



UPCHURCH PARISH COUNCIL

Clerk to the Council:

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Standing Orders Version 13

Adopted on 3rd March 2016

Orders required by law are in bold print

Code of Conduct

1. **This issue of the Code of Conduct has been raised to accommodate appropriate advice from the Governance Toolkit for Parish and Town Councils April 2009. A copy of this document is held by the Clerk and may be examined by appointment.**
2. The Clerk shall keep copies of the Notifications by Members of financial and other interests and the Notifications shall be available by appointment with the Clerk. These are also available to the public via Swale Borough Council's website.

Meetings

3. Meetings of the Council are normally held monthly on the first Thursday of the month, with the exclusion of August, unless the Council otherwise decides at a previous meeting. Location, time and date for each meeting will be available via the published agenda or on the Council website. A minimum of four meetings shall be held as stated in 4 and 5 below.
4. **The Statutory Annual Meeting (a) in an election year shall be held on the fourth day after the ordinary day of elections to the Council or within 14 days thereafter, i.e. on the second Thursday in May, and (b) in a year which is not an election year shall be held on the normal meeting day in May (i.e the first Thursday).**
5. **The three other statutory meetings shall be held in January, March and September.**
6. **The Annual Parish Meeting shall be held between 1st March and 1st June. There is no statutory obligation for the Parish Council to hold this meeting. The purpose of this meeting is to discuss 'Parish affairs'¹ which have no statutory definition. The agenda shall be published 7 clear days before the meeting. Only persons registered as local government electors for the parish can speak and vote at the meeting.**

Chairman

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

Clerk

8. The Clerk is the proper officer of the Council and shall
 - i) receive declarations of acceptance of office
 - ii) receive and record notices disclosing pecuniary interests
 - iii) receive and retain plans and documents
 - iv) sign notices and documents on behalf of the Council
 - v) sign summonses to attend meetings
 - vi) be responsible for taking minutes at the Annual Parish Meeting
 - vii) be responsible for the administration of the Burial Ground
 - viii) be responsible for the administration of the Allotments

¹ Parish affairs can be any issue of topic that specifically affects the parish and is not exclusive to the business of the Parish Council.

- ix) be responsible for the administration of the Council website
- x) be appointed the Responsible Finance Officer
- xi) In any other case the Council may nominate a proper officer

Quorum

9. **Three members shall constitute a quorum** (i.e. one third of members), and if a quorum is not present for any part of the meeting business shall be adjourned until another meeting is called.

Voting

- 10. **Members shall vote by a show of hands**, unless two members request a signed ballot.
- 11. **A member may not vote via proxy or post in advance of a meeting.**
- 12. **If a member so requires, the Clerk shall record the way in which each member voted on any matter at a full meeting in the minutes.**
- 13. **The Chairman may vote on any matter put to the vote, and if the votes cast are equal may give a casting vote, which he will use to maintain status quo even though he gave no original vote.**

Order of business

14. **At each Annual Meeting the first business shall be**
- i) **to elect a Chairman and to receive the Chairman's declaration of acceptance of office or to decide when it shall be received**
 - ii) **in an ordinary year of election, if the current Chairman has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman shall not have an original vote in respect to the election of the new Chairman but must give a casting vote in case of an equality of votes.**
 - iii) **in an ordinary year of election of the Council to deliver by the Chairman and all Councillors their acceptance of office forms unless resolved to do so at a later date.**
 - iv) **in an ordinary year of election of the Council fill any vacancies left unfilled at the election by reason of insufficient nominations**
 - v) **to decide when any declarations of acceptance, which have not been received, shall be received**
 - vi) to elect a Vice-Chairman
 - vii) to appoint committees (see Committees section) and working groups.
 - viii) to appoint a representative for each area of responsibility (paddock, recreation ground, allotments, burial ground & churchyard), Village Hall Trustee, Transport/Highways representative, Christmas Tree representative, Kent Association of Local Councils representatives, Twinning Group representative and a Police Liaison representative
 - ix) to consider the payment of any annual subscriptions
 - x) To appoint an independent Internal Auditor
 - xi) and then to follow the order in Standing Order 16
15. **At each Annual Parish Meeting the order of business shall be**
- i) **Public agreement of previous meeting minutes**
 - ii) Chairman's Report
 - iii) Presentation of Accounts
 - iv) General Parish Business as raised by members of the public
 - v) A speaker can be arranged for any topic appropriate to the Parish
 - vi) **Any vote or subsequent poll is not binding on the Parish Council except in exceptional circumstances** (e.g the vote may trigger a statutory duty to consider provision of a facility to meet a demand).

