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# HORSPATH PARISH COUNCIL

## STANDING ORDERS

These Standing Orders including the Financial Regulations were formally adopted by resolution of the Council on 4<sup>th</sup> January 2004.

### MEETINGS

1 Meetings of the Parish Council shall be held at Horspath Village Hall at 8.00pm unless the Council otherwise decide at a previous meeting.

2 The Council shall limit its meetings to two hours excluding, the Public Forum. Unfinished business shall be deferred to the next meeting or, if urgent, to an extraordinary meeting.

**3 The Statutory Annual Meeting (a) in a year which is not an election year shall be held on the second Tuesday in May and (b) in an election year shall be held on the next Tuesday following the elections to the Council.**

**4 The three other statutory meetings shall be held on the first Tuesday in the months of September and November and the second Tuesday in January.**

### CHAIRMAN OF THE MEETING

**5 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

6 No Chairman of the Council may be re-elected as Chairman for more than three consecutive years.

### PROPER OFFICER

7 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:-

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing pecuniary interest
- (c) To receive and retain plans and documents
- (d) To sign notices or other documents on behalf of the Council
- (e) To receive copies of byelaws made by a District Council
- (f) To certify copies of byelaws made by the Council
- (g) To sign summonses to attend meetings of the Council
- (h) To issue notices on behalf of the Council
- (i) The Clerk shall be the Responsible Financial Officer

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

8 This authority hereby delegated to the Clerk shall be so far as is consistent with the requirements of any job description, instruction of the Council or its Committees to enable the Clerk to properly carry out such tasks as are necessary to ensure the efficient day to day management of the Council's affairs.

## QUORUM

### 9 Four members shall constitute a quorum

4

10 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

## VOTING

11 Members shall vote by show of hands, or, if at least two members so request, by signed ballot

12 If a member so require, the clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving onto the next business.

13 (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he/she gave no original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman

## ORDER OF BUSINESS

*(In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorized by the Council to take such declarations, before the annual meeting commences.)*

14 At each Annual Meeting the first business shall be

(a) To elect a Chairman of the Council

(b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.

(c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received

(e) To elect a Vice-Chairman

(f) To appoint school governors and other representatives to outside bodies if/as necessary AND

(h) To appoint sub-committees

(i) To consider the payment of any subscriptions falling to be paid annually

(j) To inspect any deeds and trust instruments in the custody of the Council;

and shall thereafter follow the order set out in Standing Order 17

15 At every meeting other than the Annual General Meeting the first business shall be to appoint a Chairman if the Chairman and the Vice-Chairman be absent and to receive such Declaration of Acceptance of Office and

**undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received to decide when they shall be received.**

5

16 In every year not later than the meeting at which the estimates for the next year are settled the Council shall review the pay and conditions of service of existing employees. (See Standing Order 38)

17 After the first business has been completed, the order of business, unless the council otherwise decides on ground of urgency, shall be as follows:-

- (a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- (b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- (c) To consider 'Matters arising'
- (d) To deal with business expressly required by statute to be done.
- (e) To dispose of business, if any, remaining from the last meeting.
- (f) To receive such communications as the person presiding may wish to lay before the council
- (g) To consider planning applications
- (h) To receive and consider reports and minutes of committees,
- (i) To receive and consider reports from officers of the Council
- (j) To receive and consider resolutions or recommendations the order in which they have been notified
- (k) To authorize the sealing of documents
- (l) If necessary, to authorize the signing of orders for payment.
- (m) Any other business.
- (n)

Note: Members of the public, who notify the chairman or clerk 24 hours before the meeting, may speak for 2 minutes on any agenda item.

18 A motion to vary the order of business on the grounds of urgency

- (a) may be proposed by the Chairman or by any Member, and if proposed by the Chairman, may be put to the vote without being seconded, and
- (b) shall be put to the vote without discussion.

## **RESOLUTIONS MOVED ON NOTICE**

19 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least ten clear days before the next meeting of the Council

20 The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and shall enter it into a book which shall be open to the inspection of every member of the Council

21 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the members giving a notice of motion as stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.

