

# Aston Clinton Parish Council

## Standing Orders

Adopted by Council at meeting held on 19 November 2014

### Table of Standing Orders

1.	Rules of debate at meetings.....	2
2.	Disorderly conduct .....	4
3.	Meetings generally .....	4
4.	Committees and Sub-Committees .....	6
5.	Order of Business at Ordinary Council Meetings.....	7
6.	Order of Business at Annual Council Meetings .....	8
7.	Extraordinary Meetings of the Council and Committees and Sub-Committees .....	9
8.	Previous resolutions .....	10
9.	Voting on appointments .....	10
10.	Motions for a meeting that require written notice to be given to the Proper Officer .....	10
11.	Motions at a meeting that do not require written notice.....	11
12.	Handling confidential or sensitive information .....	12
13.	Draft Minutes .....	12
14.	Code of Conduct and Dispensations .....	12
15.	Code of Conduct Complaints .....	13
16.	Proper Officer.....	14
17.	Responsible Finance Officer .....	15
18.	Accounts and accounting statements .....	15
19.	Financial Controls and Procurement .....	16
20.	Handling staff matters .....	17
21.	Requests for information .....	18
22.	Relations with the press/media .....	18
23.	Execution and sealing of legal deeds .....	18
24.	Communicating with District and County Councillors .....	18
25.	Restrictions on Councillor activities.....	19
26.	Standing Orders generally.....	19

## Introduction

Standing Orders for a Parish Council is one of the 3 key Governance documents alongside the Financial Regulations and Code of Conduct, and needs to read in conjunction with these other 2 documents. They govern the conduct and transaction of business at meetings of the Council, and its Committees and Sub-Committees.

Parish Councils are subject to the basic arrangements relating to the conduct of meetings and making decisions, many of which are contained in the Local Government Act 1972 and in particular Schedule 12 to the 1972 Act (paragraphs 7-13 and 39-45).

Standing Orders are necessary for regulating the practical arrangements to give effect to statutory requirements. They provide the Council with a methodology in respect of how Councillors conduct business and make decisions. This consistent and logical system should deliver transparent, efficient and effective decision making and prevent unlawful activity occasioned by unclear, inconsistent or ad hoc processes. They provide checks and balances that should ensure coherent and sound governance.

The Aston Clinton Parish Council Standing Orders are based upon the Model Standing Orders contained in Tharmarajah, M. (2013) Local Councils Explained, NLAC, London, Part II, page 177, and have been tailored to meet the specific needs of the Council. Standing Orders highlighted in bold are mandated by Law, and some apply specifically to meetings of the Parish Council (**PC**), a Committee (**C**), or a Sub-Committee (**SC**) where these abbreviations are shown in brackets at the end of a specific Standing Order.

### 1. Rules of debate at meetings

- a) Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c) A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- d) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f) If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendments may be moved.
- g) An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- h) A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the

seconder and the meeting.

- i) If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- j) Subject to Standing Order 1.k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k) One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l) A Councillor may not move more than one amendment to an original or substantive motion.
- m) The mover of an amendment has no right of reply at the end of debate on it.
- n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o) Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - i) To speak on an amendment moved by another Councillor
  - ii) To move or speak on another amendment if the motion has been amended since he last spoke
  - iii) To make a Point of Order
  - iv) To give a personal explanation, or
  - v) In exercise of a right of reply.
- p) 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 which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q) A Point of Order shall be decided by the Chairman of the meeting and his decision shall be final.
- r) When a 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 no longer heard or 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 particular Standing Order(s) excepting those which reflect mandatory statutory requirements.
- s) Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t) Excluding motions moved under Standing Order 1.r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.

## **2. Disorderly conduct**

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b) If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made in accordance with Standing Order 2.b) above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **3. Meetings generally**

- a) **Meetings shall 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. (PC)**
- b) **The minimum 3 clear days for notice of a meeting 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 or a day appointed for public thanksgiving or mourning. (PC)**
- c) **The minimum 3 clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice. (C)**
- d) **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. (PC, C)**
- e) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of business on the agenda.