16. **At any meeting, if the Chairman and Vice-Chairman are absent, the first business must be to appoint an acting Chairman for that meeting.**
17. Every year through the process of an annual review, the Council, through the HR Committee, shall review the pay and conditions of service of existing employees.
18. Reports from Councillors about their activities on behalf of the Council and papers outlining proposed policy shall be prepared in writing and distributed before the meeting whenever practicable.
19. The order of business at meetings shall be as follows
 - i) to consider the minutes, which shall have been circulated after the previous meeting, and **to approve their signature by the chairman residing over that meeting (this may be vice chairman or acting chairman) as a correct record, with each page initialed by the signatory**
 - ii) **to deal with business expressly required by statute to be done**
 - iii) to consider briefly any matter raised by a parishioner attending the meeting (A maximum of thirty minutes to be allowed for matters raised by parishioners)
 - iv) to consider matters arising from correspondence received by the Council.
 - v) to consider any planning applications
 - vi) to consider the current financial report and authorise any payments
 - vii) to receive and consider the minutes and reports of committees
 - viii) to consider any other business or resolutions specified in the summons
 - ix) to dispose of any matters arising from the minutes not on the current agenda
 - x) A motion to vary the order of business on the grounds of urgency can be put to the vote without discussion.

Summons and Agenda

20. The summons and agenda for each meeting of the Council must be posted on the notice boards and website and sent to each member three clear days before the meeting.
21. A member wishing to have an item included in the agenda must notify the Clerk one week and one day before the meeting. If an important matter arises after one week and one day, it may be possible to include it in the agenda, but the Clerk must be informed immediately, prior to the start of the meeting. It is necessary that items involving financial decisions and items that could lead to a decision affecting the community as a whole are included on the agenda.

Rules of debate

22. Any resolution must be proposed and seconded, and after discussion be put to the vote, unless it is withdrawn by the proposer.
23. Any amendment to the resolution must be proposed and seconded and shall be discussed and put to the vote before the original resolution.
24. Discussion should be held via the Chair. Only one member shall speak at a time.
25. Any member can request that the question be now put, or the debate adjourned, and if the Chairman considers that there has been adequate discussion, a vote shall be taken.

Reversal of decisions

26. A decision of the Council shall not be reversed within 6 months except by a special resolution written and signed by five members, or by a resolution, which follows the recommendation of a committee.

Expenditure

27. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.** The Clerk is given delegated powers to authorise expenditure up to £300 between meetings, provided it is deemed necessary for an emergency situation, or the expenditure falls within the agreed budget.

Minutes

28. Minutes of Council meetings should normally be taken by the Clerk who will circulate them to all Councillors and to the County and District Councillors representing Upchurch.

Committees

29. The Council will, at its Annual Meeting, appoint standing committees for General Purposes, Finance, Planning and Human Resources and at any other time appoint such committees as are necessary for the duration of the year.
30. The Council may appoint non-Council members to any committee, with the exception of the HR Committee.
31. Appointed committees should adhere to a Terms of Reference agreed by the Council.
32. The Committee shall appoint a Committee Chairman from amongst its members if not already appointed by the full Council. If the Chairman of the Council is part of that committee, it can be agreed that they do not act as chair if a more appropriate member is in attendance.
33. Additional meetings of a committee may be summoned either by the Chairman or by written request of 2 members but should only consider business specified in the summons.
34. All Committees should have at least 3 members
35. A quorum shall be 3.
36. Members shall vote by a show of hands, and **the Chairman shall, in the case of an equality of votes, have a second or casting vote which he will use to maintain status quo.**
37. The Chairman of a committee is responsible for ensuring that minutes are taken and distributed to the Council for agreement via the Clerk. Alternatively, by agreement with the Council, a verbal report may be made at Council meetings.

