

TEMPLE GUITING PARISH COUNCIL

STANDING ORDERS

1. Councillors

1.1. Following election or co-option to the Council, each Councillor will be issued with 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, or of a Councillor who has been specifically designated by the Council for this purpose.

1.2. 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 offensively in meetings or obstruct the Council's business.

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 that interest and the nature of the interest at the earliest opportunity.

1.4. Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

1.5. All Councillors must complete a Register of Interests form for themselves and their partner/spouse. Details of this are held by Cotswold District Council, but should also be published on the Parish Council's website.

1.6. If a casual vacancy arises during the term of a Council then this vacancy must be advertised. An election must be held if 10 or more parishioners call for one. In the event that no election is called for, then a vacancy can be filled by co-option.

1.7. If a councillor resigns, then this is with immediate effect from the time the Chair accepts the resignation.

1.8. When an agenda is issued by the Clerk this is a legal summons to attend a meeting of the Parish Council. A Councillor could lose their place by failure to attend meetings. A Councillor ceases to be a member of the Council if they fail throughout a period of six consecutive months to attend a meeting, unless the Council approves this absence.

2. Annual Meetings

2.1. If the Annual Meeting is in an election year it must be held within 14 days after that election.

2.2. If it is not an election year then the annual meeting will take place on an appropriate day in May.

2.2. If no other time is fixed, the annual meeting of the council shall take place at 6pm.

2.3. In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.

2.4. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council.

2.5. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.

2.6. In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

2.7. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:

a) In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his Acceptance of Office forms unless the council resolves for this to be done at a later date;

b) Confirmation of the accuracy of the minutes of the last meeting of the council;

c) Receipt of the minutes of the last meeting of a committee;

d) Consideration of the recommendations made by a committee;

e) Review of delegation arrangements to committees, sub-committees, staff and other local authorities;

f) Review of the terms of reference for committees;

g) Appointment of members to existing committees;

h) Appointment of any new committees;

i) Review and adoption of appropriate standing orders and financial regulations;

j) Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;

k) Review of representation on or work with external bodies and arrangements for reporting back;

l) In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;

m) Review of inventory of land and assets including buildings and office equipment;

n) Confirmation of arrangements for insurance cover in respect of all insured risks;

o) Review of the council's and/or staff subscriptions to other bodies;

p) Review of the council's complaints procedure;

q) Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;

r) Review of the council's policy for dealing with the press/media; and

s) Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

3. Meetings

3.1. Meetings will be held in appropriate, accessible accommodation. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge.**

3.2. An agreed frequency of meetings (currently every other month Pt 10, 7.6.2017) will be decided at the Annual Meeting and Councillors will be advised of the meetings by the issue of a summons and agenda delivered by post or by hand. The agenda may be delivered by email provided the Council has previously agreed to this. In any case the agenda must be issued at least three clear business days before the meeting.

3.3. Public notices will be posted on Parish notice boards in Ford, Kineton, Temple Guiting and the Village Hall informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will also be published on the Parish Council website. The notice will be posted at least three clear working days before the meeting. This does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.

3.4. Meetings shall be open to the public and press unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

3.5. Members of the public may speak at Council meetings at the discretion of the Chairman of the meeting and following the procedure written under Standing Order Number 6.

3.6. The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman. The agenda will always include an item to enable Councillors to declare interests.

3.7. The Council may only take decisions on items clearly specified on the agenda; if agreed by the chairman, any urgent items which are not on the agenda may be discussed, but no decision may be made, at that meeting.

3.8. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 3 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

3.9 The Chairman of the Council will preside at the meeting and will be responsible for the conduct of that meeting. If the Chairman is not present then the Vice Chairman will preside. Whoever chairs the meeting will assume the duties of the Chairman for the meeting. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

3.10. The quorum for the Council will be one third of the total Councillor places but in any case not 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.

3.11. 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.