- f) The period of time designated for public participation at a meeting in accordance with Standing Order 3.e) above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- g) Subject to Standing Order 3.f) above, a member of the public shall not speak for more than 5 minutes.
- h) In accordance with Standing Order 3.e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given, and such response shall normally be given before or at the next meeting.
- i) A person shall raise his hand when requesting to speak. A person may speak from a seated position.
- j) A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- k) Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- l) **Photographing, filming, recording, broadcasting or transmitting the proceedings of a meeting is permitted** but it shall not disrupt proceedings. (PC, C)
- m) **The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.** (PC, C)
- n) **Subject to Standing Orders which indicate otherwise, anything authorized or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.** (PC)
- o) **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.** (PC)
- p) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.** (PC, C, SC)
- q) **The Chairman 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.** (PC, C, SC)
- r) **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,** and any abstentions. Such a request shall be made before moving on to the next item of business on the agenda.
- s) When any Member has requested that a vote be recorded, the Chairman, or any other Councillor presiding, shall call the names of all the Members and after each name is called the Member shall state whether they are voting for or against the motion, or abstaining.
- t) The minutes of a meeting shall include an accurate record of the following:

- i) The time and place of the meeting
  - ii) The names of Councillors present and absent
  - iii) Interests that have been declared by Councillors and non-Councillors with voting rights
  - iv) Whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered
  - v) If there was a public participation session
  - vi) The resolutions made.
- u) 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 to be considered at a meeting is subject to the statutory limitations or restrictions under the code on his right to participate and vote on the matter. (PC, C, SC)**
- v) No business may be transacted at a full Parish Council meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3. (PC)**
- i) For Aston Clinton Parish Council with 11 Councillors the number required for a quorum is at least 4 Parish Councillors.
- w) If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting. (PC, C, SC)
- x) A meeting shall not exceed a period of 2½ hours.

#### **4. Committees and Sub-Committees**

- a) Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose Terms of Reference shall be determined by the Committee.**
- b) The members of a Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- c) Unless the Council determines otherwise, all the members of an advisory Committee and a Sub-Committee of the advisory committee may be non-Councillors.**
- d) The Council may appoint Standing Committees or other Committees as may be necessary, and:
  - i) Shall determine and publish their Terms of Reference
  - ii) Shall determine the number and time of the ordinary meetings of a Standing Committee up until the date of the next annual meeting of full Council
  - iii) Shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings
  - iv) Shall subject to Standing Orders 4.b) and 4.c) above, appoint and determine the terms of office of members of such a Committee
  - v) May, subject to Standing Orders 4.b) and 4.c) above, appoint and determine the terms

of office of the substitute members to a Committee whose role is to replace ordinary members at a meeting of a Committee if the ordinary members of the Committee confirm to the Proper Officer 5 days before the meeting that they are unable to attend

- vi) Shall permit Committees to appoint their own Chairmen and Vice-Chairmen at the first meetings of the Committees after the Annual Parish Meeting.
  - vii) Shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee, where a quorum shall be no less than 3 Councillors
  - viii) May dissolve a Committee.
- e) The order of business for meetings of Committees and Sub-Committee shall include:
- i) Record of Members present
  - ii) Record of apologies from Members unable to be present
  - iii) Declarations of interests (existence and nature) with regard to items on the agenda
  - iv) Formal announcements from the Chair
  - v) Agreeing the minutes of the last meeting and signing them
  - vi) Public participation session with respect to items on the agenda
  - vii) Any business remaining from previous meetings
  - viii) To receive recommendations from Sub-Committees (recommendations of Sub-Committees must be included in full on the agenda for the Committee meeting)
  - ix) Resolve business motions on the agenda
  - x) Any other urgent business
  - xi) Receive business motions from Members for the next meeting.

## **5. Order of Business at Ordinary Council Meetings**

- a) **In addition to the Annual Meeting of the Parish Council in Standing Order 6 below, at least 3 other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- b) At ordinary meetings of the Council, business will usually be dealt with in the following order:
  - i) Record of Members present
  - ii) Record of apologies from Members unable to be present
  - iii) Declarations of interests (existence and nature) with regard to items on the agenda
  - iv) Formal announcements from the Chair
  - v) Agreeing the minutes of the last meeting and signing them
  - vi) Public participation session with respect to items on the agenda
  - vii) Any business remaining from previous meetings
  - viii) Any appointments of Committees

- ix) Any appointment of members of the Council to other bodies
- x) To receive recommendations from Committees (recommendations of Committees must be included in full on the agenda for the Council meeting). Normally only one recommendation may be discussed at a time, but the Chair may allow 2 or more recommendations to be discussed together where this is conducive to the efficient conduct of business
- xi) Resolve business motions on the agenda
- xii) Resolve other business placed on the agenda (e.g. authorisation of orders and payments, to consider internal and external auditors' reports)
- xiii) Any other urgent business
- xiv) Receive business motions from members for the next meeting.

