

# Avon Dassett Parish Council

## Non Financial Standing Orders

### Update Schedule

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# Avon Dassett Parish Council

## Non Financial Standing Orders

### **1) Introduction**

- a) The following are the Non Financial Standing Orders for Avon Dassett Parish Council and are based upon The Model Standing Orders for Smaller Parish Councils. Where specific items are not covered reference should be made to GPN006 - NALC Model Standing Orders A copy of this document can be found at:

<http://www.avondassettparishcouncil.com/external-reference-documents/national-association-of-local-councils/guidance-documents/>

and these standing orders should be amended as necessary and adopted to reflect the guidance/change required.

### **2) Councillors**

- a) Following election or co-option to the Council, each Councillor will be sent as an attachment by email a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council.
- b) All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave inappropriately in meetings or obstruct the Council's business.
- c) The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest before the item is discussed.

### **3) Annual Meetings**

- a) If the Annual Meeting is in an election year it must be held within 14 days after that election. If it is not an election year then the annual meeting will take place before the monthly meeting in May.
- b) The retiring Chair will report on the activities of the Council for the preceding year.
- c) If the outgoing Chair is available then he/she will preside until a new Chair has been elected. The first business of the Annual Meeting will be the election of the Chair (and Vice Chair, if appropriate) and to receive their acceptance of office.
- d) Other business will include:
- (1) to receive the Chair's Report on the previous year
  - (2) review of inventory of land and assets including buildings and office equipment.
  - (3) review and confirmation of arrangements for insurance cover in respect of all insured risks.
  - (4) review the Financial and General Standing Orders
  - (5) review the Bank Standing Orders and Direct Debits
  - (6) review of the Risk Assessment
  - (7) review of the Emergency Plan
  - (8) receive and accept the Financial Report for the previous financial year

### **4) Meetings**

- a) Meetings will be held in appropriate, accessible accommodation. Normally the meetings will not be held in premises used for the supply of alcohol.

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- b) Meetings will normally be held on the first Monday of every month. When the first Monday falls on a Bank Holiday, or a day appointed for public thanksgiving or mourning the meeting will be held on the second Monday of the month. Members will be advised of the meetings by the issue of a summons and agenda delivered by email, post or by hand. The agenda must be issued at least three clear business days before the meeting.
- c) Public notices will be posted on the Avon Dassett Community website and the Avon Dassett Parish Council notice board informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting. When calculating the three clear days, the day of the meeting, a Sunday, Christmas, Boxing Day, Easter day or a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- d) Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.
- e) Members of the public may speak at Council meetings at the discretion of the Chair of the meeting. They should request agreement through the Parish Clerk or Chair by the start of the meeting.
- f) Any person speaking at a meeting shall address his comments to the Chair.
- g) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- h) The clerk will liaise with all councillors to agree the agenda for the meetings. The agenda will always include an item to enable Councillors to declare interests.
- i) The Council may only take decisions on items clearly specified on the agenda; if agreed by the Chair, any urgent items that are not on the agenda may be discussed, but no decision may be made, at that meeting.
- j) The Chair of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chair is not present then the Vice Chair will preside. If they are not present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chair for the meeting.
- k) The quorum for the Council will be no fewer than 3. If there be insufficient members present then no business will be transacted and a fresh notice will be issued to reconvene the meeting at a later date.
- l) If at any time during the meeting it ceases to be quorate then the meeting will be adjourned and any further business carried forward to the meeting when next convened.
- m) Voting at the meeting shall be by a show of hands. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.
- n) In cases of equal votes the Chair (or other person presiding) will have a second or casting vote.
- o) A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes will record the time and place of the meeting, those Councillors present or absent any interests declared by the Councillors and any decisions made by the Council.
- p) Draft minutes will be circulated to Councillors as soon as practicable, at the latest within 7 days after the meeting. Councillors will supply any suggested amendments after which the amended unapproved draft minutes will be posted on the Avon Dassett Community website and the Avon Dassett Parish Council notice board.
- q) The minutes will then be approved at the following meeting and signed by the person presiding at that meeting.
- r) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.
- s) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- t) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the District and County Council representing its electoral ward.

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### **5) Filming and Recording Of Meetings**

- a) The right to record, film and to broadcast meetings of the council, committees and sub committees is established following the Local Government Audit and Accountability Act 2014. This is in addition to the rights of the press and public to attend such meetings.
- b) Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded.
- c) Members of the public are permitted to film or record open elements of meetings (press and public can be excluded from some elements of Council meetings in respect of prejudicial public interest – an example of this although not exhaustive list includes, terms of tenders and negotiations for contracts, legal proceeding preparation and discussion, employment matters)
- d) The use of digital and social media recording tools, for example Twitter, blogging or audio recording be allowed as long as it is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.
- e) While the Councillors and Clerk are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.
- f) Any person who intends to film or record a meeting is respectfully requested to contact the clerk to the council beforehand to inform him/her that this will take place. This is not mandatory but a matter of courtesy so that the Clerk can warn other members of the public in attendance that they may wish to ask that their comments may be excluded from the recording
- g) The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principals or is deemed to be recording in a disruptive manner.
- h) Any person or organisation choosing to film, record or broadcast any meeting of the Council or a committee is responsible for any claims or other liability from them so doing.
- i) The Council asks those recording proceedings not to edit the film or recording in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show lack of respect towards those being filmed or recorded.
- j) The Council will display requirements as to filming, recording and broadcasting at its meeting venues and on its website (<http://www.avondassettparishcouncil.com/meetings/>) and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
- k) The Council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies.

