

# Standing Orders for Swanbourne Parish Council

Adopted January 2020

## Introduction

These are the written rules of a Parish Council and are essential to regulate the proceedings of a meeting. These Standing Orders follow the guidelines provided by the NALC model Standing Orders (2018).

In addition to these Standing Orders, Swanbourne Parish Council has also adopted and adheres to a Code of Conduct for Parish Councillors and employees which can be found on the Parish Council website.

A Parish Councillor is required: (i) not to allow personal or financial interests to influence their conduct; (ii) exercise independent judgment and not compromise his/her position relating to the influence of others; (iii) listen to the interests of all parties, including advice/information from statutory and professional officers, remaining objective and making decisions on merit; (iv) be accountable for their decisions and actions and to co-operate when scrutinised (including by local residents).

## 1. Meetings of the Parish Council

**a.** The Council shall appoint a Proper Officer (the Parish Clerk) or a Parish Councillor (temporarily) to undertake the work of the Parish Clerk when he/she is absent.

The Proper Officer shall:

- Inform Councillors (in writing) of the time, place and the Agenda with at least three clear days before a meeting of the Parish Council
- Provide a public notice of the meeting time, place and Agenda;
- Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;
- Facilitate inspection of the minutes by local government electors;
- Receive and retain copies of byelaws made by other local authorities.

**b.** Meetings will be held in appropriate, accessible accommodation (normally Swanbourne Village Hall). Meetings shall not take place in premises which are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.

**c.** An agreed frequency of meetings will be agreed at the AGM and Councillors will be advised of the meetings by email at least three clear business days before each meeting. The minimum three clear days does not include 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, public thanksgiving or mourning.

**d.** Public notices will be posted in accessible places (including Swanbourne Newsletter and the Parish Council website) 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 (not including the day it was issued).

**e.** 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.

**f.** Members of the public may speak at Council meetings at the discretion of the Chair of the meeting.

**g.** An Agenda for the meeting will be agreed by the Clerk and Chair as appropriate. The Agenda will always include an item to enable Councillors to declare interests.

**h.** The Council may only take decisions on items clearly specified on the Agenda; if agreed by the Chair, any urgent items which are not on the Agenda may be discussed, but no decision may be made, at that meeting.

**i.** The Chair of the Council, if present, shall preside at a meeting and will be responsible for the conduct of that meeting. If the Chair is absent from a meeting, a Councillor (as chosen by the Councillors present at the meeting) shall chair the meeting.

**j.** Quorum for the Council: no business may be transacted at a meeting unless at least three members of the Council are present. If a meeting is or becomes inquorate no business shall be transacted.

**k.** Voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. 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. All questions at a meeting shall be decided by a majority of the Councillors present and voting.

**l.** In cases of equal votes the Chair (or other person presiding) will have a Second or casting vote.

- m.** A minute of the meeting will be kept by the Parish 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.
- n.** Planning applications - if there is a personal interest a statement can be made to the Parish Council meeting but then the person must not take part in discussions that take place.
- o.** Reporting - a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings and other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- p.** A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- q.** The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- r.** The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- s.** A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

## **2. VILLAGE COMMITTEES**

- a.** At least one Parish Councillor or the Parish Clerk will act as liaison officer with the Swanbourne Playing Fields Committee, Swanbourne Community Association and the Village Hall Committee.
- b.** It will not be Council policy to appoint sub-committees, but the Council can approve advisory committees which may consist of non-Councillors.

## **3. ANNUAL MEETING (AGM) OF THE COUNCIL**

- a.** In an election year, the annual meeting (AGM) of the Council shall be held on or within 14 days following the day on which the Councillors elected take office.
- b.** In a year which is not an election year, the AGM of the Council shall be held on such day in May as the Council decides.
- c.** If no other time is fixed, the AGM of the Council shall take place at 7pm.
- d.** In addition to the AGM of the Council, at least three other ordinary Parish Council meetings shall be held in each year on such dates and times as the Council decides.
- e.** The first business conducted at the annual meeting of the Council shall be the election of the Chair of the Council.
- f.** The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the AGM until his successor is elected at the next AGM of the Council.
- g.** In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- h.** In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the AGM until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and a casting vote in the case of an equality of votes.
- i.** Following the election of the Chair of the Council, the business shall include, in an election year, delivery by the Chair of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office forms unless the Council resolves for this to be done at a later date.

