

UFTON NERVET PARISH COUNCIL

Standing Orders

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General

- 1 All or part of a standing order ("SO"), except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 2 A motion to add to, vary or revoke one or more of the Council's standing orders that does not incorporate mandatory statutory requirements may be proposed by a special motion. A written notice signed by at least three Councillors must be given to the Proper Officer at least 14 clear days before the meeting.
- 3 The Proper Officer (Clerk) shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he/she has delivered his/her acceptance of office form.
- 4 The decision of the chairman of a meeting ("Meeting Chairman") as to the application of standing orders at the meeting shall be final.

Meetings

Annual Council meetings

- 5 The Annual Meeting of the Council will be held on such day in May as the Council may direct. In an election year, this will be not more than 14 days following the day on which the new Councillors elected take office.
- 6 The first business conducted at the Annual Meeting of the Council will be the election of the Chairman of Council and Vice-Chairman of Council.
- 7 The Chairman of Council, unless he/she has resigned or becomes disqualified, will continue in office and preside at the Annual Meeting until his/her successor is elected.
- 8 The Vice-Chairman of Council, unless he/she resigns or becomes disqualified, will hold office until immediately after the election of the Chairman of Council at the Annual Meeting.
- 9 In an election year, if the current Chairman of Council has not been re-elected as a member of the Council, he/she shall preside at the Meeting until a successor Chairman of Council has been elected. The current Chairman of Council shall not have an original vote in respect of the election of the new Chairman of Council but must give a casting vote in the case of an equality of votes.
- 10 Following the election of the Chairman of Council and Vice-Chairman of Council at the Annual Meeting of the Council, the business of the Annual Meeting will include:
 - (a) In an election year, delivery by the Chairman of Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date;
 - (b) In a year which is not an election year, delivery by the Chairman of Council of his/her acceptance of office form unless the Council resolves for this to be done at a later date;
 - (c) Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - (d) Establishment of any new/dissolution of any existing standing Committee in accordance with SO 42;
 - (e) Appointment of members to Committees;

- (f) Suspension of the Annual Meeting in order to allow each Committee to meet so that the Committee members may elect a Chairman of that Committee;
- (g) Appointment of Parish Council representatives to outside bodies and Committees;
- (h) Review and adoption of appropriate standing orders and financial regulations;
- (i) Confirmation of arrangements for insurance cover in respect of all insured risks;
- (j) Agree or otherwise a schedule for review of:
 - (i) arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - (ii) inventory of land and assets including buildings and office equipment;
 - (iii) the Council's and/or staff subscriptions to other bodies;
 - (iv) the Council's complaints procedure;
 - (v) the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and
 - (vi) the Council's policy for dealing with the press/media.

Ordinary Council meetings

- 11 In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- 12 Meetings of the Council shall normally be held four times each year in January, March, May and September.
- 13 An invitation to attend a meeting of the Council shall be sent, together with the agenda and past minutes, to the ward Councillor(s) of the West Berkshire Council.

Extraordinary Council meetings

- 14 The Chairman of Council may convene an Extraordinary Meeting of the Council at any time.
- 15 An Extraordinary Meeting of the Council must be called by the Chairman of Council within seven days of having been requested in writing to do so by any two Councillors. If the Chairman of Council does not, or refuses to, call an Extraordinary Meeting of the Council following such a request, any two Councillors may convene an Extraordinary Meeting of the Council. The public notice giving the time, place and Agenda for such a meeting must be signed by the two Councillors.

Conduct of Council and Committee meetings

- 16 The Chairman of Council/Chairman of a Committee, if present, will preside at a meetings of the Council/Committee respectfully as the Meeting Chairman. If the Chairman is absent from a meeting, the Vice-Chairman of Council/Committee (where appointed), if present, will preside. If both the Chairman and the Vice-Chairman are absent from a meeting, the Councillors present at the meeting will elect a Meeting Chairman.

- 17 Business will follow the order on the published agenda but the order may be changed at the discretion of the Meeting Chairman.
- 18 Items requiring a substantive decision must be formally proposed and seconded by Councillors and voted on by a show of hands. The decision will be determined by a simple majority of those present and in the event of a tie the Meeting Chairman will have the deciding vote.
- 19 Proposals subject to a vote will be recorded in the minutes as adopted or not adopted and as either unanimous or by a majority. Individual Councillor's votes will not be recorded but in the event of a majority decision any Councillor dissenting from the majority view may, on request, have that fact recorded in the minutes by a form of words such as: "The proposal was adopted by a majority, Cllr X dissenting".
- 20 In the event of improper or disorderly conduct by anyone present at a meeting the Meeting Chairman may suspend or close the meeting.
- 21 Three clear days' notice will be given of a meeting. Not included in the three days are the day the notice is given, the day of the meeting, a Sunday or a bank holiday.
- 22 Meetings will be open to members of the public unless the business to be discussed is of such a nature that their presence would not be in the public interest or for any other special reason. The decision to exclude members of the public from all or part of a meeting will be subject to a vote of the members and the decision, and the reasons for it, will be recorded in the minutes.
- 23 The media will 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.
- 24 A person present may not orally report or comment about a meeting as it takes place.
- 25 A quorum will be one-third of the total number of voting members, subject to a minimum of three. If a quorum is not achieved the meeting will be closed and the business adjourned to another date.
- 26 Any person 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/her right to participate and vote on that matter.