3.12. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

3.13. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

3.14. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

3.15. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

3.16. A dispensation may be granted in accordance with standing order 3.15. above if having regard to all relevant circumstances the following applies:

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
- ii. granting the dispensation is in the interests of persons living in the council's area or**
- iii. it is otherwise appropriate to grant a dispensation.**

3.17. Voting at the meeting shall be by a show of hands unless a majority of Councillors request a ballot. 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.

3.18. In cases of equal votes the Chairman (or other person presiding) will have a second or casting vote.

3.19. A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes which are circulated will be draft minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.

3.20. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they

shall be taken as read. A motion to correct an inaccuracy in the draft minutes shall be moved.

3.21. With regard to planning applications - if there is a personal interest, a statement can be made to the Parish Council meeting but then the person must leave the meeting while discussions take place.

4. Committees and sub-committees:

4.1. Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

4.2. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.

4.3. Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

5. Extraordinary meetings of the council and committees and sub-committees:

5.1. The Chairman of the Council may convene an extraordinary meeting of the council at any time.

5.2. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

5.3. The chairman of a committee may convene an extraordinary meeting of the committee at any time.

6. Relations with the Press/Media:

6.1 A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of a parish council or its committees but otherwise may:

- a) film, photograph or make an audio recording of a meeting;**
- b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
- c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**

6.2. 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.

6.3. Anyone who wishes to film or record the proceedings of the Parish Council is asked to advise the Clerk before doing so.

7. Clerk to the Council

7.1. The Council will appoint a Clerk to the Council which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.

7.2. The Clerk will act as the Proper Officer of the Council, and he/she will: receive the Declarations of Acceptance of Office and notices disclosing interests; sign documents on behalf of the Council **and issue agendas and notices of meetings**; receive and distribute plans and documents on behalf of the Council; and also advise the bank of changes to mandates with the bank.

7.3. 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 Chairman or designated Councillor acting with the authority of the Council.

7.4. The Proper Officer shall:

- I. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer**
- II. give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
- III. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- IV. facilitate inspection of the minute book by local government electors;
- V. **receive and retain copies of byelaws made by other local authorities;** retain acceptance of office forms from councillors;
- VI. retain a copy of every councillor's register of interests; assist with responding to requests made under the Freedom of Information Act

8. Public Question Time

The agenda for Council and Planning Committee Meetings shall include a period for local electors and other members of the public to ask questions in accordance with the following procedures:-

8.1. At the beginning of the meeting, members of the public will be given the opportunity to request to speak, make representations, answer questions and/or give evidence in relation to a specific matter on the agenda.

8.2. Questions may be submitted in writing to the Clerk at any time, up to and including the day of the meeting or may be asked in person at the meeting

8.3. Each question shall be directed to the Chairman of the meeting and any written questions received shall be dealt with first.

8.4. Each questioner may speak for up to three minutes.

8.5. A question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

9. Disorderly Conduct at Meetings.

9.1. The Chairman at his or her discretion may either: answer orally, undertake to provide a written reply within seven days, decline to answer or defer the matter until the next meeting of the Parish Council or Planning Committee. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

9.2. If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

9.3. If a resolution made under standing order 9.2. (above) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

10. Finance

In all matters relating to Finance, this Council has also adopted Financial Regulations, a copy of which is Annexed with these Standing Orders. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

10.1. Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £2000 shall be procured on the basis of a formal tender as summarised in standing order 10.2 below.

10.2. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- I. a specification for the goods, materials, services or the execution of works shall be drawn up;
- II. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's *written response to the tender* and (iv) *the prohibition on prospective contractors* contacting councillors or staff to encourage or support their tender outside the prescribed process; the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- III. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

10.3. Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

10.4. Responsible Finance Office (RFO)

The Responsible Finance Officer is a statutory office and appointed by the Council. Temple Guiting Parish Council has appointed the Clerk to carry out all responsibilities of the RFO.

