

## A: The Council's Decision Making Structure

1. The Council and its committees and officers will make decisions in accordance with the Authority's standing orders, policies and governing principles which are as follows:
  - a. Creating and implementing a parish plan for Tollerton
  - b. Focusing on outcomes for the people of Tollerton
  - c. Upholding high standards of conduct and behaviour
  - d. Taking informed and transparent decisions
  - e. Engaging with local people and other stakeholders
  - f. Using the general power of competence to respond effectively and innovatively to community needs
  - g. Considering opportunities to provide services devolved from other Councils and partners
2. All decisions of the Council are taken either at a full meeting of the Parish Council involving all 9 parish councillors or by committees and sub committees of the Council. The Council will publish an annual schedule of meetings.
3. Councillors collectively are the ultimate policy makers and have adopted a Code of Conduct to ensure the highest standards are maintained. This is set out in Part D of these standing orders.
4. The Council elects a Chairman and Vice-Chairman of the Council annually. They will carry out the formal and ceremonial duties of the Council, chairing the annual parish meeting, meetings of the full Parish Council and represent the Authority at civic functions.
5. The Council employs a principal officer and staff to carry out its functions as set out in the organisation structure. The Council, Committees and Sub Committees may delegate decision making to staff. There is a legal requirement to allocate some specific responsibilities to officers. The Council has designated specific responsibilities to the following posts, in the absence of a post holder the Chairman and Vice Chair of the Parish Council will temporary fulfil the responsibilities:
  - a. Proper Officer: The Principal Officer -ie the Executive Officer and Parish Clerk
  - b. Responsible Financial Officer (RFO): Finance Officer and Deputy Parish Clerk (deputises as the proper/principal officer)

## Annual Parish Meeting

6. The parish council will organise an annual meeting of the parish to consider local activities and current issues. The annual parish meeting is not a meeting of the parish council and the procedure rules for meetings of the parish council will not be applied unless the meeting agrees to use them. The meeting will be held between 1 March and 1 June every year.

## Annual General Meeting of the Parish Council

7. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office. In a year that is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
8. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council. The chairman and vice chairman of committees shall also be appointed at the meeting.
9. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. In an election year the current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
10. The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

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11. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:
- a. In an election year, delivery by councillors of their declarations of acceptance of office.
  - b. To receive apologies for absence
  - c. To receive declarations of interest
  - d. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive minutes of committees.
  - e. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - f. Agree the establishment of committees including terms of references, size and nominations for membership.
  - g. Review of representation on or work with external bodies and arrangements for reporting back.
  - h. Review and adoption of appropriate standing orders and financial regulations.
  - i. Review of any other arrangements, including any charters, with other local authorities, review of contributions made to expenditure incurred by other local authorities.
  - j. Review of assets register including inventory of land, buildings and office equipment, maintenance contracts and risks.
  - k. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - l. Review of the Council's and/or employees' memberships of other bodies.
  - m. Establishing or reviewing the Council's procedures including complaints, handling requests made under the Freedom of Information Act 2000 and Data Protection legislation, policy for dealing with the press/media
  - n. Reviewing the dates, times and place of ordinary meetings of the full Council for the year ahead

## Ordinary meeting of the Parish Council

12. Meetings of the Parish Council will normally be held on the first Wednesday every calendar month unless the Council decides otherwise or unless otherwise specified in the notice of meeting following consultation with the Chairman. The order of business for all meetings of the parish council (including ordinary meetings, committee and sub committees) shall be as follows:
- a. Appointment of a member to chair the meeting if the chairman and vice chairman of the meeting are not present.
  - b. To receive apologies for absence
  - c. To receive declarations of interest
  - d. Confirmation of the accuracy of the minutes of the last meeting and to note minutes of committees or subcommittees.
  - e. Other scheduled items of business

## Committees and Sub-Committees of the Parish Council

13. The Council may appoint committees as may be necessary and:
- a. shall determine their terms of reference;
  - b. shall appoint and determine the term of office of non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - c. may appoint a chairman and vice chairman of the committee
  - d. may dissolve a committee at any time.
14. All 9 parish councillors shall be members of every committee unless they opt out by notifying the proper officer.
15. Committees will determine the dates of their meetings. Unless there is a Council resolution to the contrary, every committee may appoint sub-committees as necessary whose terms of reference and members shall be determined by resolution of the committee.
16. The Council will appoint a personnel committee with the terms of reference set out in the appendix to these standing orders.

