, consider and approve the signature of the Minutes by the person presiding as a correct record**. 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.
    d. To take comments and questions from the public.
    e. To receive the clerk's/chairman's report including such communications as the person presiding may wish to lay before the Council.
    f. To consider resolutions or recommendations.
    g. To deal with planning matters including planning committee minutes.
    h To receive and consider reports and minutes of committees, sub-committees and groups.
    i. To receive representative reports including County and District Councillors' reports.
    j. To authorise the signing of orders for payment.
    k. To receive correspondence.
    l. To authorise the sealing/signing of documents.
    m. Any other business specified in the summons.

18. A motion to vary the order of business on the ground of urgency
    a. may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
    b. shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

19. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk not later than Monday in the week before the next meeting of the Council.

20. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.

21. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

22. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to he dealt with at the meeting at which it was moved.

23. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

24. 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.
    l. To give leave to withdraw a resolution or an amendment.
    m. To exclude the public.
    n. To silence or eject from the meeting a member named for misconduct.
    o. To give the consent of the Council where such consent is required by these Standing Orders
    p. To suspend any Standing Order.
    q. To adjourn the meeting.

RULES OF DEBATE

25. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

26.
    a. Members will discuss the items on the agenda in an orderly and courteous manner. Members shall speak in turn, directing their comments through the chair.
    b. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be put in writing and handed to him before it is further discussed or put to the meeting.
    c. Members shall keep their discussion to the item on the agenda which is currently under discussion or to a question of order.
    d. No member may speak for an excessive time except by consent of the Council.
    e. An amendment shall be either:-
        i. To leave out words.
        ii. To leave out words and insert or add others.
        iii. To insert or add words.
    f. An amendment shall not have the effect of negating the resolution before the Council.
    g. If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
    h. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

i. A motion or amendment may be withdrawn by the proposer without discussion with the consent of the Council and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

j. When a resolution is under debate no other resolution shall be moved except the following:-
   i. To amend the resolution.
   ii. To proceed to the next business.
   iii. To adjourn the debate.
   iv. That the question be now put.
   v. That a member named be not further heard.
   vi. That a member named do leave the meeting.
   vii. That the resolution be referred to a committee.
   viii. To exclude the public and press.
   ix. To adjourn the meeting.

27.

a. The ruling of the Chairman on a point of order shall not be discussed.
b. Members shall address the Chairman.

CLOSURE

28. At any point a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded the Chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.)

CODE OF CONDUCT AND INTERESTS

29.

a. **All members must observe the Revised Code of Conduct which was adopted by the Council on 14th May 2007 (min 229/5-07) a copy of which is annexed to these Standing Orders**.
b. **As paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 29(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
c. **If a member has a personal interest as defined in the Code of Conduct adopted by the Council on** 14th May 2007 **then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of the interest as required which shall be recorded in the minutes.**
d. **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
e. No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute**.

f. If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman 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 that another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board.**
g. If either of the motions mentioned in paragraph (f) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
h. The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute**.**

ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

30. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer, member or employee in the manner recommended in Legal Topic Note 56 dated July 2003 issued by the National Association of Local Councils.

RIGHT OF REPLY

31. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

32. A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

33.

a. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
b. When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

34. Where more than two persons have been nominated for any position to be filled by the Council 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 shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

35.

a In every year the Council shall review the pay and conditions of service of the clerk and any other employees as per the relevant clause(s) in the Contract(s) of Employment.

b If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Staffing committee or the Finance and Administration committee has decided whether or not the press and public shall be excluded pursuant to standing order 65 below.

c Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Staffing committee or, in his absence, the Chairman of Council

d The Chairman of the Staffing committee or the Chairman of Council shall upon a resolution conduct a review of the performance and/or appraisal of clerk and assistant clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Staffing committee and reported to Council.

In all other cases the review will be carried out by the Chairman of the relevant committee and the clerk.

e For all Grievance and Disciplinary matters Council's Policies refer.

f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 35(f) and (g) above if so justified.

