



Lanreath Parish Council Standing Orders

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Contents

INTRODUCTION	2
1. COUNCILLORS	3
2. ANNUAL MEETINGS	3
3. MEETINGS	4
4. FINANCE	5
4.1 Responsible Finance Office (RFO)	5
4.2 Estimates and Precept	5
4.3 Income and Expenditure	5
4.4 Accounting and Audit	5
4.5 Banking Arrangements and Cheques	6
4.6 Loans and Investments	6
4.7 Contracts and Purchase Orders	6
4.8 Assets	7
4.9 VAT	7
5. INSURANCE	7
6. RISK ASSESSMENT	7
7. FREEDOM OF INFORMATION	7
8. CLERK TO THE COUNCIL	7
9. COMMITTEES AND TASK-AND-FINISH GROUPS	8
11. ALTERATION OR REVERSAL OF PREVIOUS DECISIONS	8
12. Standing Orders	8
ANNEX A – PROCEDURE FOR ADOPTING COUNCILLORS	9

INTRODUCTION

These Standing Orders are the written rules of Lanreath Parish Council. They are used to confirm the Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the Council policies but they may refer to them.

The Lanreath Parish Council (known in this document as the Council) has ultimate responsibility for all decisions made.

The Council will consist of 10 Councillors with the Parish Clerk in attendance unless otherwise specified.

Standing orders for the organisation and transaction of Council's business are decided by Full Council. A committee or sub-committee may decide its own standing orders if its appointing body (which is the Council in the case of a committee or a committee in the case of a sub-committee) has not made standing orders which apply to them.

The standing orders in **bold type** should not be ignored or substantively amended as these reflect statutory requirements, unless there are changes to the legislation from which they are derived.

The Council must have standing orders for the procurement of contracts.

These Standing Orders do not include financial regulations. The Lanreath Parish Council Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of the Council. The financial regulations, as opposed to the standing orders of the Council, include most of the requirements relevant to the Responsible Financial Officer.

1. COUNCILLORS

- 1.1. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council, or of a Councillor who has been specifically designated by the Council for this purpose.
- 1.2. All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.
- 1.3. The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity.
- 1.4. Where a vacancy for a Councillor falls between statutory elections the procedures detailed in Annex A to these Standing Orders shall apply.

2. ANNUAL MEETINGS

- 2.1. If the Annual Meeting is in an election year it must be held within 14 days after that election. If it is not an election year, then the annual meeting will take place on an appropriate day in May.
- 2.2. If the outgoing Chairman is available, then he/she will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman (and Vice Chairman, if appropriate) and to receive their acceptance of office.
- 2.3. The retiring Chairman will report on the activities of the Council for the preceding year.
- 2.4. Following the election of the Chairman of the Council and Vice-Chairman (if any), the business of the annual meeting shall include:
 - i) Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - ii) Review of the terms of reference for committees;
 - iii) Appointment of members to existing committees;
 - iv) Appointment of any new committees;
 - v) Review and adoption of appropriate standing orders and financial regulations;
 - vi) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - vii) Confirmation of arrangements for insurance cover in respect of all insured risks;
 - viii) Review of the Council's and/or staff subscriptions to other bodies;
 - ix) Review of the Council's Policies

3. MEETINGS

- 3.1 **Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol. Where meetings are held in the Village Hall no alcohol shall be brought into the meeting area and consumed there during the course of the meeting by any person attending the meeting.**
- 3.2 An agreed frequency of meetings will be decided at the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post or by hand. The agenda may be delivered by email provided the Council has previously agreed to this. In any case the agenda must be issued at least three clear business days before the meeting.
- 3.3 **Public notices will be posted in conspicuous places informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting.**
- 3.4 **Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential. 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.**
- 3.5 Members of the public may speak at Council meetings at the discretion of the Chairman of the meeting.
- 3.6 A Councillor may propose an agenda item by providing written notice of its wording to the Clerk at least 6 clear days before the meeting.
- 3.7 The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman as appropriate. The agenda will always include an item to enable Councillors to declare interests. An opportunity for public questions will be made available immediately before the commencement of each meeting.
- 3.8 The Council may only take decisions on items clearly specified on the agenda; if agreed by the chairman, any urgent items which are not on the agenda may be discussed, but no decision may be made, at that meeting.
- 3.9 The Chairman of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chairman is not present, then the Vice Chairman will preside. If they are not present, then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.
- 3.10 The quorum for the Council will be one third of the total Councillor places but in any case not fewer than 3. If there be insufficient members present, then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.

