

PYRTON PARISH COUNCIL STANDING ORDERS

Preamble

The Pyrton parish council is composed of Pyrton parish residents, who have put themselves forward for election, or been co-opted, in order to help improve the Pyrton community and environment, working with other residents of Pyrton. Their duty is to serve the community, including residents, taxpayers and electors, selflessly and objectively, and with integrity, honesty and accountability.

Although there is no requirement for a parish council to have standing orders, these orders are designed to help the council operate smoothly. There are various legal obligations and codes of practice and conduct that the council and its members must observe, and which these standing orders are designed to reflect. All standing orders remain subject to overriding statutory provisions.

The parish council is exempt from routine external audit but is covered by the transparency requirements set out in the Transparency Code issued by the Department for Communities and Local Government in December 2014. That code is designed to enable local electors and ratepayers to have access to relevant information about the authorities' accounts and governance. These standing orders reflect those requirements as they apply to the council.

The standing orders have been kept simple. They do not purport to cover every eventuality. Guidance on exceptional situations is available from SODC or various local government-related websites.

These orders are to be available at every parish council meeting and will be placed on the Pyrton.org website so that they are readily accessible to all residents.

Standing Orders

Size of parish council

The council shall have five members, in addition to the clerk.

Chairman

The chairman for the year will be elected by the councillors at the annual parish council meeting, which will be held as soon as practicable after the annual meeting of the parish. Any councillor, whether elected or co-opted, may become chairman. It is the role of the chairman to ensure council decisions are taken only at properly constituted meetings and those decisions are proper and legal. The chairman also signs the minutes, initialling and dating each page. However, the chairman enjoys no special powers and has the status of any other councillor, save that, when voting is tied, he or she has the casting vote. He or

she cannot determine what goes on the agenda. There is no limit on the period the chairman may serve in that capacity.

Status of clerk

The clerk has a statutory role and is appointed by the council. He or she is not elected and is not permitted by law to chair a parish council meeting, or the proceedings and decisions are void. They are likewise void if he or she votes. The clerk should not participate in substantive discussion. The council clerk is also the council's responsible financial officer (also a statutory position). As such, the clerk is responsible for managing the council's finances. The clerk is answerable to the council as a whole, not just the chairman.

Nomination of councillors

Candidates should complete and return a valid nomination form from SODC with the details needed for the register maintained by the SODC returning officer. There should be similar details for proposers and seconders, who must be registered electors in Pyrton.

Election of councillors

Councillors are elected every four years for four years in ordinary elections held during the annual meeting of the parish. There are no restrictions on the number of terms councillors may serve. Councillors must be aged 18 or over, qualifying citizen of the UK, Commonwealth, EU or Republic of Ireland, and for 12 months before their nomination have been resident in owned, rented or occupied premises within the parish, or resident within three miles of the parish boundary, or had their principal or only place of work within the parish. Elections are done by show of hands.

Elections to fill casual vacancies and co-option

a. Should a place on the council become vacant between ordinary elections through resignation or other reason, the chairman should receive written notification and inform SODC in writing of the vacancy (with name, date and reason). He or she should advertise the vacancy for 14 days on the village hall notice board and Pyrton.org, using the attached casual vacancy form, signed by the clerk (Appendix A). He or she should then find out whether parishioners want an election. Unless ten parishioners express desire for an election (as recorded on a request for election form lodged with SODC (Appendix B)), the council may, after checking with SODC, co-opt a councillor. The clerk should inform SODC of the name and date of that co-option. The co-option shall be completed within 60 days of first advertising of the vacancy. Any election should take place within 60 days of receipt of the request for an election. SODC will set the date after consulting the council chairman or clerk

b. An election is preferable to co-option as it helps to show that the council is chosen by the parish. This is especially when there are two vacancies. The council must avoid any

suspicion of being a clique. Co-opted councillors step down with all the other councillors at the next ordinary election.

Annual meeting of the parish

The annual parish meeting is not a council meeting but a meeting of the parish electors that takes place between 1 March and 1 June. Electors can contribute to the agenda. The chairman of the council, any two councillors, or any six electors can call the annual parish meeting. The chairman should chair the meeting. Elections of councillors should take place at the annual parish meeting.

Declaration of acceptance of office

Within one week of being elected and before the first council meeting he or she will attend, the new councillor will sign the declaration of acceptance of office (copy at Appendix C) in front of the council chairman or the clerk. The council secretary will retain this declaration as part of council records and send the new councillor electronic copies to read of the SODC guide to the standards regime (2012), with the attached code of conduct (Appendix D); the good councillor's guide (2013) (Appendix E); and these standing orders.

Disqualification of councillors

If a councillor fails to attend a council meeting for six months, he or she will usually be automatically disqualified, although the council may approve the absence for good reason.

Publication of council membership and individual responsibilities

The secretary will ensure an up-to-date list of the names of all councillors is maintained on the council website, together with their allocated responsibilities. The website should detail the representation on external local public bodies, if nominated to represent the council, of each councillor or member.