22 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member it shall, unless

postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

6

23 If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other Committee as the Council may determine for report; provided that the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

24 Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

### **RESOLUTIONS MOVED WITHOUT NOTICE**

25 Resolutions dealing with the following matters may be moved without notice:-

- (a) To appoint a Chairman of the meeting
- (b) To correct the Minutes
- (c) To approve the Minutes
- (d) To alter the order of business
- (e) To proceed to the next business
- (f) To close or adjourn the debate
- (g) To refer a matter to a committee
- (h) To appoint a committee or any members thereof
- (i) To adopt a report
- (j) To authorize the sealing of documents
- (k) To amend a resolution
- (l) To give leave to withdraw a resolution or an amendment
- (n) To exclude the public (*See Order 65, 66 below*)
- (o) To silence or eject from the meeting a member named for misconduct (*See Order 33 below*)
- (p) To invite a member having an interest in the subject matter under debate to remain (*See Order 58 below*)
- (q) To give the consent of the Council where such consent is required by these Standing Orders
- (r) To suspend any Standing Order (*See Order 76 below*)

### **QUESTIONS**

26 No question not connected with business under discussion shall be asked except during part of the meeting set aside for questions.

27 Every question shall be put and answered without discussion.

28 A person to whom a question has been put may decline to answer.

### **RULES OF DEBATE**

29 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

30 (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be put into writing and handed to him/her before it is further discussed or put to the meeting.

(b) A member when seconding a resolution or amendment may, if he/she then declare his intention to do so, reserve his/her speech until a later period of the debate.

(c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

(d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by order of the Council.

(e) An amendment shall be either:-

(i) To leave out words

(ii) To leave out words and insert or add others

(iii) To insert or add words

(f) An amendment shall not have the effect of negating the motion before the Council

(g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

(i) The mover of a resolution or of an amendment shall have a right of reply not exceeding five minutes.

(j) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure

(k) A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.

(l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission had been asked for its withdrawal unless such permission has been refused.

(m) When a resolution is under debate no other resolution shall be moved except the following:-

(i) To amend the resolution.

(ii) To proceed to next business

(iii) To adjourn the debate

(iv) That the question be now put

(v) That a member named be not further heard

(vi) That a member named do leave the meeting

(vii) That the resolution be referred to a committee

(viii) To exclude the public and press

(ix) To adjourn the meeting

31 (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

(b) Members shall address the Chairman. If two or more members wish to speak, the chairman shall decide who to call upon.

(d) Whenever the Chairman speaks during a debate all other members shall be silent.

## CLOSURE

32 At the end of any speech a Member may, without comment, move “that the question be now put”, “that the debate be now adjourned”, or “that the Council do now adjourn”. If such motion is seconded the Chairman shall put the motion but, in the case of a motion “to put the question”, only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

## DISORDERLY CONDUCT

**33 (a) All members must observe the standard Code of Conduct, a copy of which is provided to all members.**

(b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**

(c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the chairman shall express that opinion to the council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board.**

(d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## RIGHT OF REPLY

34 The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After a right of reply has been exercised or waived, a vote shall be taken without further discussion.

## ALTERATION OF RESOLUTION

35 A member may, with the consent of his/her seconder, move amendments to his/her own resolution.

## RESCISSION OF PREVIOUS RESOLUTION

36 (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least six members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

(b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.



## **VOTING ON APPOINTMENTS**

37 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on, until a majority of votes is given in favour of one person.

## **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

38 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order 65).

## **RESOLUTIONS ON EXPENDITURE**

39 Any resolution which (is moved otherwise than in pursuance of a recommendation by the Finance Committee or of another committee after recommendation by the Finance Committee), if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall Report on the financial aspect of the matter).

## **EXPENDITURE**

**40 Orders for the payment of money shall be authorised by resolution of the Council and signed by two members**

## **SEALING OF DOCUMENTS**

41 (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by resolution.

(b) Any two Members of the Council may seal, on behalf of the Council, any document required by law to be issued under seal.