## Working Groups

17. The Council may appoint advisory or working groups comprised of a number of councillors and non-councillors. Working or Advisory groups may consist wholly of persons who are non-councillors. Such groups are not decision making bodies but may make recommendations to meetings of the parish council (including committees and sub committees). Meetings will not ordinarily be attended by or minuted by the Clerk unless requested to do so.

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## **B: Transparency, access to information and meetings**

All meetings of the parish council (including annual general meeting, ordinary meetings, committee and sub committees) shall:

18. 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 that shall give reasons for the public's exclusion.
19. Be publicised with at least 3 clear days notice given of the meeting in a statutory public notice. 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 Council will normally seek to avoid a Saturday being included in the calculation of the notice period.
20. Not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
21. Provide an opportunity for members of the public to make representations, answer questions and give evidence in respect of any item of business included in the agenda. The period of time that is designated for public participation shall not exceed 15 minutes and
  - a. each member of the public shall be entitled to speak once only in respect of any business appropriate to the meeting and shall not speak for more than 5 minutes.
  - b. a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
  - c. the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
  - d. a record of issues raised at the public participation session of a meeting shall be included in the minutes of that meeting, without reference to specific contributors
22. Be recordable by the public. In the interests of transparency, any person wishing to record a meeting should inform the chairman before the start of the meeting and put the recording equipment on view. The recording should be confined to the meeting itself.
23. Provide reasonable facilities for the press for the taking of their report of all or part of a meeting at which they are entitled to be present.
24. Have a written record of the decisions made and the discussion that took place, referred to as the minutes. The draft minutes of the meeting will usually be published no later than 14 days following the meeting, but in any event before the next meeting.

### **Additional meetings**

25. The Chairman of the Council may convene an extraordinary meeting of the Council, Committee or sub-committee at any time. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the Chairman or two councillors as appropriate.
26. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 2 councillors, those two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the Chairman or two councillors as appropriate.

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## **C: Procedure Rules for Meetings of the Council**

The following procedure rules are applicable to all meetings of the parish council (including annual general meeting, ordinary meetings, committee and sub committees):

27. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting and shall be authorised to do anything that the chairman would be authorised to do.
28. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council or Committee or subcommittee are present and in no case shall the quorum of a meeting be less than 3. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
29. Any person speaking at a meeting shall address his comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
30. All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
31. Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any item shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. The minutes of a meeting shall record the names of councillors present and absent
32. The Chairman 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.
33. No meeting shall exceed a period of two hours and thirty minutes unless a request for a time limited extension, in order to conclude a debate or the agenda has been agreed. The proper officer and/or chairman shall inform the meeting when this period has been reached.
34. The following rules of debate shall be applied to all meetings of the parish council (including annual general meeting, ordinary meetings, committee and sub committees):
  - a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
  - b Subject to standing orders a motion shall not be considered unless it has been proposed and seconded.
  - c Subject to standings a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
  - d A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
  - e Any amendment to a motion shall be either:
    - i. to leave out words;
    - ii. to add words;
    - iii. to leave out words and add other words.
  - f A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
  - g Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
  - h Subject to Standing Orders, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
  - i Pursuant to standing orders, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.