10.5. Estimates and Precept.

The RFO will compile estimates of income and expenditure annually for the Council's consideration. The Council will review the budget not later than the end of November in preparation for the precept being agreed and submitted to the Collection Authority in January. During the year the budget will be reviewed against actual expenditure and income. Amendments to the budget will be discussed in Council and changes minuted.

10.6. Income and Expenditure

10.6.1. The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant under spends or overspends will be brought to the attention of the Council and action taken to address any discrepancies. Under spent revenue will be identified and earmarked to reserves by a Council resolution.

10.7. Accounting and Audit

10.7.1 The RFO will determine all accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations.

10.7.2. The RFO will complete the annual financial statements of the Council including the annual return as soon as practicable after the end of the financial year and will submit and report on them to the Council. The Council will review each year and ensure that there is an adequate, effective system of internal audit of the Council's accounting, financial and other procedures in line with Proper Practice.

The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the

Council for consideration and formal approval before 30 June.

10.7.3. An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practice.

The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

10.8. Banking Arrangements and Cheques

10.8.1. The Council's banking arrangements, including the Bank Mandate, will be made by the RFO and approved by the Council. They will be regularly reviewed for efficiency.

10.8.2. A resolution of the Council will nominate two members to sign cheques.

10.8.3. The Council will nominate two members to authorise on-line banking transactions.

10.8.4. All items of expenditure will be authorised by the Council and the payments approved. The RFO will examine invoices and verify and certify the expenditure.

10.8.5. Loans and Investments

10.8.5.1. All loans and investments will be negotiated in the name of the Council and will be set for a period approved by the Council.

10.8.5.2. All borrowings will be in the name of the Council and will not be entered into until necessary approvals have been given. Any application will be approved by Council, especially the terms and purpose. These terms must be reviewed annually.

10.8.5.3. All investments of money under the control of the Council will be in the name of the Council and all certificates or other documents will be retained by the RFO.

11. Execution and sealing of legal deeds

11.1. A legal deed shall not be executed on behalf of the council unless authorised by a resolution. Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

11.2. Subject to standing order 11.1. above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

A legal deed shall not be executed on behalf of the council unless authorised by a resolution. Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

12. Risk Assessment

12.1. A risk assessment will be undertaken annually of all the activities of the Council and a report approved by the Council. This assessment will also cover the appropriateness of the internal audit arrangements. The Risk Assessment will be reviewed annually.

12.2. If the Council undertakes a new activity not covered by the existing risk assessment an assessment will be undertaken before the activity commences.

13. Freedom of Information

13.1 Responsibilities to provide information

13.1.1 In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

13.1.2 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

13.2 Responsibilities under Data Protection Legislation (Below is not an exclusive list).

13.2.1 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.

13.2.2 The Council shall have a written policy in place for responding to and managing a personal data breach.

13.2.3 The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

13.2.4 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

13.2.5 The Council shall maintain a written record of its processing activities.

13.3 Responsibilities for data security:

13.3.1 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

13.3.2 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the

period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

13.3.3 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

13.3.4 Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

14. Committees and task and finish groups

14.1. The Council from time to time may set up committees and task-and-finish groups to undertake work on behalf of the Council.

14.2. Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

14.3. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.

14.4. Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

14.5. If the Chairman of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of a committee.

15. Emergency Business and Extraordinary Meetings of the Council

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

15.2. The Chairman of the Council may convene an extraordinary meeting of the council at any time.

15.3. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

16. Standing Orders

16.1. These and any other standing orders will be reviewed annually by the Clerk and the Chairman, and any amendments will be decided by the Council.

16.2. During the course of meetings of the Council, the Chairman's decision as to the interpretation of the standing orders will be final. In cases of doubt, the Council will seek the advice of the Gloucestershire Association for Parish and Town Councils (GAPTC).

16.3. 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.

These Standing Orders were adopted by the Parish Council at a meeting of the Council held on 2 May 2018.