## **COMMITTEES AND SUB-COMMITTEES**

42 The Council may at the Annual Meeting appoint \*Standing Committees and may at any time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting
- (b) may appoint persons other than members of the council to any committee and:
- (c) may subject to the provision of Order 36 above at any time dissolve or alter the membership of a committee

43 Those Standing Committees shall be:-  
none at present

44 Standing Committees shall have delegated powers.

(a) Where matters have been referred to the Committee for action its recommendations shall be acted upon forthwith followed by a Report thereon to the next available Council meeting by way of Minutes except:-

(b) Where an item has been referred to the committee for report only

OR

(c) Where expenditure not agreed previously by the Council, either within the budget or specifically, is proposed

(d) In case (b) and (c) the matter shall be referred back to full Council at the next ordinary meeting

(e) All accounts and claims on the Council in respect of expenditure properly incurred and previously approved by the Council or committee either expressly or by implication may, at the discretion of the Clerk be paid upon receipt.

(f) Any account not within the category mentioned in Paragraph (e) of this Order shall be submitted to the Committee for approval and authorization of payment and this recommendation shall be submitted by Minutes to the Council for ratification.

(g) Notwithstanding the foregoing the Committee may, by resolution, refer any matter it so wishes to full Council for decision.

45 The Chairman and Vice-Chairman shall be ex-officio Members of every committee.

46. No member of a Committee or sub-committee may serve as Chairman of the Committee or sub-committee for longer than three consecutive years. He/she may not be re-elected as Chairman before the lapse of one year.

47. Every Committee shall at its first meeting before preceding to any other business, elect a chairman and may elect a Vice-chairman who shall hold office until the next Annual Meeting of the Council.

48 The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

49 Every Committee may appoint sub-committees for purposes to be specified by the Committee.

50 The Chairman and Vice-Chairman of the Committee shall be Members of every sub-committee appointed by it unless they signify that they do not wish to serve.

51 Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be three.

52 The Standing Orders of rules of debate (except those parts relating to standing and speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

## **ADVISORY COMMITTEES**

53 (a) The Council may create Advisory Committees if necessary. (See Standing Orders 14(h) and 41)

(b) The Clerk shall inform the Members of each Advisory Committee of the terms of reference of the Committee.

(c) An Advisory Committee may make recommendations and give notice thereof to the Council.

(d) An Advisory Committee may consist of persons who are not Members of the Council.

## **VOTING IN COMMITTEES**

54 Members of Committees and sub-committees shall vote by show of hands, or, if at least two members so request, by signed ballot.

**55 Chairmen of Committees and sub-committees shall in the case of an equality of votes have a second or casting vote**

## **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

56 A Member who has proposed a resolution which has been referred to any Committee of which he/she is not a Member may explain his/her resolution to the committee or sub-committee but shall not vote.

## **INTERESTS**

**57 If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 15 April 2002 then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required**

**If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or hall during consideration of the item to which the interest relates.**

**58 The Clerk is required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

59 If a candidate for any appointment under the Council is to his knowledge related to any member or holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice, The Clerk shall report to the council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 57 shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

## **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

60 (a) Canvassing of members of any committee, directly or indirectly, for any appointment under the council shall disqualify the candidate for such appointment.

(b) A Member of the Council shall not solicit for any person any appointment under the council or recommend any person for such appointment or for promotion: but, nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for appointment.

61 Standing Orders Nos. 59 and 60 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **INSPECTION OF DOCUMENTS**

62 A member may for the purposes of his duty as such (but not otherwise), inspect any document or email in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**63 All Minutes kept by the Council and by any committee shall be open for inspection by any member of the Council and with due notice by any member of the public.**

### **UNAUTHORISED ACTIVITIES**

64 No Member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council

(a) Inspect any lands or premises which the council has a right or duty to inspect: or  
(b) issue orders;

unless authorized to do so by the council or the relevant committees or sub-committees

*(c) Councillors are not permitted to have communications in the name of Horspath Parish Council or appearing to be on behalf of Horspath Parish Council business with the press or other media by any method unless authorised to by a majority vote of the Parish Council, and that this vote be recorded in the minutes of the meeting, except that the Chairman may need to act as the spokesperson for the Council when approached directly by the media.*

### **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

**65 The public and press shall be admitted to all meetings of the Council and its committees and sub-committees which may, however, temporarily exclude the public by means of the following resolution:-**

"That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

66 The Council shall state the special reason for exclusion.

67 At all meetings of the Council the Chairman may at his/her discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

68 The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

69 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber and if necessary close the meeting.