## **4. ANNUAL PUBLIC MEETING (PARISH ASSEMBLY)**

- a.** The Parish Council will hold an annual public meeting in the Village Hall, known as the Parish Assembly during May each year, starting at 7pm.

## **5. EXTRAORDINARY MEETINGS OF THE COUNCIL, AND ADVISORY COMMITTEES**

- a.** Timing - The Chair of the Council may convene an extraordinary meeting of the Council at any time.

**b. Requests** - If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.

## **6. MANAGEMENT OF INFORMATION**

**a. Retention** - The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

**b. Agenda** - The agenda, supporting papers and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

**c. Confidentiality** - Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

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

## **7. CODE OF CONDUCT - DISPENSATIONS**

**a.** Unless he has been granted a dispensation, a Councillor (at the discretion of the Chair) shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had an interest. A Councillor may at the discretion of the Chair withdraw from a meeting when it is considering a matter in which he has another interest. He may return to the meeting after it has considered the matter in which he had the interest.

**b.** Dispensation requests shall be in writing and submitted to the Proper Officer.

**c.** A dispensation may be granted if having regard to all relevant circumstances any of the following apply: (i) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; (ii) granting the dispensation is in the interests of persons living in the Council's area; or (iii) it is otherwise appropriate to grant a dispensation.

## **8. CODE OF CONDUCT - COMPLAINTS**

The Code of Conduct is published on the Parish Council's website: [www.swanbourneparishcouncil.co.uk](http://www.swanbourneparishcouncil.co.uk)  
Complaints by a member of the public concerning a Parish Councillor may be expressed by contacting the Chairman in writing/email. If not resolved to the satisfaction of the complainant, the Buckinghamshire Council on-line complaints form may be submitted. The matter will then be investigated by the Buckinghamshire Council Standards Committee. Upon notification that a Councillor has breached the Council's Code of Conduct, the Council shall consider any action to take against him (action excludes disqualification or suspension).

## **9. ACCOUNTS AND ACCOUNTING STATEMENTS**

**a.** The Responsible Financial Officer (Parish Clerk) shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

**b.** Immediately after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's income and expenditure (or receipts and payments) for the last quarter and the year to date for information; and
- ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

**c.** The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance

statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **10. FINANCIAL REGULATIONS**

- a.** Council will consider and approve financial matters drawn up by the Responsible Financial Officer as follows:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b.** Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c.** A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).
- d.** Tenders – The Council is not bound to accept the lowest value tender.
- e.** High value contracts - Public contracts regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 will follow procedures as detailed in the NALC model Standing Orders (2018) para. 17(f) and para. 17(g).

## **11. RESPONSIBILITIES TO PROVIDE INFORMATION**

- a.** In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b.** If gross annual income or expenditure (whichever is higher) does not exceed £25,000, the Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations (2015).

## **12. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION (GDPR)**

- a.** The Council may choose to appoint a Data Protection Officer (if deemed necessary).
- b.** The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c.** The Council shall have a written policy in place for responding to and managing a personal data breach.
- d.** The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e.** The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f.** The Council shall keep a record of its processing activities.

## **13. EXECUTION OF LEGAL DEEDS**

- a.** A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b.** Any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **14. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a.** Unless duly authorised no Councillor shall: (i) inspect any land and/or premises which the Council has a right or duty to inspect; or (ii) issue orders, instructions or directions.

## **15. STANDING ORDERS GENERALLY**

- a.** All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b.** The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- c.** The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.