### **6) Motions Requiring Written Notice**

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the District and County Council representing its electoral ward.
- b) No motion may be moved at a meeting unless it is included in the agenda and has been received by the Clerk at least 10 clear days before the next meeting.
- c) The Clerk may correct obvious grammatical or typographical errors in the wording of the motion. If the Clerk considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Clerk.
- d) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

### **7) Motions Not Requiring Written Notice**

- a) To appoint a person to preside at a meeting.
- b) To approve the absences of Councillors.

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- c) To approve the accuracy of the minutes of the previous meeting.
- d) To correct an inaccuracy in the minutes of the previous meeting.
- e) To dispose of business, if any, remaining from the last meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- g) To proceed to the next business on the agenda.
- h) To close or adjourn debate.
- i) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- j) To exclude the press and public for all or part of a meeting.
- k) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- l) To give the consent of the Council if such consent is required by standing orders.
- m) To suspend any standing order except those which are mandatory by law.
- n) To adjourn the meeting.
- o) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- p) To answer questions from Councillors.

### **8) Clerk to the Council**

- a) The Council will appoint a Clerk to the Council who will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.
- b) The Clerk will act as the Proper Officer of the Council, and he/she will:
  - (1) Receive the Declarations of Acceptance of Office and notices disclosing interests.
  - (2) Sign documents on behalf of the Council and issue agendas and notices of meetings
  - (3) Receive and distribute plans and documents on behalf of the Council
  - (4) Advise the bank of changes to mandates with the bank.
  - (5) Make available on the Avon Dassett Community website the agendas and minutes of meetings.
- c) The Clerk will act as The Responsible Financial Officer.
- d) As an employee of the Council the Clerk is covered by employment legislation dealing with employment rights, discrimination in employment, unfair dismissal, redundancy and similar matters. The Clerk will therefore have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Chair or designated Councillor acting with the authority of the Council. The Clerk will have an annual appraisal in December of each calendar year. This will be undertaken by the Chair after taking into account the views of fellow Councillors.
- e) Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office.
- f) Refer a planning application received by the Council to the Chair or in his absence the Vice-Chair within 3 working days of receipt and to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council

### **9) Committees and Task and Finish Groups**

- a) The Council from time to time may set up committees to undertake work on behalf of the Council. The Council will set their Terms of reference, and they will report periodically to the Council.

### **10) Emergency Business**

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- a) Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chair and one other Councillor. Actions will be reported promptly to the Council.

### **11) Planning Meetings**

- a) On receipt of planning applications from Stratford District Council, the Clerk should send the planning reference number by email to all Councillors.
- b) Notice of the meeting should be displayed on the Avon Dassett Parish Council notice board three days before the meeting

### **12) Alteration or Reversal of Previous Decisions**

- a) Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council.

### **13) 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 favor, 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 favor of one person. Any tie may be settled by the Chair's casting vote.

### **14) Expenditure**

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

### **15) Extraordinary meetings**

- a) The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b) If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

### **16) Accounts and Financial Statement**

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each Councillor at each council meeting a statement summarising the Council's receipts and payments for the previous months and the balances held at this time. Approval must be sought for all payments and to comply with the Transparency Act Requirements copies of all invoices must be attached to the minutes of the meeting. On a quarterly basis a Financial statement should be prepared showing expenditure to date and include a comparison with the agreed budget for the financial year.
- c) A Financial Statement will be prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of April. The Statement of Accounts of the Council (which is subject to external audit), including the

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annual governance statement, shall be presented at the Annual Meetings held in May.

- d) An Internal audit of Affairs and Finances should be held each year before 30 April and any comments or recommendations reported at the Annual meeting.
- e) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

### **17) Code of Conduct on Complaints**

- a) The Council shall deal with complaints on maladministration allegedly committed by the Council. or by any officer or member, following the complaints procedure adopted by the council.

### **18) Standing Orders**

- a) These and any other standing orders will be reviewed annually by the Clerk and at least one Councillor, and any amendments will be decided by the Council.
- b) During the course of meetings of the Council, the Chair's decision as to the interpretation of the standing orders will be final.
- c) The Council may resolve to suspend a Standing Order, in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.
- d) A legal deed shall not be executed on behalf of the council unless the same has been authorised by resolution. In accordance with a resolution any two members of the Council may sign on behalf of the Council any deed required by law and the Proper officer shall witness their signature.

### **19) Handling of 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 that for special reason would not be in the public interest.
- b) Councillors of staff shall not disclose confidential or sensitive information that for special reasons would not be in the public interest.
- c) Under notification by the district council that a Councillor has breached the council's code of conduct, the council shall consider what, if any, action to take against him/he. Such action excludes disqualification or suspension of office.
- d) The Council will register under the Data Protection Act and registration will be renewed on an annual basis.

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**Appendix 1 – Further Reference Documents**

GPN006 - NALC Model Standing Orders

<http://www.avondassettparishcouncil.com/external-reference-documents/national-association-of-local-councils/guidance-documents/>