### **CONFIDENTIAL BUSINESS**

70 (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

(b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

71 A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillors for the ward.

72 Unless the Council otherwise orders a copy of any letter or email ordered to be sent to the County or District Council shall be emailed to the County Councillor for the division or to the District Councillors for the ward.

### **PLANNING APPLICATIONS**

73 (a) The responsible officer shall, as soon as it is received, record in a book kept for the purpose or on computer the following particulars of every planning application notified to the Council:-

- (i) the date on which it was received by the Council
- (ii) the name of the applicant
- (iii) the place to which it relates
- (vi) the nature of the application

(b) The responsible officer shall refer every planning application received to the Chair or in his/her absence to the Vice Chairman within 48 hours, and then to the Council.

(c) After the Council has dealt with an application the Planning Record shall be updated with the decision.

(d) Subsequent planning history shall be added as it becomes available i.e. District Council Decision with date, Appeals and so forth.

74(a) An application by any interested party to speak to a planning application must be made in writing or by electronic mail to the Clerk or Chair of the Parish Council by midday on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to the Clerk or Chair before the meeting commences.

(b) Following the introduction of each planning application, the following procedure will apply:

- Before the application is considered in detail, the meeting may agree that the application be deferred for a site visit, or to obtain further information. In that case, there will be no public participation on the application until it is reconsidered at a future meeting. For the avoidance of doubt, persons who have registered to speak on applications to be deferred are not required to register again, and will be informed by the Clerk of the date when the application will be discussed.
- The following groups of speaker may address the meeting for up to 5 minutes each: Objectors, applicants and/or supporters.

- Where more than one person has registered to speak in any of the above groups of speaker, the five minute period will be shared. In these circumstances, speakers are encouraged to appoint a spokesperson, if that is not possible, speakers will be heard in the order in which they have registered until the five minutes has elapsed.
- On conclusion of each address, members of the Parish Council may question the speaker solely to clarify any matter that they have not understood in the address. The ruling of the Chair as to what is an acceptable question shall be final.
- A person who has registered to speak may circulate written or photographic material in support of the representations, provided they are given to the Clerk or Chair not later than twenty minutes before the meeting commences.
- The chair of the meeting may suspend the operation of the rule at any time if he/she considers it necessary for the purpose of maintaining "order".

### **CODE OF CONDUCT ON COMPLAINTS**

75 The Council shall deal with complaints of mal-administration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) or Commission (Wales) for consideration.

### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

76 Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

77 A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

78 A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

## FINANCIAL REGULATIONS

15

These Financial Regulations were formally ADOPTED BY RESOLUTION OF THE COUNCIL on 4<sup>th</sup> January 2004 and are an integral part of the Standing Orders of the Council.

### 1. General

- 1.1 These financial regulations shall govern the conduct of the financial transactions of the council and may be amended or varied only by resolution of the council.
- 1.2 The responsible financial officer (RFO), who is also the Clerk, under the policy direction of the council shall be responsible for the proper administration of the council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

### 2. Annual Estimates

- 2.1 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.
- 2.2 The council shall review the estimates and shall recommend the precept. The council shall fix the Precept to be levied for the ensuing financial year not later than the end of **December** in each year. The RFO shall supply each member with a copy of the approved estimates.
- 2.3 The annual budgets shall form the basis of financial control for the coming year.

### 3. Budgetary Control

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in the approved budget.
- 3.2 No expenditure may be incurred which will exceed the amount provided in the revenue budget.
- 3.3 **The RFO shall periodically provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned.**
- 3.4 The 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 extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The clerk shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the council is satisfied that it is contained in the capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 3.7 All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

#### **4. Accounting and Audit**

- 4.1 All accounting procedures and financial records of the council shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 as amended.
- 4.2 The RFO shall be responsible for completing the annual accounts of the council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.
- 4.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorization by the Council within the timescales set by the Accounts and Audit Regulations 1996 as amended, or set by the Auditor.
- 4.4 The RFO shall be responsible for ensuring that there is an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 1996 as amended. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to the Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.6 The RFO shall make arrangements for the opportunity for the inspection of the accounts, books and vouchers required by the Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 1996 as amended.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

#### **5. Banking Arrangements and Cheques**

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payment of money shall be prepared by the RFO and together with the relevant invoices etc. presented to the council. If the schedule is in order it shall be authorized by a resolution of the council and initialled by the chairman. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 shall be signed by two members of the council and countersigned by the Clerk.
- 5.4 To indicate agreement of the details shown on the order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.



