

CORSTON PARISH COUNCIL

STANDING ORDERS

INTRODUCTION

There are some 8,500 councils at parish level in England. As a tier of local government they are elected bodies, with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them. Policy has centered on the fact that they act as a focus for local opinion, and provide a way to get things done in a way that is best suited to their local community.

Parish councils in their current form were created by the Local Government Act 1894. Their governance, shape and form were consolidated in the Local Government Act 1972 (the Act). Under the Act, by passing a resolution, a parish council may be renamed a “town council”. This is particularly important since old urban district councils were incorporated into parish form. As a result of changes to the Act, brought about by the Local Government and Public Involvement in Health Act 2007, a parish council may be known alternatively as a “community”, “village” or “neighbourhood” council. This latest development is a reflection of the change in the nature of parishes, especially the needs of urban and suburban areas where there has been little tradition or expectation of a parish tier of local government.

The National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) quite sensibly use the generic expression of “local councils” to describe all councils which fall into this class of authority. For ease of use, and to ensure we don’t clash with any publication of NALC or SLCC, we have used the legal term of “parish council” throughout this publication to mean all councils at the parish level of local government.

All councils are constituted in the same way; the local government electorate elects councillors and each council has a Chair, who must be one of the elected councillors. Councils vary in size and capacity; many are small, representing a few hundred people, others represent communities of over 30,000 people with budgets of over £1m and expenditure and staffing levels per head of population similar to a small district council.

A council is a corporate body with perpetual succession and a name. Local councillors are often referred to as “Members” – for example in the Code of Conduct. The number of councillors is fixed by the district (or unitary) council; Corston Parish Council has 7 parish councillors. A parish council’s lawful acts, assets and liabilities are its own and not those of its councillors or any other council.

A council must act within the law. It can only spend, raise or use money if it has a statutory power to do so; otherwise it acts ultra vires (beyond its powers). Parish councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, i.e. a council may do something, rather than it must do something.

A parish council has the unfettered right to raise money by precept (a mandatory demand) on the district council. The principal council then collects the precept required by a parish council as part of the council tax levied on taxpayers in that parish.

Parish councils act as sounding boards for local opinion, though the range of services and amenities provided varies enormously. They often work with local voluntary organisations and other tiers of local government and have an important role in providing and improving very local services and amenities. Councils are represented nationally by NALC, referred to above, which works with independent county associations to provide routine support for councils and their clerks. County training partnerships provide training to the members and employees of parish councils.

There are certain obligations, which by law a parish council must fulfill. For example:

- It must hold an annual meeting;
- It must hold at least three other meetings a year;
- It must appoint such officers as it believes necessary for the proper discharge of its functions. This must include an officer responsible for the proper administration of financial affairs;
- It must make Standing Orders for the supply of goods and services to the council.

The arrangements for meetings and proceedings of local councils are set out in Part II of Schedule 12 to the Local Government Act 1972, as supplemented by any standing orders adopted by a council.

Parish councils should not see themselves as operating in isolation. They will achieve far more by being prepared to work constructively with other public bodies and organisations around them.

Parish councils will wish to:

- Be consulted on planning applications and will need a close relationship and understanding with the planning office of their district/unitary council. Parish councils are encouraged to prepare parish plans in consultation with the planning office with a view to the plan being taken into account by the district council in considering planning applications and preparing the local development framework.
- Have points of contact with principal council services, such as highways, cleansing, parks, elections etc. and to contribute to the way such services are provided.
- Work closely with the standards committee and monitoring officer of the principal council on ethical framework matters and the members' code of conduct.
- Be represented, collectively with other parish councils, on the Local Strategic Partnership.
- Liaise with other stakeholders operating services within the parish council boundaries.
- Contribute to proposals which may be made to the Secretary of State under the Sustainable Communities Act 2007

As the lowest tier of democratically elected representatives in the country, parish councils have the mandate to speak on behalf of the people they represent. It is important that parish councils learn how to do this with authority and integrity in order to have the optimum effect.

1. COUNCILLORS

1.1 Following election or co-option to the Parish Council each Councillor will be issued by the Parish Clerk with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the Declaration of Acceptance of office register in the presence of the Clerk.

1.2 All councillors will observe the Code of Conduct at all times when on Council business. Clerk to supply the latest printed version of the Code of Conduct to each councillor..

1.3 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 such interest at the earliest opportunity.