EXECUTION SIGNING OF LEGAL DEEDS

36.

a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

b. **In accordance with a resolution made under standing order 36(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

COMMITTEES AND SUB-COMMITTEES

37. The Council may at its Annual Meeting appoint Executive committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

a. shall 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 Committee except Finance and Administration** and Staffing; and
c. may subject to the provisions of Order 37 above at any time dissolve or alter the membership of a committee.
d. The Council may appoint advisory committees.
e. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
f. An advisory committee makes recommendations to the Council.
g. An advisory committee may consist wholly of persons who are not members of the Council.
h. The Council defines the Terms of Reference of each committee.

38. The Chairman and Vice-Chairman ex officio shall be members of every committee unless they signify that they do not wish to serve.

39. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.

40. 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 shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

41. Every committee may appoint sub-committees for purposes to be specified by the committee.

42. The Chairman and Vice-Chairman of a committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

43. 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 shall be one-third of its members, who are entitled to vote, with a minimum of three members who are entitled to vote.

44. The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to all committee and sub-committee meetings.

VOTING IN COMMITTEES

45. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot. Non members of the Council shall be allowed to vote at Advisory Committees only.

46. **Only Councillor members of Executive Committees are eligible to vote.**

47. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote. Non Councillor chairmen of Executive committees do not have a casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

48. 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 shall not vote.

49. Any Council member, shall unless the Council otherwise orders, be entitled to be present and speak at meetings of any committee of which he is not a member, but shall not vote.

NON-MEMBER CHAIRMEN LIAISON WITH COUNCIL

50. Chairmen of Parish Council committees who are not parish councillors are invited to attend the ordinary meetings of the Council and where the business is relevant to the committee which they chair, may, at the invitation of the Chairman, speak without Standing Orders being suspended.

ACCOUNTS AND FINANCIAL STATEMENT

[See Appendices A & B for Financial Regulations]

51.

a. Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
b. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payments with the approval of the Chairman or Vice-Chairman of the Council.
c. All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
d. All invoices for payment shall be verified and certified by the RFO. The RFO shall satisfy himself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
e. The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The RFO shall take all steps to settle all invoices submitted, and which are in order, at the next available Council meeting.
f. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled meeting of Council, where the RFO certifies that there is no dispute or other reason to delay payment, the RFO may (notwithstanding previous paragraph) take all steps necessary to settle such invoices, provided that a list of such payments shall be submitted to the next appropriate meeting of Council.

52.

a. The RFO shall complete the annual financial statements of the Council, including the Council's annual return, as soon as practicable after the end of the financial year and shall submit a copy of them to each member and report thereon to the Council and shall supply to each member a copy of the Council's annual accounts when they are submitted for audit.
b. The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the time scales set by the Accounts and Audit Regulations.

ESTIMATES

53.

a. **The Council shall approve written estimates for the coming financial** year at its meeting in the month of February.
b. Any committee desiring to incur expenditure shall, not later than 31 December give to the Clerk a written estimate of the expenditure, both revenue and capital, recommended for the coming year.

RESOLUTIONS ON EXPENDITURE

54. Any resolution which is moved:

- other than by a recommendation of the Finance and Administration Committee or of another committee after recommendation by the Finance and Administration Committee
- and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure or reduce the revenue of any committee, or which would involve capital expenditure,
- shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council,
- any committee affected by it shall consider whether it wishes to report thereon and the Finance and Administration Committee shall report on the financial consequences of the resolution.

55. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members** and in the case of electronic payments shall be made in the presence of two members.