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- j If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- k If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- l The mover of a motion or the mover of an amendment shall have a right of reply.
- m Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- n Subject to standing orders 6 (l) and (m) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- o During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order that he considers has been breached or specify the irregularity in the meeting about which he is concerned.
- p A point of order shall be decided by the Chairman, whose decision shall be final. The chairman may request the advice of the proper officer when considering any point of order.
- q With the consent of the seconder and/or of the meeting, the proposer may withdraw a motion or amendment. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- r Subject to standing order, when a councillor's motion is under debate no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory
- s In respect of standing order (iv) above, the Chairman shall first be satisfied that the motion has been seconded and sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. Any adjournment shall not prejudice the mover's right of reply at the resumption.
35. Motions in respect of the following matters may be moved without written notice.
- a. To appoint a person to preside at a meeting.
  - b. To approve the absences of councillors.
  - c. To approve the accuracy of the minutes of the previous meeting.
  - d. To correct an inaccuracy in the minutes of the previous meeting.
  - e. To dispose of business, if any, remaining from the last meeting.
  - f. To alter the order of business on the agenda for reasons of urgency or expedience.
  - g. To proceed to the next business on the agenda.
  - h. To close or adjourn debate or adjourn the meeting.
  - i. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - j. To appoint a committee or sub-committee or any councillors thereto.
  - k. To receive nominations to a committee or sub-committee.
  - l. To dissolve a committee or sub-committee.
  - m. To note the minutes of a meeting of a committee or sub-committee.
  - n. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - o. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - p. To authorise legal deeds to be signed by two councillors and witnessed.
  - q. To authorise the payment of monies up to £2500.
  - r. To amend a motion relevant to the original or substantive motion under consideration what shall not have the effect of nullifying it.

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- s. To extend the time limit for speeches.
- t. To exclude the press and public for all or part of a meeting.
- u. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- v. To give the consent of the Council if such consent is required by standing orders.
- w. To suspend any standing order except those which are mandatory by law.
- x. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- y. To answer questions from councillors.

## **Rescission of previous resolutions**

- 36. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 members of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- 37. When such a special motion or any other motion moved pursuant to the standing order above has been disposed of, no similar motion may be moved within a further 6 months.

## **Disorderly conduct**

- 38. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If, in the opinion of the Chairman, there has been a breach of this standing order, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- 39. If a resolution that a person be silenced or excluded from the meeting is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **Voting on appointments**

- 40. Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

## **Minutes**

- 41. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes may be raised in accordance with these standing orders.
- 42. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 43. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he 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 view was not upheld by the majority of the committee/council and the minutes are confirmed as an accurate record of the proceedings."

## **Variation, revocation and suspension of standing orders**

- 44. Any part of the standing orders, except those that are mandatory by law, may be suspended by resolution in relation to any specific item of business. A motion to permanently vary the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

## D: Rights and Responsibilities of Councillors

### Code of Conduct

45. Pursuant to section 27 of the Localism Act 2011, the council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council. This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
46. When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.
  - a. He/she shall behave in such a way that a reasonable person would regard as respectful.
  - b. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
  - c. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
  - d. He/she shall use the resources of the Council in accordance with its requirements.
  - e. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
47. All shall undertake training in the code of conduct is made available within 12 months of the delivery of their declaration of acceptance of office.

### Registration of interests

48. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Proper Officer and the Monitoring Officer of the principle authority any such interests as should be required.
49. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Proper Officer and the Monitoring Officer of the principal authority any such interests as should be required.
50. A member shall register with the Proper Officer and the Monitoring Officer of the principal authority any change to interests or new interests within 28 days of becoming aware of it.
51. A member need only declare the existence but not the details of any interest which the Monitoring Officer of the principal authority agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### Declaration of interests at meetings

52. Where a matter arises at a meeting which relates to a registered/pecuniary interest the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of the principal authority of it.
53. Where a matter arises at a meeting which relates to a registered/pecuniary interest which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Office of the principal authority, the member shall disclose he/she has an interest but not the nature of it.
54. Where a matter arises at a meeting which relates to a personal interest, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
55. A member only has to declare his/her personal interest if it has not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of the principal authority of it or if he/she speaks on the matter. If he/she holds a

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personal interest which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

56. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than a pecuniary interest), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **Dispensations**

57. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has a pecuniary or personal interest if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.
58. The Council has granted a dispensation to all members to participate in all discussions and vote on all matters where they have pecuniary interest arising from or relating to: public sector employment, voluntary or trustee roles with the Tollerton Community Trust and the Tollerton Flying Club Limited, the setting of council tax and the development of planning policy.