Handling confidential or sensitive information

- 27 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 28 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

Minutes

- 29 If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, or earlier, they shall be taken as read.
- 30 There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.

- 31 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by vote and shall be signed by the Meeting Chairman and stand as an accurate record of the meeting to which the minutes relate.
- 32 If the minutes have been confirmed as accurate but the Meeting Chairman does not consider them to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- 33 The minutes of the meeting will include an accurate record of the following:
- (a) the time and place of the meeting;
 - (b) the names of Councillors present and absent;
 - (c) interests that have been declared;
 - (d) whether anyone with voting rights left the meeting when matters they held an interest in were being considered;
 - (e) if there was public participation;
 - (f) the decisions made.

Attendance by the public

- 34 Members of the public may make representations at a meeting but only during the time allowed at the beginning of the meeting. The period of time for such representations will not exceed 10 minutes unless the Meeting Chairman directs otherwise.
- 35 Only one person is permitted to speak at a time. If more than one person wants to speak, the Meeting Chairman will direct the order of speaking.
- 36 A person who speaks at a meeting will direct his/her or her comments to the Meeting Chairman.
- 37 After the period allowed for public representations, members of the public may, if so decided by the Meeting Chairman, answer Councillors' questions and give evidence in respect of the business on the agenda.
- 38 A member of the public shall not speak for more than 3 minutes unless permitted by the Meeting Chairman.
- 39 Where a number of people wish to speak on the same subject they must elect a spokesman to represent the group.
- 40 A question from a member of the public need not be given a response at the meeting nor start a debate on the question. The Meeting Chairman may direct that a written or oral response be given.

Committees

- 41 The Council may appoint standing Committees or other Committees as may be necessary, and:
- (a) determine their terms of reference;

- (b) permit a Committee to determine the number and time of its meetings;
 - (c) appoint members of such a Committee;
 - (d) after it has appointed the members of a standing Committee, the Chairman of the standing Committee shall be agreed by the standing Committee members, and if an agreement cannot be reached, the Chairman of the Council will appoint whoever he sees fit.
 - (e) determine the place, notice requirements and quorum for a meeting of a Committee which shall be no less than three.
 - (f) permit members of the public to make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the Agenda, subject to the same rules as for general Council meetings;
 - (g) dissolve a Committee.
- 42 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 Meeting Chairman.
- 43 Committee meetings will be conducted according to the standing orders on conduct of meetings, as above.

Planning Committee

- 44 There is no formal Planning Committee and it is formed of the whole Council who will meet as and when necessary with regards to planning matters.
- 45 The Parish Council exercises its right to be notified by West Berkshire Council of planning applications in its area but is not a statutory consultee in the planning process and has no other special rights over and above those enjoyed by any member of the public. Planning meetings will, therefore, not normally be conducted in public. The Council cannot approve or reject applications but has the options “object”, “no objection” and “support”. There is no obligation on the Council to respond to a notification and a fourth option is simply not to do so.
- 46 In order to meet the timescale for a response, Councillors will normally be informed by email of any applications for planning consent notified to the Council by West Berkshire Council unless a scheduled full Council meeting falls within the required time allowed for response, when the application(s) may form part of the agenda for that meeting.
- 47 A formal Planning meeting will only be convened if requested by at least two Councillors. If at least two Councillors do not request a meeting the decision will be considered to be “no objection”.
- 48 If a formal meeting of the Council is requested by at least two Councillors, membership will be drawn from those Councillors available at the time, subject to the normal rule on a quorum.
- 49 In matters of exceptional local interest, the Council may decide at its discretion to hold a formal Planning meeting in public. Such a meeting will be conducted under the same rules as for a full general meeting of the Council. While members of the public may make representations, any decision arrived at will be that of the Council alone.
- 50 Site visits may be conducted and will form part of the relevant Planning meeting.

51 When a decision is made to comment on an application, the substance of that comment will form part of the minutes of the meeting at which the decision is made and available on the parish website. The detailed wording of the comment will be placed in the public domain via the West Berkshire Council planning portal.

If a planning application is to be considered at a meeting of the West Berkshire Council Planning Committee or a subsequent appeal, the Parish Council may decide to attend and comment at that meeting or appeal hearing. The Council's submission will be based on the original comments but may also include other material facts that have since come to light. The detail of the submission is for the Council to determine.

Finance Committee

52 There is no formal Finance Committee and it is formed of the whole Council.

Code of Conduct

53 All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.

54 Unless authorised by a resolution, no Councillor shall:

- (a) inspect any land and/or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions.

55 Unless granted a dispensation, Councillors or non-Councillors with voting rights must withdraw from a meeting when it is considering a matter in which they have a Disclosable Pecuniary Interest (DPI). They may return to the meeting after it has considered the matter in which they had the interest.