56. **The Council's financial regulations shall be reviewed once a year.**

57. **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

STANDING ORDERS ON CONTRACTS

58.

a. Every contract whether made by the Council or by a Committee to which the power of making contracts has been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these standing orders shall be made otherwise than by the direction of the Council or in an emergency by such Committee as aforesaid, provided that these Standing Orders shall not apply to contracts which relate to items (i) to (v) below:
   i. the supply of gas, electricity, water, sewerage and telephone services;
   ii. specialist services such as are provided by solicitors, architects, surveyors and planning consultants;
   iii. 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. work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council - the value of the extension to be no more than 50% of the original contract: and
   v. goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.

b. The clerk shall be allowed to spend up to £100 without prior approval of Council.

c. Where it is intended to enter into a contract 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 58(a):
   i. For expenditure of between £100 and £500 the chairman of the spending committee together with the clerk shall have executive power.
   ii. For expenditure of between £500 and £3000 prior approval of Council shall be required.
   iii. For expenditure exceeding £3000 the clerk shall invite tenders from at least three firms.

d. When applications are made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

e. Every exception made by a Committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.

f. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall 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 shall 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.

g. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least one Council Member.

h. All tenders will be considered in private/confidential session of the Council.

i. If less than three tenders are received for contracts valued above £3000 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 (e.g. seeking further tenders or proceeding with number received.)

j. Any invitation to tender issued under these Standing Orders shall contain the statements:
   i. "The Council is not be obliged to accept the lowest or any tender submitted."

ii. This Council does not accept any costs incurred in the preparation and submission of any tender."

k. A notice issued under this standing order shall contain a statement of the effect of Standing Order No 61.

l. **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of** £3,000 **shall be procured on the basis of a formal tender as summarised in standing order 58(f-h) above.**

m. **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.**

n. Council members shall not be precluded from tendering for supplies or services to the Council provided that the requirements of Standing Orders are complied with on all occasions.

RISK MANAGEMENT

59. The Council through its committees reviews Risk Management once a year in time to report to the February meeting of the Council.

INTERESTS OF CANDIDATES FOR APPOINTMENTS

60. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 61 shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

61.

a. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

b. A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

c. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

62. A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

63. **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council**.

UNAUTHORISED ACTIVITIES

64. No member of the Council or of any committee or sub-committee shall act in the name of or on behalf of the Council unless authorised to do so by the Council or the relevant committee or subcommittee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

65. **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.**

Example resolution: "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."
(Notes: The special reasons should be stated. If a person's advice or assistance is needed he may be invited (by name) to remain after the exclusion resolution is passed.)

66. **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present**.

67. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**

68. Members of the public cannot speak at meetings unless invited to do so by the chairman.

69. If a member of the public interrupts the proceedings at any meeting, the chairman may, after warning, order that he be removed from the Council Chamber.

CONFIDENTIAL BUSINESS

70.
    a. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council or the relevant committee or sub-committee any business declared to be confidential by the Council, the committee or the subcommittee as the case may be.
    b. Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or subcommittee of the Council by the Council.

71. **POWER OF WELL-BEING**

a **Before exercising the power to promote well-being, 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.**

b **The Council's period of eligibility begins on the date that the resolution under standing order 71 (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 power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 71(b) above.**

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

72. District and County Councillors representing Milton are invited to attend the ordinary meetings of the Council and where the business is relevant to the authorities on which they serve, may, at the invitation of the Chairman, speak without Standing Orders being suspended.

73. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillors for the district ward.

74. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillors for the ward as the case may require.

PLANNING APPLICATIONS

75.
    a. The Clerk shall, as soon as it is received, enter on the agenda for the appropriate meeting the following particulars of every planning application notified to the Council:-
        i. the name of the applicant;
        ii. the property to which it relates;
        iii. a summary of the nature of the application.
    b. The Clerk shall refer every planning application to the Chairman of the Planning Committee or in the Chairman's absence to the Vice-Chairman at least three days prior to the relevant meeting.
    c. Delegated Powers. The clerk and the chairman of the planning committee (or in his absence the chairman or vice-chairman of the Council) have delegated powers to deal with non controversial plans at their discretion. (Min 5983 14 May 1984 refers)

ABSENCE FROM MEETINGS

76. Apologies for absence from meetings of the Council shall be recorded in the minutes by the clerk. If no apologies are recorded the member shall be listed as absent.