### **Allegations of breaches of the code of conduct**

59. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a committee known as the Code of Conduct Committee.
60. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Code of Conduct Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
61. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
62. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Code of Conduct Committee shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
- Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - Ensure that any background papers containing the information set out above are not made public.
  - Ensure that the public and press are excluded from meetings as appropriate.
  - Ensure that the minutes of meetings preserve confidentiality.
  - Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
63. These provisions should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Code of Conduct Committee) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
64. The Code of Conduct Committee shall have the power to:
- seek documentary and other evidence from the person or body with statutory responsibility or investigation of the matter;
  - seek and share information relevant to the complaint;
  - grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.

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65. References to a notification shall be taken to refer to a communication of any kind that relates to a breach or an alleged breach of the code of conduct by a councillor.

### **Access to information**

66. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
67. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.
68. Requests for information may be made to the Proper Officer, Principal Officer or RFO who will be expected to provide the information within 3 working days and no later than the next meeting of the Council. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature. A councillor in breach of these provisions may be removed from a committee or a sub-committee by a resolution of the Council.

### **Questions**

69. A councillor may seek an answer to a question concerning any business of the Council provided 6 clear days' notice of the question has been given to the Proper Officer.
70. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions. Every question shall be put and answered without discussion.

### **Requesting motions or item of business to be scheduled at meetings of the council**

71. Councillors may request a motion or item of business be included in the agenda of a meeting of the council by giving written notice of its wording to the Council's Proper Officer at least 6 clear days before the next meeting. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue that specifically affects the Council's area or its residents.
72. The Proper Officer may, before including a motion in the agenda received in accordance with the above standing order correct obvious grammatical or typographical errors in the wording of the motion.
73. If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 6 clear days before the meeting.
74. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
75. Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.

### **Unauthorised activities**

76. Unless authorised by a resolution from a committee, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

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- a. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - b. issue orders, instructions or directions or
  - c. incur expenditure except as set out in the financial regulations
77. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.
78. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
79. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

### Casual Vacancies

80. When a vacancy for a parish councillor arises, the proper officer will in consultation with the Chairman ensure that the appropriate notices are displayed for 14 working days in accordance with statutory requirements. Where no poll is called by 10 electors, the Council may seek to co-opt a parish councillor and will advertise the vacancy within the parish.
81. Following advertisement all Councillors will be provided with a copy of the applications forms received:
- all interested applicants may be invited to the next Parish Council meeting to introduce themselves to the Council
  - the Council may appoint an interview panel of Councillors who will carry out an interview and information session with each candidate to allow the candidate to ask any questions and inform them of what the role involves
82. Whilst it is not desirable to maintain a vacancy, the Parish Council is not obliged to co-opt to fill a vacancy. Even if the Council invites applications it is not obliged to select anyone from the candidates who apply. Any discussion on the appropriateness of applicants will not normally be conducted in public.
83. Each vacancy will be filled by a vote of series of votes. Voting will be in accordance with Standing Orders and will continue until one candidate has received an absolute majority of those councilors present. At this stage, the successful candidate will be declared co-opted.
84. Should no single candidate receive a majority on the first vote, the candidate with the lowest number of votes is eliminated. Voting will then take place for the remaining candidates until one person receives an absolute majority.
85. The successful candidate is then declared co-opted to the Parish Council and will be asked to sign a Declaration of Acceptance of Office and to join the meeting. The successful candidate is a Councillor in their own right and is no different to any other member; co-option is a legitimate form of election as part of the election process.

## **E: Financial Regulations**

86. These Financial Regulations shall govern the conduct of the financial transactions of the council and may only be amended or varied by resolution of the council.
87. The Council's financial regulations shall be reviewed once a year and will not normally be amended at other times. They may only be temporarily suspended by a resolution of an ordinary meeting of the parish council approved by at least two third of the whole number of members of the Council.
88. The Responsible Financial Officer shall advise the parish council on the application of the financial regulations and any necessary or appropriate revisions.
89. The Responsible Financial Officer and Proper Officer shall immediately advise the Chairman of the Parish Council and the next meeting of the Council of any alleged breaches, breaches or urgent changes required to the financial regulations.