2. CLERK TO THE COUNCIL

Overall Responsibilities

2.1 The Council will appoint a Clerk to the Council and the Clerk will be the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law of a local authority's Proper Officer. The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out. The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. The person appointed will be accountable to the Council for the effective management of all its resources and will report to them as and when required. The Clerk will be the Responsible Financial Officer and responsible for all financial records of the Council and the careful administration of its finances.

2.2 The Clerk will receive the Declarations of Acceptance of Office, sign documents on behalf of the Council and issue Agendas and notice of meetings etc., Receive and distribute plans and documents on behalf of the Council and also instruct the Council's Bank of changes to the mandate and other matters pertaining to the correct operation of the Council's bank account. The Clerk will keep the Chairman and Vice Chairman advised on all appropriate matters.

Specific Responsibilities

- To ensure that statutory and other provisions governing or affecting the running of the Council are observed.
- To monitor and balance the Council's accounts and prepare records for audit purposes and VAT.
- To ensure that the Council's obligations for Risk Assessment are properly met.
- To prepare, in consultation with appropriate members, agendas for meetings of the Council and Committees. To attend such meetings and prepare minutes for approval.
- To attend all meetings of the Council and all meetings of its committees.
- *To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence as a result of instructions of, or the known policy of the Council.

- To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met. To issue invoices on behalf of the Council for goods and services and to ensure payment is received.
- *To study reports and other data on activities of the Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Council.
- To draw up both on his/her own initiative and as a result of suggestions by Councillors proposals for consideration by the Council and to advise on practicability and likely effects of specific courses of action.
- To monitor the implemented policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
- To act as the representative of the Council as required.
- To issue notices and prepare agendas and minutes for the Parish Meeting: to attend the assemblies of the Parish Meeting and to implement the decisions made at the assemblies that are agreed by the Council.
- To prepare, in consultation with the Chair, press releases about the activities of, or decisions of, the Council.
- To attend training courses or seminars on the work and role of the Clerk as required by the Council.

2.2 The Clerk will take this document where appropriate as their list of duties. The Parish Clerk is responsible for establishing correctly, their own Income Tax and National Insurance arrangements. Remuneration will be by way of regular payment as approved at a Council Meeting. Expenses will be claimed authorized and paid when approved.

3. ANNUAL MEETINGS

3.1 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 on an appropriate day in May.

3.2 If the outgoing Chairman is available then they will preside until a new Chairman has been elected. The first business of the Annual Meeting will be the election of the Chairman and Vice Chairman and to receive their Acceptance of Office.

3.3 The retiring Chairman will always report on the activities of the Council for the Preceding year.

3.4 Representatives from Parish and Village organisations will be invited to make a presentation at the Annual Parish Meeting. The following list is not exclusive but invitees will include, All Saints Church Parochial Church Council, the Parish Hall Committee, the Country Fair Committee, the Church Preservation Trust, St. Teresa's Care Home, etc.

4. MEETINGS

4.1 Parish Council meetings will be held in Corston Village Hall, commencing at 7-00pm usually on a Monday evening. Alternatively, for the period allowed by inter alia Section 78 of the Coronavirus Act 2020 and the regulations made thereunder, to hold a virtual Parish Council meeting instead under the procedure stipulated by the Act and as recommended by NALC.

4.2 An agreed frequency of Meetings will be agreed each November and published for the following year. The Parish Clerk will deliver the meeting Agenda by e-mail or by hand at least three business days before each meeting. This is deemed to include any virtual meeting held under 4.1 above that replaces an advertised meeting to be held at the Village Hall.

4.3 Public Notices will be posted on the Council's Notice Board. The Public will be informed of the venue, date, time and business to be transacted at all Meetings. Where members of the Public have asked for e-mail information it will be distributed by this means. A report from the Parish Council will be included in the twice-yearly Corstonian magazine. For a virtual meeting the same information including the Agenda and other documents to be considered at a virtual meeting will be put on the Council's website at corstonpc.org.

4.4 The Clerk, Chairman and Vice Chairman and Councillors will agree the Agenda of the Meeting. The Agenda will always include an item to enable Councillors to declare an interest. An opportunity for public questions will be made at each meeting. In the Agenda for a (virtual) meeting will be added the words:

“NB. Parishioners are asked to raise any issues as early as possible before a meeting of the Parish Council with either the Parish Clerk or a Parish Councillor and indicate if they wish to speak at the meeting or that they are content for their matter be represented by the Clerk or a Councillor.”