EXTRAORDINARY MEETINGS

77. These can be called by the Chairman between the normal meetings of the Council, if:-
    a. The business is urgent.
    b. The business would take up excessive time at a normal meeting. or
    c. A written request by at least two councillors is received.

    In addition if two members sign a requisition that the Council be convened and the chairman (or vice-chairman as the case may be) either refuses or neglects to do so for seven days, then any two members may convene. The two convening members need not be the same as the requisitioning members.

    The summons shall set out the business to be considered at the extraordinary meeting and no other business shall be transacted at that meeting.

78. The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to extraordinary meetings.

PUBLICATION OF MINUTES

79. The minutes of each committee meeting of the Council shall be prepared by the clerk and / or assistant clerk and circulated to all Councillors within one week of the meeting. If Councillors intend to ask for amendments to the minutes they may ask the clerk not to publish the minutes until after the next meeting. If no request is made to the clerk then the clerk will publish the minutes not less than two weeks and not more than three weeks after the date of the meeting. These minutes to be clearly marked 'Draft Minutes - these may be subject to revision at the next meeting’.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

80. Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.

81. A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 5 councillors.

MEDIA RELATIONS

82. The Council will appoint a Press Officer who is responsible for handling enquiries from the media and for the issue of press releases and other articles to the press in the name of the Council. The Press Officer must ensure that any opinions expressed to the media on behalf of the Council are an accurate reflection of the views of the Council, as reflected in the minutes and decisions of the Council and its committees.

    In the event of an urgent response required by the media then the Press Officer must consult with the Chairman or Vice-Chairman before issuing a statement.

    Any Council member or employee approached by the media for the views of the Council on any issue should refer the enquirer to the Press Officer.

    None of the above prevents Council members or employees from discussing Council business with the media. They must make it clear, however, that they are speaking on their own behalf and not for the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

83. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

REVIEWED and APPROVED by Council on 6th December 2010.

Appendix A

ACCOUNTS AND AUDIT REGULATIONS 2003 (as amended 2006)

RESPONSIBILITIES OF CHAIRMAN, COUNCILLORS AND CLERK (RFO)

Parish and town councils are required under Section 151 of the Local Government Act, 1972 to appoint a Responsible Financial Officer ("RFO"). As the Clerk is usually responsible for the proper discharge of a parish or town council's functions, as the appointed 'Proper Officer' of the Council, under Section 112 of the Local Government Act 1972, it is assumed that Clerks of most medium and all small local councils will probably also be responsible for their Council's financial affairs and appointed as the RFO, but not necessarily. At Milton the clerk is also the RFO.

Responsibilities of Council

The responsibilities of the RFO are considerable, but the responsibility for management of the Council's finances **does not** rest with the RFO alone. **Regulation 4** requires a **Council** to have a corporate responsibility **"for financial management and system of internal control"**; **Regulation 5** makes provision in respect of the accounting records and control systems; **Regulation 6** requires a **Council** to **"follow proper internal audit practices"**.

The Council itself is asked to give a public assurance (Section 2 of The Annual Return - Statement of Assurance) that in approving the annual statement of accounts it is satisfied that this has been prepared in accordance with the requirements of the Accounts and Audit Regulations 2003, and proper accounting practices. As with all other decisions made by the Council, all of which have a legal implication, councillors have a duty to make themselves familiar with the requirements contained in the Regulations as they are legally responsible as the elected members. *[Local Councils' Governance and Accountability Guidance – A Practitioners' Guide]*.

The Council Chairman and Councillors, in conjunction with their RFO, must ensure that proper internal controls are **set up** and **enforced** for their Council. These controls must ensure that:

- Income is in accordance with budgets;
- Income due is actually received;
- Expenses are in accordance with budget;
- Expenses have been properly authorised before being paid;
- The books of account are maintained on a day to day basis; and
- The books of account are accurate and are regularly reconciled eg with bank statements.