### **Financial Management: Accounts and Financial Statement**

90. The Responsible Financial Officer shall maintaining effective accounting and banking arrangements and shall supply to each councillor as soon as practicable a statement summarising the Council's receipts and payments for each month.
91. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments and the balances held compared with the budget for the financial year.
92. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May.
93. The Statement of Accounts of the Council (which is subject to audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.
94. Any committee or subcommittee desiring to incur expenditure shall give the RFO a written estimate of the expenditure recommended for the coming year before the end of December.
95. The Council shall approve written estimates for the coming financial year at its meeting before the end of January and shall fix the Precept to be levied for the ensuing financial year.

### **Financial Control**

96. The Responsible Financial Officer shall be responsible for the maintenance of effective systems of financial control and shall recommend to the Council
  - i. Functions, services or contracts warranting audit
  - ii. The remit and appointment of an internal auditor
  - iii. A review of internal audit arrangements not less than every three years
  - iv. Any improvement, revision or addition to financial management or controls as might be necessary or reasonably required
97. The advice, recommendations and reports of any audit or auditor shall be brought to the attention of councillors and the Council. The Responsible Financial Officer and Proper Officer shall be responsible for reporting to the Council at the earliest opportunity the advice, recommendations and reports received from any audit, the internal auditor or external auditor.

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# Standing Orders of the Parish Council

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## Income

98. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO. Particulars of all charges to be made for work done, services rendered, rent or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
99. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance

## Contracts

100. Any expenditure incurred by the Council must be approved in advance by an ordinary meeting of the parish council except where the provisions set out in these financial regulations provide an alternative approval process. Approval of expenditure may be delegated to committees and subcommittees except as set out in the provisions of these financial regulations. Expenditure will normally be by cheque. The RFO may also use internet and telephone banking to make approved payments.
101. 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 the purchase of which shall be governed by the following principles:
- the optimum outcome for the Authority and the residents of Tollerton and
  - fair and equitable treatment for all potential suppliers
102. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purchases. Copies of orders issued shall be maintained
103. 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 direction of the council provided that these Standing Orders shall not apply to contracts which relate to items (a) to (d) below:
- for the supply of gas, electricity, water, sewerage and telephone services
  - for work to be executed or goods or material to be supplied which constitute an extension of an existing contract by the council
  - for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price
  - for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants (where agreed by the Council)
104. 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 (a - d) above with an estimated value:
- up to £1000 requires a written quotation to be sought
  - between £1000 and £20000 requires at least 3 written quotations to be sought
  - exceeding £20,000 in value, the RFO shall invite tenders from at least three suppliers.
105. Any formal tender process shall comprise the following steps:
- a specification of the goods, materials, services and the execution of works shall be drawn up;
  - tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least two members of the Council;
  - tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
  - Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

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## Standing Orders of the Parish Council

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- f. 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.
106. Any contract (revenue or capital) with an estimated value likely to exceed the lesser of any of the following values may only be decided by resolution of an ordinary meeting of the parish council and may not be delegated to any other body or individual:
- the parish annual budget
  - the total income of the parish precept
  - £50,000
107. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution. In accordance with any such resolution made under standing order 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.
108. The Parish Clerk may incur expenditure on behalf of the council which is necessary to carry out any repair, replacement or other work which is of such urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £300. The Parish Clerk should attempt to consult the Chairman of the Council and shall immediately report such expenditure to them. The Responsible Finance Officer shall report the action to the appropriate meeting of the parish council as soon as is practicable thereafter and no later than the next ordinary meeting of the parish council. In the absence of the Clerk this authority will apply to any officer designated the deputy clerk and the Chairman of the parish council.
109. Councillors may incur expenditure on behalf of the council which is necessary or expenses subject to a limit of £100. Such expenditure shall be reported to an appropriate meeting of the parish council as soon as is practicable thereafter and no later than the next ordinary meeting of the parish council.
110. 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

### **Assets and Property**

111. The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
112. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a risk assessment and health and safety inspection of assets.
113. The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
114. Following the annual risk assessment of council assets the RFO shall effect all insurances and negotiate all claims on the Council's insurers.
115. No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