- 3.11 If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.
- 3.12 Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.
- 3.13 In cases of equal votes, the Chairman (or other person presiding) will have a second or casting vote.
- 3.14 A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated will be draft minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.
- 3.15 With regard to planning applications if there is a personal interest a statement can be made to the Parish Council meeting but then the person must leave the meeting while discussions take place in accordance with the Council's Code of Conduct.

4. FINANCE

4.1 Responsible Finance Office (RFO)

- 4.1.1 The Responsible Finance Officer is a statutory office and appointed by the Council. The Clerk of the Council will take on this role of managing the Council's financial affairs in accordance with Proper Practices.

4.2 Estimates and Precept

- 4.2.1 The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the end of November in preparation for the precept being agreed, and submitted to the Collection Authority in January. During the year the budget will be reviewed against actual expenditure and income. Amendments to the budget will be discussed in Council and changes minuted.

4.3 Income and Expenditure

- 4.3.1 The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant underspends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Underspent revenue will be identified and earmarked to reserves by a Council resolution.

4.4 Accounting and Audit

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

- 4.4.2 The RFO will complete the annual financial statements of the Council including the annual return as soon as practicable after the end of the financial year and will submit and report on them to the Council. The Council will review each year and ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures in line with Proper Practice.
- 4.4.3 An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practice. The person appointed will be competent and independent of the operation of the Council.
- 4.4.4 The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.

4.5 Banking Arrangements and Cheques

- 4.5.1 The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.
- 4.5.2 A resolution of the Council will nominate at least three members to be authorised by the Council to sign cheques.
- 4.5.3 All items of expenditure will be authorised by the Council and the payments approved. The RFO will examine invoices and verify and certify the expenditure.
- 4.5.4 Wherever possible, payments will be made using the Bankers Automated Clearance System (BACS) through online banking following the procedures outlined in Annex A of the Council's Financial Regulations.
- 4.5.5 Where payments are made by cheque, the cheques shall be signed by two authorised Councillors.
- 4.5.6 Any utility bill may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

4.6 Loans and Investments

- 4.6.1 All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.
- 4.6.2 All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These terms must be reviewed annually.
- 4.6.3 All investments of money under the control of the Council will be in the name of the Council and all certificates or other documents will be retained by the RFO.

4.7 Contracts and Purchase Orders

- 4.7.1 An official order or letter will be issued for all work or service paid for by the Council. All Councillors and officers are responsible for obtaining good value for money at all times. An officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction.

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

4.7.3 All estimates will be approved by the Council; while the Council is not obliged to accept the lowest quotation the reasons for accepting the quotation will be recorded.

4.8 Assets

4.8.1 The RFO will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed at least annually, in conjunction with a health and safety inspection of assets if appropriate.

4.9 VAT

4.9.1 The RFO will promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1974 section 33 will be made at least annually coinciding with the financial year.

5. INSURANCE

5.1 Following the annual risk assessment the Council will review the level of insurance cover and ensure it is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.

6. RISK ASSESSMENT

6.1 A risk assessment will be undertaken annually of all the activities of the Council and a report approved by the Council. This assessment will also cover the appropriateness of the internal audit arrangements. The Risk Assessment will be reviewed annually.

6.2 If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

7. FREEDOM OF INFORMATION

7.1 The Council is subject to the Freedom of Information Act and has adopted the Model Publication Scheme for Parish Councils. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents.

8. CLERK TO THE COUNCIL

8.1 The Council may appoint a number of employees to assist it in the performance of its duties. The Council will appoint a Clerk to the Council which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.