## **6. Order of Business at Annual Council Meetings**

- a) 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.**
- b) In a year which is not an election year, the Annual Meeting of a Council shall be held on such day in May as the Council may direct.**
- c) If no other time is fixed, the Annual Meeting of the Council shall take place at 6 pm in the Parish Office, Aston Park, London Road, Aston Clinton.**
- d) The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- e) 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.**
- f) The Vice-Chairman of the Parish Council, unless he has resigned 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.**
- g) 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. 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 event of an equality of votes.**
- h) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- i) Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the Council, the business of the Annual Meeting shall include:**



- i) In an election year, delivery by the Chairman 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 Chairman of the Council of his Acceptance of Office form unless the Council resolves for this to be done at a later date.**
- ii) Confirmation of the accuracy of the minutes of the last meeting of the Council
- iii) Receipt of the minutes of the last meeting of a Committee
- iv) Consideration of the recommendations made by a Committee
- v) Review of delegation arrangements to Committees, Sub-Committees, staff and other local authorities
- vi) Review of the Terms of Reference for Committees
- vii) Appointment of members to existing Committees
- viii) Appointment of any new Committees in accordance with Standing Order 4 above
- ix) Review and adoption of appropriate Standing Orders and Financial Regulations
- x) Review of arrangements, including charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities
- xi) Review of representation on or work with external bodies and arrangements for reporting back
- xii) In an election year, to make arrangements with a view to Council becoming eligible to exercise the general power of competence in the future
- xiii) Review of inventory of land and assets including buildings and office equipment
- xiv) Confirmation of arrangements for insurance cover in respect of all insured risks
- xv) Review of the Council's and/or staff subscriptions to other bodies
- xvi) Review of the Council's complaints procedure
- xvii) Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
- xviii) Review of the Council's policy for dealing with the press/media
- xix) Determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of full Council.

## **7. Extraordinary Meetings of the Council and Committees and Sub-Committees**

- a) The Chairman of the Council may convene an Extraordinary Meeting of the Council at any time.**
- b) 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, any two Councillors may convene an Extraordinary Meeting of the Council. The public notice giving the time, venue and agenda for such an Extraordinary Meeting must be signed by the two**

### **Councillors.**

- c) The Chairman of a Committee (or a Sub-Committee) may convene an Extraordinary Meeting of the Committee or Sub-Committee at any time.
- d) 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 by to do so by 3 Councillors, those 3 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 an Extraordinary Meeting must be signed by these Councillors.
- e) The order of business for Extraordinary Meetings shall include:
  - i) Record of Members present
  - ii) Record of apologies from Members unable to be present
  - iii) Declarations of interests (existence and nature) with regard to items on the agenda
  - iv) Formal announcements from the Chair
  - v) Public participation session with respect to items on the agenda
  - vi) Resolve business motions on the agenda.

### **8. Previous resolutions**

- a) A resolution shall not be reversed within 6 months except either by a special motion, which requires the written notice by at least 2 Councillors to be given to the Proper Officer in accordance with Standing Order 10 below, or by a motion moved in pursuance of the report or recommendation of a Committee.
- b) When a motion moved pursuant to Standing Order 8.a) above has been disposed of, no similar motion may be moved within a further 6 months.

### **9. Voting on appointments**

- a) 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. A tie may be settled by the casting vote exercisable by the Chairman of the meeting.

### **10. Motions for a meeting that require written notice to be given to the Proper Officer**

- a) A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area of responsibility.
- b) No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 3 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c) The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 10.b) above, correct obvious grammatical or typographical errors in the wording of the motion.

- d) If the Proper Officer considers the wording of a motion received in accordance with Standing Order 10.b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 3 clear days before the meeting.
- e) If the wording or nature of a proposed motion is considered 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 in the agenda or rejected.
- f) Subject to Standing Order 10.e) above, decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g) Motions received shall be recorded in the computer and/or a book for that purpose and numbered in the order that they are received. The record of received motions shall be available for inspection by Councillors and the public.
- h) Motions rejected shall be recorded in the computer and/or a book for that purpose with an explanation by the Proper Officer for their rejection.

#### **11. Motions at a meeting that do not require written notice**

- a) The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i) To correct an inaccuracy in the draft minutes of a meeting
  - ii) To move to a vote
  - iii) To defer consideration of a motion
  - iv) To refer a motion to a particular Committee or Sub-Committee
  - v) To appoint a person to preside at a meeting
  - vi) To change the order of business on the agenda
  - vii) To proceed to the next business on the agenda
  - viii) To require a written report
  - ix) To appoint a Committee or Sub-Committee and their members
  - x) To extend the time limits for speaking
  - xi) To exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
  - xii) To not hear further from a Councillor or a member of the public
  - xiii) To exclude a Councillor or a member of the public for disorderly conduct
  - xiv) To temporarily suspend the meeting
  - xv) To suspend a particular Standing Order (unless it reflects mandatory statutory requirements)
  - xvi) To adjourn the meeting, or

xvii) To close the meeting.