At the start of a virtual meeting the Chair will confirm if there are any members of the public present, that have been let in from the waiting room, and ask them if they wish to speak during the public session.”

4.5 The Council may only take decisions on items clearly specified on the agenda. If agreed by the Chairman any urgent items not on the Agenda may be discussed. But no actual decision may be made at that meeting. Ideally such a decision will be taken at the next PC meeting.

4.6 The Chairman of the Council will preside at all Meetings. If they are not present the Vice Chairman will preside. If neither is present then the first item will be the election of an appropriate Councillor to chair such a meeting.

4.7 The quorum for the Council will be not fewer than three Councillors. If there are insufficient Councillors then the meeting will be cancelled and a fresh notice will be issued to reconvene the meeting at a later date.

4.8 If at any time during the meeting it ceases to be a quorate then the meeting will be adjourned.

4.9 Voting at a meeting will be a show of hands. Any abstentions will be recorded.

4.10 In cases of equal votes the Chairman, or other Councillor presiding will have a second or casting vote.

4.11 A Minute of the Meeting will be kept by the Parish Clerk or other nominated person in the Clerk's absence. The Minutes that are circulated are Draft minutes until the Council approves them.

4.12 With regard to planning applications. If there is a personal interest then that person must leave the meeting whilst discussions take place.

4.13 All Meetings will be open to the Public. For a virtual meeting held under 4.1 above, the Agenda will contain a link for public access to the meeting.

4.14 Members of the public may speak at Council Meetings at the discretion of the Chairman of the Meeting.

5. PUBLIC PARTICIPATION SESSION

5.1 Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public has a statutory right to attend meetings of a parish council and its committees. Importantly they have no right to participate in a meeting, unless permitted to do so by the Council. Permitting the public to contribute at council meetings is an effective mechanism for community engagement. For a virtual meeting the Chairman or the administrator of the meeting assisting the Chairman can mute the sound of any member of the public so speaking if in the discretion of the Chairman that member of the public is being disruptive to the meeting.

5.2 Normally, a Councillor with a prejudicial interest is not permitted to be present or to participate in any part of a meeting of a council considering or determining a matter in which he has a prejudicial interest as defined by the Model Code of Conduct. He would be expected to leave the meeting room.

However, as members of the public are permitted to participate, and the council has adopted paragraph 12(2) of the Model Code of Conduct, a Member with a prejudicial interest in any business being considered, is entitled to make representations, answer questions and give evidence in the same way as the public also enjoy this right. A Member with a prejudicial interest would be expected to leave the room immediately after he has made representations (this could be a mere comment), answered questions and given evidence. The Code of Conduct prohibits a Member with a prejudicial interest in a matter from voting on it, unless he has obtained a dispensation from his local standards committee. For a virtual meeting a Councillor with a prejudicial interest who wishes to speak must state that he or she does so as a member of the public and not as a Councillor.

5.3 To regulate the conduct and duration of the public session a limit the time that individuals speak is established as no more than 5 minutes per person. A maximum of 20 minutes are allowed for public questions and comments to be raised. For a virtual meeting a member of the public will be allowed in by the host but without any mute applied on the voice. The Chair will indicate when members of the public can speak so there is no confusion with too many voices at once.

5.4 These Standing Orders restrict public participation to items of business on the agenda. Corston Parish Council will not make immediate decisions on comments and representations made by the public, but they can be considered when the council formally considers that item of business, debates the matter and then makes a decision on that matter.

5.5 No discussion shall take place on any question put or comment made. Where practical, the Chair may respond to the question or indicate that a written response will be made. There may be instances when comments made by the public would be better addressed and considered at a later meeting, or at the meeting of a particular committee, as they may not have all the relevant information to make a valid decision.

6. FINANCE

6.1 The Responsible Finance Officer (RFO) will be the Parish Clerk. He will manage the Council's financial affairs in accordance with Proper Practices.

6.2 The RFO together with other Councillors as appropriate will prepare estimates and Precept for the Council's consideration. This will be done in December and January and when approved submitted to Bath and NE Somerset Council by the agreed date. During the year the Budget will be reviewed against actual expenditure. When required amendments to the budget will be discussed in Council and amendments made.

6.3 The RFO will supply regular updates of income and expenditure at each Council meeting. Underspent revenue is to be identified and placed in reserve by Council resolution. Details of any Section 137 expenditure will be recorded.