56 Unless granted a dispensation, Councillors or non-Councillors with voting rights will withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they had the interest.

Dispensations

57 Dispensation requests must be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

58 A dispensation request shall confirm:

- (a) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- (b) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- (c) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- (d) an explanation as to why the dispensation is sought.

- 59 A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.
- 60 Dispensation requests will be considered at the beginning of the meeting of the Council, for which the dispensation is required.
- 61 A dispensation may be granted if having regard to all relevant circumstances the following applies:
- (a) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business, or
 - (b) granting the dispensation is in the interests of persons living in the Council's area, or
 - (c) it is otherwise appropriate to grant a dispensation.

Code of Conduct complaints

- 62 Upon notification by West Berkshire Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer will, subject to standing orders concerning confidential or sensitive information, report this to the Council.
- 63 Where the notification relates to a complaint made by the Proper Officer, the Proper Officer will notify the Chairman of Council of this fact, and the Chairman of Council will nominate another staff member or Councillor to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take.
- 64 The Council may:
- (a) provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - (b) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 65 Upon notification by the West Berkshire Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, immediate action to take. Such action excludes disqualification or suspension from office.

The Proper Officer and Responsible Financial Officer

- 66 The Proper Officer and Responsible Financial Officer is the Clerk, or a Councillor nominated and elected by the Council to undertake the work when the Clerk is absent.
- 67 The Proper Officer will:
- (a) at least three clear days before a meeting of the Council, serve on Councillors a summons, by email, confirming the time, place and the agenda.
 - (b) give public notice (on the Council's notice board and website) of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);

- (c) convene a meeting of full Council for the election of a new Chairman of Council, occasioned by a casual vacancy in the office;
- (d) facilitate inspection of the minute book by local government electors;
- (e) receive and retain copies of byelaws made by other local authorities;
- (f) retain acceptance of office forms from Councillors;
- (g) retain a copy of every Councillor's Register of Interests;
- (h) respond to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with, and subject to, the Council's policies and procedures;
- (i) receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- (j) manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- (k) arrange for legal deeds to be executed;
- (l) arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations;
- (m) refer a planning application received by the Council to the Chairman of Council or in his/her absence Vice-Chairman of Council (if any) within two working days of receipt;
- (n) manage access to information about the Council via the website.

Finance

- 68 "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- 69 All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.

Accounts and accounting statements

- 70 The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 28 February, 30 April, 31 August and 31 December in each year a statement to summarise:
- (a) the Council's receipts and payments for each quarter;
 - (b) the Council's aggregate receipts and payments for the year to date;
 - (c) the balances held at the end of the quarter being reported
 - (d) a comparison with the budget for the financial year highlighting any actual or potential overspends.
- 71 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- (a) a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
- (b) the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.

72 The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (income and expenditure) for a year to 31 March. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council, if practicable, for consideration and formal approval before 31 May.

Financial controls

73 The Council will consider and approve financial regulations drawn up by the Responsible Financial Officer, which include detailed arrangements in respect of the following:

- (a) the keeping of accounting records and systems of internal controls;
- (b) the assessment and management of financial risks faced by the Council;
- (c) 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;
- (d) the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
- (e) procurement policies including the setting of values for different procedures where a contract has an estimated value of less than £2,000.

74 Financial regulations will be reviewed regularly and at least annually for fitness of purpose.

Procurement

75 Financial regulations will confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £2,000 shall be procured on the basis of a formal tender.

76 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 (for the time being) comply with EU procurement rules.

The tender process

77 Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works will include, as a minimum, the following steps:

- (a) a specification for the goods, materials, services or the execution of works;
- (b) an invitation to tender to confirm:
 - (i) the Council's specification;

- (ii) the time, date and address for the submission of tenders;
 - (iii) the date of the Council's written response to the tender; and
 - (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process.
- (c) advertisement of the invitation to tender in a local newspaper and in any other manner that is appropriate;
 - (d) submission of tenders in writing in a sealed, marked envelope addressed to the Proper Officer;
 - (e) consideration of tenders and selection of the successful one.
- 78 Tenders will be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed.
- 79 Tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee or sub-Committee with delegated responsibility.
- 80 Neither the Council, nor a Committee or a sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

Staff matters

- 81 A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing orders on handling confidential or sensitive information.
- 82 The Chairman of Council or in his/her absence, the Vice-Chairman of Council will conduct an annual appraisal of the performance of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the full Council.
- 83 Any persons responsible for all or part of the management of staff will treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure

Grievance procedure

- 84 Formal or informal grievances will be reported to and dealt with by the Council.
- 85 An employee with a grievance will contact the Chairman of Council, or in his/her absence the Vice-Chairman of Council, in respect of the matter.
- 86 If a grievance relates to the Chairman or Vice-Chairman of Council, it will be communicated to another member of the Council.

Requests for information

- 87 Requests for information held by the Council will be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 88 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of Council. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

- 89 Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.