## **F: Operation of the Parish Council**

### **Proper Officer**

116. The Council's Proper Officer or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
117. The Council's Proper Officer shall do the following.
- a. Sign and serve on councillors by delivery, post or by electronic means at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear working days before the meeting.
  - b. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
  - c. Subject to standing orders, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
  - d. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order above.
  - e. Make available for inspection the minutes of meetings.
  - f. Receive and retain copies of byelaws made by other local authorities.
  - g. Receive and retain declarations of acceptance of office from councillors.
  - h. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - i. Keep proper records required before and after meetings;
  - j. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998 and GDPRs in accordance with and subject to the Council's procedures relating to the same.
  - k. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - l. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - m. Arrange for legal deeds to be signed by 2 councillors and witnessed
  - n. Bring to the attention of and advise the Council and councillors of any departure from or potential breach of the law, standing orders, policy or statutory powers.
  - o. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
  - p. Record every planning application notified to the Council and the Council's response to the local planning authority in the minutes.
  - q. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

### **Matters affecting council employees**

118. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the committee or the sub-committee has decided whether or not the press and public shall be excluded pursuant to standing orders.
119. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Personnel Committee or, in his absence, the Vice-Chairman, of any absence occasioned by illness or urgency and that person shall report such absence to the committee at its next meeting.
120. All exceptional absences, sickness statistics & holidays due shall be reported by the clerk at the Personnel Committee
121. The Chairman of the Personnel Committee or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the employee's job title 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 committee.

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## Standing Orders of the Parish Council

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122. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Personnel Committee or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the sub-committee.
123. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the Personnel Committee, this shall be communicated to another member of the Committee, which shall be reported back and progressed by resolution of the sub-committee.
124. 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.
125. 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.
126. 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.
127. Only persons with line management responsibilities shall have access to employee records referred to in standing orders above. The chairman of Personnel Committee shall have a privileged access to staff records in the company of the proper officer on the basis that information is not for wider communication and is treated as confidential.

### **Freedom of Information Act 2000**

128. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
129. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the parish council. Meetings of the parish council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out above.

### **Relationships with press and other councillors**

130. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
131. In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors can, in their official capacity as an appointed chairman, provide oral or written statements or written articles to the press or other media. Councillors expressing personal views must make it clear that they are their own views and not necessarily those of Council.
132. An invitation to attend a meeting of the Council shall be sent by electronic mail, together with the agenda, to the councillor of the District and County Council representing its electoral ward. Unless the Council otherwise orders, a copy of each set of minutes shall be sent electronically to the District and County Councillor representing its electoral wards.

Created: 7 December 2015

Reviewed: annually at the Annual Parish Meeting

## Appendix

### Terms of Reference

#### Tollerton Parish Council Personnel Committee

#### Delegated Powers

1. To review staffing structures and levels and make recommendations to the Council.
2. To agree and review annually contracts of employment, job descriptions and person specifications for staff.
3. To review staff salaries and terms of conditions and make recommendations to Council.
4. To appoint from its membership a recruitment panel when necessary and recommend appointments to Council. Recruitment panels will normally include three members in the case of appointment to the Parish Clerk or RFO posts; and two members of the Committee plus the Clerk for all other posts.
5. To act as a disciplinary panel and as an appeals panel in the case of any appeal against disciplinary action taken by the Parish Clerk.
6. To appoint from its membership four members to hear any formal grievance made by the Parish Clerk and any appeal by other staff against the outcome of a grievance investigation undertaken by the Parish Clerk.
7. To review health and safety at work for all Council employees.
8. To review all Council policies that relate to staff employment on an annual basis.
9. To ensure the Council complies with all legislative requirements relating to the employment of staff.

#### Members:

As set out in the standing orders.

The Chairman of the personnel committee should not be the chairman of the parish council

#### Frequency of meetings

One meeting will be held every year to review all staff contracts and job descriptions and HR policies. Otherwise meetings will be convened as and when necessary, eg to deal with grievance or disciplinary matters, in line with the Staff Handbook; to recruit to staff vacancies; or to deal with other emerging personnel issues.