## **12. Handling confidential or sensitive information**

- a) 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.
- b) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware, is of a confidential nature.
- d) A Councillor in breach of the provisions of Standing Order 12.c) above may be removed from a Committee or a Sub-Committee by a resolution of the Council.

## **13. Draft Minutes**

- a) 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, they shall be taken as read.
- b) There shall be no discussion of the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 11.a)i) above.
- c) The accuracy of draft minutes, including any amendment(s) made to them, 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.
- d) 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:
  - i) "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 meeting and the minutes are confirmed as an accurate record of the proceedings."
- e) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **14. Code of Conduct and Dispensations**

- a) All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b) All Councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their Acceptance of Office form.
- c) Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considered 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.

- d) Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considered a matter in which he has another interest if so required by the Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he had an interest.
- e) **Dispensation requests shall 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.
- f) A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- g) A dispensation request shall confirm:
  - i) The description and the nature of the disclosable pecuniary interest or other interest to which the request for dispensation relates
  - ii) Whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote
  - iii) The date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought
  - iv) An explanation as to why the dispensation is sought.
- h) Subject to Standing Orders 14.e) and 14.g) above, dispensation requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- i) **A dispensation may be granted in accordance with Standing Order 14.f) above if having regard to all relevant circumstances the following applies:**
  - i) **Without 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**
  - 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.**

## **15. Code of Conduct Complaints**

- a) Upon notification by the District Council that it is dealing with a complaint that a Councillor or a non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall subject to Standing Order 12 above, report this to the Council.
- b) Where the notification in Standing Order 15.a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member 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 in accordance with Standing Order 15.d) below.
- c) The Council may:
  - i) Provide information or evidence where such disclosure is necessary to progress an

investigation of the complaint or is required by law

- ii) Seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d) **Upon notification by the District 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, action to take against him. Such action excludes disqualification or suspension from office.**

## **16. Proper Officer**

- a) The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the role of the Proper Officer when the Proper Officer is absent.
- b) The Proper Officer shall:
  - i) **At least 3 clear days before a meeting of the Council, a Committee and a Sub-Committee serve on Councillors a summons, by delivery or post at their residence, or by email, confirming the time, place and the agenda, provided any such email contains the electronic signature and title of the Proper Officer**
  - ii) **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).** Such public notice shall be placed conspicuously on the Council's notice boards and website.
  - iii) Subject to Standing Order 10 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least 3 clear days before the meeting confirming his withdrawal of it
  - iv) **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office**
  - v) **Record the minutes of the proceedings of a meeting of the Council, and any of its Committees or Sub-Committees, which shall be drawn up and entered in a book kept for that purpose**
  - vi) Maintain a list of outstanding actions arising from resolutions in the minutes of meetings by the Council and Committees to be reviewed at each monthly meeting
  - vii) Facilitate inspection of the minute book by local government electors
  - viii) **Retain copies of byelaws made by other local authorities**
  - ix) Retain acceptance of office forms from councillors
  - x) **Retain a copy of every councillor's register of interests** and any changes to it, keep copies of the same available for inspection, and place such register on the Council's website
  - xi) Assist with responding 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 relating to the same

- xii) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
- xiii) Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form
- xiv) Arrange for legal deeds to be executed
- xv) 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
- xvi) Record every planning application notified to the Council and the Council's response to the local planning authority in the computer and/or a book for such purpose. The record of planning application details shall be available for inspection by the Councillors and the public
- xvii) Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee within 2 working days of receipt to facilitate an Extraordinary Meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council
- xviii) Manage access to information about the Council via the publication scheme, including for Councillors the inspection of any document of the Council or a Committee or a Sub-Committee, in either physical or electronic form for the purpose of his official duties (but not otherwise), who may also request a copy in either physical or electronic form for the same purpose.
- xix) Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders
- xx) Manage all staff of the Council and have the authority to take disciplinary action excluding termination of employment under agreed procedures
- xxi) Make arrangements to pay salaries and wages to all staff of the Council (subject to the Council's Financial Regulations).