Annual Budgeting

The preparation of the Annual Budget is one of the key tasks to be undertaken in any local council, irrespective of its size. CIPFA considers the budget to be the **foremost** control mechanism in a Council's financial affairs and advises that its importance should not be underestimated.

All parish and town councils need to produce an annual revenue budget which sets out the Council's requirements for the forthcoming year.

The budget has three purposes:

- it results in the Council setting the precept for the year;
- it gives the clerk (and other officers) authority to spend money, in accordance with the plans approved by members; and
- it provides a basis for monitoring progress during the year by comparing actual spending against planned spending.

To ensure compliance with **Regulation 5**, it is vital that a Council, irrespective of its size sets up in conjunction with its RFO, if not already in existence, a system to monitor income and expenditure against Budget headings throughout the financial year and investigate any material variations. Reports on actuals, estimates and variances should be made regularly to the Finance Committee and/or full Council. Quarterly budget reports are suggested as a minimum frequency.

PUBLIC ACCOUNTABILITY

It is the intention of the Accounts and Audit Regulations 2003

- to provide for greater accountability, transparency and openness in the provisions of information and
- to encourage standards by requiring up-to-date proper practices on internal audit, and the preparation of statements of account to be followed, and to encourage authorities to take corporate responsibility for the decisions.

Conclusion

The main thrust of the Regulations is to require local councils to operate sound financial management and to employ proper accounting practices appropriate to their size. Local councils work most effectively through the successful interaction of three personal components: the Chairman, the Councillors and the Clerk. Sound financial management and accounting practices required by the Regulations can only be achieved **if:**

- The Clerk, the RFO, effectively carries out his/her duties in maintaining account records and control systems;

- Councillors, either through a Finance Committee or full Council, maintain an adequate and effective audit of accounting records and control systems through regularly monitoring of income and expenditure against the annual budget; and

- The Chairman is fully aware of the requirements of the Accounts and Audit Regulations 2003 and ensures, as far as possible, that the Council, both elected and officer members, carry out their respective responsibilities under the Regulations.

Appendix B

Financial Regulations

1. **Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.**
2. **The Finance committee shall review the budget not later than the end of January each year and recommend to Council for approval the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.**
3. **Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.**
4. **No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure unless specifically agreed by resolution of Council. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.**
5. **Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the Council.**
6. **An Internal Auditor shall be appointed by and shall carry out the work required by Council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the Council.**
7. **The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by the Audit Commission Act 1998 and the Accounts and Audit Regulations 2003.**
8. **The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.**
9. **As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.**
10. **Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.**
11. **LOANS AND INVESTMENTS**
    a. **All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.**
    b. **The council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.**
    c. **All investments of money under the control of the Council shall be in the name of the Council.**
    d. **All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.**
    e. **All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.**
12. **The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.**

13. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the financial year.

14. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.

15. The origin of each receipt shall be entered on the paying-in slip.

16. Personal cheques shall not be cashed out of money held on behalf of the Council except for the RFO's personal cheques up to a value of £100.

17. The Council will not maintain any form of cash float except the youth club float for tuck. All cash received must be banked in full. Any payments made in cash by the Clerk or RFO (for example for postage or minor stationery items) shall be refunded on a regular basis.

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

19. PURCHASING POLICIES: Milton Parish Council is committed to following the principles of 'Best Value' i.e. delivering the best service possible to all the inhabitants of Milton in the most cost effective, efficient way.

The Council is working towards a Purchasing Policy which has as its objective the reduction in use of products which damage the environment by contributing to global atmospheric pollution, local pollution, deforestation and the depletion of natural resources.

In applying the principles all purchases must satisfy the requirements of Financial Regulations and Contract Standing Order number 58. Environmental considerations are only part of the purchasing process.

The Council's Purchasing Policies therefore are where possible:

a) **To purchase goods and services with the lowest environmental impact evaluated over a product or services life cycle.**
b) **To buy products that contain recycled materials as part of their content, if available**.

It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.

REVIEWED and APPROVED by Council on 6th December 2010.