Responsible Financial Officer

38. The Responsible Financial Officer, working in accordance with the adopted Financial Regulations.
 - i) prepares financial reports for the finance committee and/or Council
 - ii) prepares draft estimates with the finance committee
 - iii) submits the precept to the District Council
 - iv) banks regularly all money received by the Council
 - v) ensures that all money due to the Council is billed and collected promptly
 - vi) handles the management of payroll. As the Clerk is also the RFO, the HR Committee is responsible for the Clerk's payroll
 - vii) takes overall responsibility for submission of VAT returns annually at least and deals with VAT inspections
 - viii) prepares and balances with the finance committee, final accounts, and reports thereon to the Council
 - ix) produces accounts and records for external or internal audit in accordance with the regulations
 - x) submits to the Council at the ordinary meeting following the audit the auditor's list of notes and queries
 - xi) reports to the Council any recommendations from the auditor
 - xii) manages insurance risk. Processes claims as necessary. Reports annually to the Council on insurance risk covered
 - xiii) maintains and reports annually the Council's register of property and assets.

Accounts and financial statement

39. All accounts for payment and claims upon the Council shall be laid before the Council.
40. Where it is necessary to make a payment before it has been authorised by the Council, it must be certified as to its correctness and urgency by the Chairman or Vice-Chairman, and submitted to the Council at its next meeting.
41. The Responsible Financial Officer or Clerk shall submit to the Council at every ordinary meeting a statement of receipts and payments.
42. Annual accounts for the year to 31st March shall be approved by the Council before the following 30th September.
43. An Internal Auditor shall be appointed annually at each Annual Council Meeting.
44. The Chairman or a nominated Councillor may be present during the annual internal audit.

Estimates

45. The Council shall approve written estimates for the coming financial year at its meeting in January.
46. Any committee desiring to incur expenditure shall, not later than 30th November, give to the Clerk a written estimate of the expenditure recommended for the following year.

Interests

47. The Clerk shall record in a book to be kept for the purpose particulars of any notice given by any member or officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.

Documents

48. **All minutes kept by the Council or a committee shall be open for inspection by any member** of the Council and a member of the Council may inspect any document in possession of the Council or a committee, in accordance with the Data Protection Act. If copies are available they shall on request be supplied.
49. Members of the public can, by prior arrangement with the Clerk, inspect the statement of accounts, minutes and any documents submitted to the Council, in accordance with the Council's Publications scheme, and in compliance with the Data Protection and Freedom of Information Acts, and can make copies or extracts from them. Members of the public will be expected to pay costs incurred on their behalf, including costs of postage and transport where copying cannot be done by the Parish Council.
50. The Parish Clerk is responsible for all correspondence, sent and received, on behalf of the Parish Council.
51. The Parish Clerk should be sent copies of all emails sent by Councillors, on Council business.
52. All regular meeting agendas and minutes should be made available via the Council's website in PDF format (in order to protect the content).

Unauthorised activities

53. No member of the Council or a committee shall issue orders, instructions, or directions unless authorised to do so by the Council or the relevant committee.

Admission of the public and press to meetings

54. **The public shall be admitted to all meetings of the Council and its committees**, which may, however, temporarily exclude the public, if the business is confidential (such

as relating to an employee) or if temporary exclusion is advisable in the public interest, by means of the following resolution:

“That in view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw.” (The special reasons should be stated).

- 55. The Clerk shall provide the press with reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
- 56. The recording of meetings by the public is permitted, subject to protection of children and vulnerable adults, data protection regulations and with the exclusion of any confidential discussions as in paragraph 54. Full regulations should be available from the Clerk.**
57. At the beginning of the meeting, but usually after Apologies and Minutes of the last meeting, the Chairman will suspend standing orders to allow time for members of the public to make comments or representations, give information or evidence or ask questions. This public session will usually last for half an hour. At the completion of Public Speaking, the Chairman shall invoke standing orders for the remainder of formal business. Whilst standing orders are invoked, any members of the public present may only observe. If during formal business, it is the wish of the Parish Council to let a member of the public present participate then the Chairman shall suspend standing orders for that purpose after which he will re-invoke standing orders. Members of the public may be asked to leave the meeting, if, after being warned, they continue to interrupt proceedings.