8.2 The Clerk will act as the Proper Officer of the Council, and he/she will: receive the Declarations of Acceptance of Office and notices disclosing interests; sign documents on behalf of the Council and issue agendas and notices of meetings;

receive and distribute plans and documents on behalf of the Council; and also advise the bank of changes to mandates with the bank.

- 8.3 The Clerk will act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.
- 8.4 As an employee of the Council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Chairman or designated Councillor acting with the authority of the Council.

9. COMMITTEES AND TASK-AND-FINISH GROUPS

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

10. EMERGENCY BUSINESS

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

11. ALTERATION OR REVERSAL OF PREVIOUS DECISIONS

- 11.1 Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council.

12. Standing Orders

- 12.1 These and any other standing orders will be reviewed annually by the Clerk and the Chairman, and any amendments will be decided by the Council.
- 12.2 During the course of meetings of the Council, the Chairman's decision as to the interpretation of the standing orders will be final.
- 12.3 The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.

ANNEX A – PROCEDURE FOR ADOPTING COUNCILLORS

Where a vacancy for a Councillor falls between statutory elections the following procedures shall apply:

- a) All resignations from the Parish Council must be made in writing to the Chair of the Parish Council. Once received that resignation cannot be withdrawn.
- b) When a vacancy occurs, the Parish Clerk shall notify Electoral Services at Cornwall Council as soon as possible with the details of which Councillor has caused the vacancy.
- c) The vacancy must then be advertised on the Parish Notice Board for a period of 14 working days excluding bank holidays and weekends).
- d) During this time, an election can be requested by 10 electors from the electoral area in writing to Electoral Services at Cornwall Council. The request must be received by the last date on the notice of vacancy for an election to be held.
- e) If the 14 days have passed and an election has not been requested by ten electors, the Parish Council will be informed that they can co-opt a suitable person onto the council to fill the vacancy.

Co-opting Procedure:

- a) The vacancy on the Council may be proposed for co-option by a motion moved by a councillor in accordance with Section 3.12 of these Standing Orders.
- b) Where a motion moved in a) above is approved, a notice of the vacancy for co-option will be issued by the Parish Clerk, posted on the Lanreath Parish Notice Board and on the parish council website and published in the local newsletter, where applicable.
- c) A period of 4 weeks from the date of publication of the notice in b) above will be allowed for applications for the vacant position.
- d) A motion to review the application may be moved for the Council meeting immediately following the closure of the notice period. The motion may propose:
 - i) To move discussion into Part 2, to be held in private with the public excluded;
 - ii) In the case of a single applicant, to approve the application; or
 - iii) In the case of more than one applicant, to proceed with interviews of the applicants with a proposed set of interview questions.
 - iv) In the case of more than one applicant to propose calling an independent witness to attend the interview
- e) Where a motion to proceed with an interview of the candidates is approved the following shall apply:
 - i) The interviews shall be held at an ordinary or extra-ordinary meeting of the Council;

- ii) The applicants will be given at least 14 days' notice of the interview and the location of the meeting;
- iii) The interviews shall be held in private (i.e. public excluded);
- iv) The applicants shall be interviewed in alphabetical order;
- v) All applicants will be asked to respond to the same interview questions;
- vi) At the end of the interviews the Parish Council will meet briefly discuss the responses from each applicant in alphabetical order and no other issues may be discussed;
- vii) The Chairman or in his absence, the Vice-Chairman will call a vote;
- viii) If so proposed by one or more Councillors, the vote shall be by secret ballot;
- ix) Each Councillor shall vote for the applicant that they consider will bring the greatest benefit to the Parish and to the work of the Parish Council based only on the applicant's responses to the interview questions;
- x) The Proper Officer shall count the votes cast;
- xi) Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- xii) The nomination for the co-opted position shall be decided in favour of the person having received the majority of votes cast;
- xiii) Each applicant will be informed of the decision the following day by the Proper Officer; and
- xiv) The successful applicant shall be invited to the next Council meeting to be declared co-opted to the Council and requested to sign the Declaration of Acceptance of Office to agree to be bound by the Code of Conduct.