### **17. Responsible Finance Officer**

- a) The Clerk is appointed the Responsible Financial Officer for Aston Clinton Parish Council.
- b) The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Finance Officer when the Responsible Finance Officer is absent.
- c) The Council is responsible for ensuring that the Responsible Financial Officer implements Financial Regulations.

### **18. Accounts and accounting statements**

- a) "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils.
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practice and the Council's Financial Regulations.

- c) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December each year a statement to summarise:
  - i) The Council's receipts and payments for each quarter
  - ii) The Council's aggregate receipts and payments for the year to date
  - iii) The balances held at the end of the quarter being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d) The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be reviewed by the Finance and Staff Committee before presentation to Council for consideration and formal approval before 30 June.
- e) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.

#### **19. Financial Controls and Procurement**

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - 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) Procurement policies (subject to Standing Order 19.c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b) Financial Regulations shall be reviewed regularly and at least annually for fitness for purpose.
- c) **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials and services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in Standing Order 19.d) below.**
- d) Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials and services or the execution of the works shall include, as a minimum, the following steps:



- i) A specification for the goods, materials, services or execution of works shall be drawn up
  - ii) An invitation to tender shall be drawn up 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
  - iii) The invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate
  - iv) Tenders are to be submitted in writing in a sealed envelope addressed to the Proper Officer
  - v) Tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed
  - vi) Tenders are to be reported to and considered by the appropriate meeting of the Council, or a Committee or a Sub-Committee with delegated responsibility.
- e) Neither the Council, nor a Committee or a Sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender, but they should always seek to achieve best value for money.
- f) **Where the value of the 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.**

## 20. Handling staff matters

- a) A matter personal to a member of staff that is being considered by a meeting of the Council or the Finance and Staff Committee is subject to Standing Order 12 above.
- b) Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chairman of the Finance and Staff Committee, or, if he is not available, the Vice-Chairman of the Finance and Staff Committee, of absence occasioned by illness or other reason and that person shall report such absence to the Finance and Staff Committee at its next meeting.
- c) The Chairman of the Finance and Staff Committee, or in his absence the Vice-Chairman, shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The review and appraisal shall be reported in writing and is subject to approval by resolution by the Finance and Staff Committee.
- d) 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 Finance and Staff Committee or, in his absence, the Vice-Chairman of the Finance and Staff Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance and Staff Committee.
- e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or the Vice-Chairman of

the Finance and Staff Committee, this shall be communicated to another member of the Finance and Staff Committee, which shall be reported back and progressed by resolution of the Finance and Staff Committee.

- f) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g) The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked, and electronic records shall be password protected and encrypted
- h) Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 20.f) and 20.g) above if so justified.
- i) Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 20.f) and 20.g) above shall be provided only to the Chairman of the Council and the Chairman of the Finance and Staff Committee.
- j) The Council shall agree by resolution the requirements for appointing a member of staff. The Finance and Staff Committee, supplemented if appropriate by Councillors from the most appropriate other Committees for this purpose, shall normally be delegated the responsibility by resolution to advertise, shortlist, and conduct interviews for prospective staff. The most appropriate candidate for the appointment shall be presented as a recommendation for the full Council to agree by resolution.
- k) Staff are subject to Standing Orders, Financial Regulations and the Code of Conduct.
- l) Line management responsibilities for staff shall be defined and published.

## **21. Requests for information**

- a) Requests for information held by the Council shall 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.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Finance and Staff Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **22. Relations with the press/media**

- a) 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.

## **23. Execution and sealing of legal deeds**

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) Subject to Standing Order 23.a) above, any 2 Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **24. Communicating with District and County Councillors**

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of Aylesbury Vale District Council and Bucks County Council representing the area of the Council.
- b) Unless the council determines otherwise, a copy of each letter sent to Aylesbury Vale District Council and Bucks County Council shall be sent to the ward Councillors representing the area of the Council.

## **25. Restrictions on Councillor activities**

- a) Unless authorised by a resolution of the Council, no individual Councillor shall in the name or on behalf of the Council, a Committee or a Sub-Committee:
  - i) Inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii) Issue orders, instructions or directions to a member of staff or supplier.
- b) Councillors or the members of a Committee or Sub-Committee who are directly or indirectly canvassed by a candidate for an appointment to or by the Council shall result in the candidate being disqualified from such an appointment. The Proper Officer shall disclose the requirements of this Standing Order to every candidate.
- c) 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.
- d) This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **26. Standing Orders generally**

- a) All or every part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda of a meeting.
- b) A motion to add to or to vary or to revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Proper Officer in accordance with Standing Order 10 above.
- c) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he has delivered his Acceptance of Office form.
- d) The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.