6.4 All Councillors have agreed to make no claim for expenses and freely give their time without remuneration.

7. ACCOUNTING AND AUDIT

7.1 The RFO will determine all accounting procedures and financial records in accordance with accounting and audit regulations.

7.2 The RFO will complete the annual financial statements of the Council. The Council will ensure there is an adequate effective system of internal and external audit on an annual basis.

7.3 Corston Parish Council will annually appoint an Internal Auditor.

7.4 The RFO will submit the Annual Return to the External Auditor by the due date.

8. BANKING ARRANGEMENTS AND AUTHORISATION OF CHEQUES

8.1 The Council's banking arrangements, including the Bank Mandate will be made by the RFO and approved by the Council.

8.2 A resolution of the Council will nominate at least three members to be mandated by the Council to sign cheques.

8.3 All items of expenditure will be authorised by the Parish Council and payment approved. There are to be no Standing Orders placed on the Parish Council's Bank Account. Direct Debit may pay any Utility Company account provided that two authorised

Councillors sign each Direct Debit instruction. No other accounts are to be paid using Direct Debit arrangements.

8.4 All items of expenditure are to be authorised by the Parish Council. Two Councillors will sign each cheque, they will then initial the invoice and the appropriate cheque stub.

9. LOANS AND INVESTMENTS

9.1 There will be no loans, borrowings or investments with out the appropriate authority of the Council.

10. CONTRACTS AND PURCHASE ORDERS

10.1 An official Order or Letter will be issued for all work or service paid for by the Council. If such an instruction has been delivered by e-mail then a hard copy of such an instruction will be recorded.

The RFO and all Councillors are responsible for obtaining good value for all expenditure at all times.

10.2 Orders or instructions for values up to £1500 require three written quotations. Such orders over £1500 require additional safeguards and Proper Practice. The Council will approve all quotations. The Council is not obliged to accept the lowest or indeed any quotation. Such decisions will be recorded.

11. ASSETS

11.1 The RFO will ensure that an appropriate and accurate list of all owned assets is kept.

12. V A T

12.1 The RFO will promptly complete any VAT return that is required. Any repayment claim due in accordance with the VAT act 1974 Section 33 will be made at least annually coinciding with the financial year.

13. INSURANCE

13.1 The Council will review the level and cost of Insurance annually. It will also ensure that cover is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.

14. RISK ASSESSMENT

14.1 A risk assessment will be undertaken annually of all activities of the Council. All Councillors will participate in this exercise. Once finalised, the Council will consider and approved the agreed assessment. If a new activity is undertaken it must be risk assessed.

15. FREEDOM OF INFORMATION

15.1 The Council is subject to the Freedom of Information Act. The Clerk will ensure compliance.

16 APPOINTMENTS OF COMMITTEES, TASK GROUPS AND REPRESENTATION

16.1 The above information relating to conduct and proceedings of meetings of the full council applies to meetings of committees and Task Groups.

16.2 As appropriate the Corston Parish Council will appoint the following committees:

Planning Committee

- The Committee will comprise 4 Members.
- The quorum of the Committee shall be 3 Members.
- The Committee shall undertake the following roles and functions:
 - To make recommendations to the council;
 - In relation to the approval or otherwise of any development plan or strategy proposals under planning legislation affecting the parish;
 - In respect of representations to the Local Planning Authority in support of any departure application;
 - In relation to any arrangements between the Parish Council and the Local Planning Authority about the involvement of the Parish Council in the discharge of planning functions;
 - To make representations to the Local Planning Authority on any application referred to the Parish Council and on any other planning matter that affects the parish.

Publications Committee - The Corstonian

- The committee will comprise 3 members including the Editor of the Corstonian as committee chair.
- The committee will review each draft edition of the Corstonian for editorial correctness, appropriate content and recommend approval to print and publish.

16.3 Councillors may from time to time attend other meetings on behalf of Corston Parish Council They will report as appropriate to the Council.

17. EMERGENCY BUSINESS

17.1 It may be appropriate to convene an emergency meeting, The Clerk will arrange in consultation with the Chairman.

18. STANDING ORDERS

18.1 These and any other Standing Orders will be updated when required.

18.2 During the course of Meetings of the Council The Chairman's decision as to the interpretation of these Standing Orders will be final.

19 CONCLUSION

19.1 The overriding objective of Corston Parish Council is to be inclusive, understanding and, within its delegated authority, provide the Local Community of the Parish with an efficient, effective and democratic service.

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Authorized by Corston Parish Council on : 26th January 2015