## 6. **Payment of Accounts**

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk must be satisfied that the work, goods or services to which the invoice relates have been carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetical accuracy and shall analyse them to the appropriate expenditure head.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled meeting of the Council, where the RFO certifies that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of the Council.
- 6.5 The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## 7. **Payment of Salaries and Wages**

- 7.1 The payment of all salaries and wages 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 the Council.
- 7.2 Payment of all salaries and wages and payment of deductions from salary/wage such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates.

## 8. **Loans and Investments**

- 8.1 All loans and investments shall be negotiated in the name of the council, and shall be for a set period of time in accordance with council policy.
- 8.2 The Council's Investment Policy shall be in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis (at least annually).
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## 9. **Income**

- 9.1 The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.
- 9.3 The council will review all fees and charges annually, following a report of the Clerk.

- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1994 Section 33 shall be made at least annually coinciding with the financial year end.

10. **Orders for Work, Goods and Services**  
Not Used

11. **Contracts**

- 11.1 Procedures as to the contracts are laid down in the Council's standing orders as follows:
- (a) 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 or in an emergency by such a committee as aforesaid provided that these standing orders shall not apply to contracts which relate to items (i) to (vi) below.
- (i) for the supply of gas, electricity, water, sewerage and telephone services
- (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants
- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant
- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council
- (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of the Council);
- (vi) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
- (b) Where it is intended to enter into a contract exceeding **£5,000** in value 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) the clerk shall invite tenders from at least three firms, such firms to be taken from the appropriate approved list\*.
- (c) For expenditures of £1,000 or less in value the Clerk in consultation with the Chairman or Vice Chairman shall have executive power.

- (d) When applications are made to waive standing orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least one member of the Council.
- (g) If fewer than three tenders are received for contracts valued above **£5,000** or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) Any invitation to tender issued under this standing order shall contain a statement of the effect of standing order Nos 61, 62 & 63.
- (i) When it is to enter into a contract less than **£5,000** in value for the supply of goods or materials or for the execution of works or specialist services other than goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £1,000 the Clerk or RFO shall strive to obtain 3 quotations. Otherwise, Regulation 10 (3) shall apply.
- (j) The council shall not be obliged to accept the lowest or any tender.

## 12. **Payments Under Contracts for Building or Other Construction Works**

12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

**12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum by 5% or more a report shall be submitted to the Council.**

12.3 Any variation to a contract or addition to or omission from a contract must be approved by the clerk in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## 13. **Stores and Equipment**

13.1 An officer shall be responsible for the care and custody of stores and equipment.

13.2 Delivery notes must be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.

- 13.4 An officer shall be responsible for periodic check of stocks and stores at least annually.

#### 14. **Properties and Estates**

- 14.1 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 regulation 4(3)(b) of the Accounts and Audit Regulations 1996 as amended.

- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the council, save where the estimated value of any one item does not exceed £100.

#### 15. **Insurance**

- 15.1 Following an annual risk assessment, the Chairman shall effect all insurances and negotiate all claims on the Council's insurers.

- 15.2 The Clerk or Chairman shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

- 15.3 The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

- 15.4 The Chairman shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.

- 15.5 All appropriate employees of the council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

#### 16 **Charities**

- 16.1 Where the Council is sole trustee of a Charitable body the RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be determined by the Charity Commission. The RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Department.

#### 17 **Risk Management**

- 17.1 The Council shall prepare and promote risk management policy statements in respect of all the activities of the Council.

- 17.2 When considering any new activity the Council shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

#### 18 **Revision of Financial Regulations**

- 18.1 **It shall be the duty of the Council to review the Financial Regulations of the Council from time to time.**

***“The appropriate list referred to in paragraph 11.1 (b) shall be a list drawn up by the Chairman with the help where possible of the county and district councils and approved by the Council.”***



**HORSPATH**

**PARISH COUNCIL**

**STANDING**  
**ORDERS**