Liaison with County and District Councillors

58. A notice of meeting and invitation to attend Council meetings shall be sent to the County and District Councillors representing Upchurch.

Planning applications

59. The Clerk shall, on receipt of any planning application (or appeal) notified to the Council, document the following particulars:
 - i. the date on which it was received
 - ii. the name of the applicant
 - iii. the place to which it relates
 - iv. a summary of the nature of the application

Subsequently this should include a record of the Council's recommendation on the application, and the outcome.

60. The Clerk shall refer every planning application to the Chairman of the Planning Committee or in his absence the Chairman of the Council within 48 hours of receiving it.
61. The Planning Committee will operate in accordance with the Terms of Reference for the committee agreed by full Council.
62. All responses made by the Planning Committee shall be read out at the following meeting of Upchurch Parish Council. If the Parish Council considers that a matter that is of importance in planning terms has been omitted, exaggerated, or misinterpreted, then the Council may choose to send a further letter to the Planning Authority
63. Correspondence with the Planning Authority from the Parish Council can express the contrasting views of individual Councillors when this is necessary.

Contracts

64. Where the council intends to procure or award a contract for goods or services over £25,000. The Council shall comply with the relevant requirements of The Public Contracts Regulations 2015 (The Regulations”).
65. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in the The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).
66. The Council is not bound to accept the lowest tender, and if no acceptable tender is received the Council can make such arrangements as it sees fit.
67. When the intention is to enter into a contract less than £25,000 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 11.1 (a) of the Financial Regulations. The Officer shall obtain 3 quotations (priced descriptions of the proposed supply). Where the value is below £3,000 and above £1,000. The Officer shall strive to obtain 3 estimates.

Risk Assessments

68. Risk assessments will be conducted in accordance with a published timetable by area representatives appointed under section 14 (viii) and/or the clerk as appropriate. Ad hoc activities will be subject to specific risk assessments. Each assessment will be recorded on a defined document and retained by the clerk.

Complaints

69. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

Standing Orders

- 70. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's declaration of acceptance of office.**
71. A signed confirmation of understanding and acceptance should be returned to the clerk.
- 72. Any or every part of the Standing Orders except those in bold type may be suspended by resolution in relation to any specific item of business. Any permanent change must be proposed and seconded and then discussed at the next meeting of the full Council.**

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UPCHURCH PARISH COUNCIL – STANDING ORDERS

Document History

Version	Date Reviewed	Summary of Changes
	1/2/07	Adoption of Standing Orders
9	March 2012	Unknown
10	4/2/13	5 – amended wording 6 formatting change 9 Amended definition of quorum 13(vi) – revised wording to clarify representatives 13 (ix) removed bold formatting 13(x) added 14 – removed declaration of office as not required in this circumstance 17(i) – revised wording to clarify signatory 17(iii) - queried as to order of actions 17(xi) – removed 29 – added in terms of reference required 30 – amended to clarify appointment of chairman on committees 35 – added cross reference to Financial Regulations 60(ii) – amended Forum to Quorum 61 – amended to specify confidentiality of quotes until closing date 63 – included section for risk assessments Added Document History to record changes General renumbering changes due to above
11	6/5/14	Minor wording and format changes
12	5/2/15	Various changes due to current Council practice and initial alignment with current NALC model. Main changes are: 6 – clarification of Annual Parish Meeting 15 – new 19 – re-ordered to align with current agenda 29 & 32 – introduction of HR. Planning and General Purposes Committees and corresponding TORs 38 (vi) – Added responsibility of HR committee for Clerk’s payroll 44 – new 59 – 63 – reworded to align with Committee regulations & TOR 69 - new
13	24/1/16	14 (viii) - removal of the words School Governor & Tree Warden. Village Hall Representative amended to Village Hall Trustee. Christmas Tree Representative added. 17 – wording amended to ‘through the process of an annual review’ 29 – Finance added 38 (vii) – amended to annual from quarterly 44 – amended from ‘should’ to ‘may’ 64 – Amended in accordance with Model Financial Regulations January 2016

UPCHURCH PARISH COUNCIL – STANDING ORDERS

		65 - New 66 – Figures amended to comply with Model Financial Regs January 2016. £50,000 amended to £25,000 and £100 to £1,000.
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