Annual parish council meeting

This should be the first council meeting after the annual meeting of the parish. The first item on the agenda will be the election by councillors of a chairman from among their number. The council may also choose to elect a vice-chairman.

Frequency of council meetings

The council will hold ordinary meetings monthly, although this may vary according to pressure of council business. The minimum number of meetings per year is four, one of which must be the annual council meeting. The clerk will maintain an up-to-date calendar of planned meetings, preferably for the forthcoming six months. The council may postpone or cancel a meeting without need for notice. A councillor may call for the holding of an additional extraordinary meeting to debate an issue not on the ordinary agenda.

Conduct of council meetings

The council may take decisions only during formal meetings. There will be no informal meetings and, although delegation is permitted, decision-making may not be delegated to a single councillor. Under the chairman's direction, the council will conduct meetings in business-like fashion and focus on decision-making. Only in exceptional circumstances should meetings last longer than one hour. Staff work should be discussed and completed out of meetings.

Venue of council meetings

The council should normally meet in the village hall or other public building (which does not need to be within parish boundaries). The council is not permitted by law to meet in private houses. Council meetings are public meetings, from which the public and press may be excluded only in exceptional circumstances after due legal process.

Quorum

The quorum for all council meetings will be three councillors. Without a quorum the council is powerless to take decisions or conduct valid business. Voting by proxy is not permitted but, at the chairman's discretion, a statement by an absent councillor may be read out. Councillor vacancies do not affect the calculation of the quorum.

Notice of council meetings

By law there must be three clear days' notice of a council meeting (those days not including Sundays or bank holidays, and preferably not Saturdays). Councillors are under an obligation to attend.

Agenda

The clerk will publish meeting agendas, which are as full and informative as possible, and associated meeting papers not later than three clear days before the meeting concerned. Reference to planning applications should contain basic details (reference no., address, description of work proposed). Under finance any items for payment should be listed with amount and payee. No decisions may be taken under 'Any Other Business'. The agenda should be headed by the email address of the clerk and signed and dated.

Minutes

The minutes should be succinct and record subjects of discussion and collective decisions taken. The clerk will publish the draft minutes from all formal meetings not later than one month after the meeting has taken place. The council should sign these minutes either at the meeting concerned or at the next meeting. Parishioners may inspect the minutes at any reasonable time, whether in draft or not.

Code of conduct

The council is required by law to promote and maintain high standards of conduct by councillors and to adopt a code of conduct based on the 'Nolan principles'. The parish will adopt and comply with the SODC code of conduct (Appendix D).

Disclosable pecuniary interests

a. Councillors must disclose disclosable pecuniary interests (DPIs), including employment, ownership of land and business interests within Pyrton, to the SODC monitoring officer within 28 days of becoming a councillor (register at Appendix F) . The monitoring officer will place the register of interests on the SODC website. This requirement covers also the DPIs of spouses and partners. A copy of each councillor's register of interests should go to the clerk for placing on the Pyrton website. Where a councillor is re-elected, he or she should disclose any DPIs not already on the register (Appendix G).

b. Where a councillor's DPI is relevant to an item for discussion, he or she should not participate in the discussion and vote, unless in receipt of a dispensation from the parish council under law, and should withdraw from the room, until recalled by the meeting chairman. If the DPI has not been registered, its existence and nature should be disclosed at the meeting and recorded in the minutes and then registered within 28 days. This provision is for the protection of the councillor concerned, should there be a subsequent allegation. The minutes of the meeting should be detailed on the declaration of the DPI and the council's handling of the councillor and item of business involved.

b. Responsibility for declaring personal interests lies with the individual councillor. None of the chairman, councillors or clerk may insist on a council member declaring an interest. Councillors must be open about their interests and conduct themselves ethically.

Publication of council expenditure

In line with the Transparency Code, the council will publish all individual spending transactions worth above £100, although it may offer a complete list of all expenditure transactions . The published entry should include date of expenditure, a summary of the expenditure's purpose, the amount involved, and the amount of unrecoverable VAT.

Contracts entered into by council

Also pursuant to the Transparency Code, the council will publish details of contracts newly entered into, notwithstanding normal rules of commercial confidentiality. Where feasible, the council will insert clauses into new contracts allowing for the disclosure of data in compliance with the code. It is essential the council is seen to provide value for money. This means ensuring public money is spent efficiently to provide an effective service.

Inspection of financial records

The council does not need to publish copies of all books, deeds, contracts, bills, vouchers, receipts and other related documents, but should keep these available for public inspection for 30 days after the relevant item of expenditure is incurred. The public right to inspect can be exercised on giving reasonable notice. Parishioners may inspect the council's accounts at any reasonable time.

Budget

The council will maintain a plan for income and expenditure, revenue and capital over the next year. By checking spending against budget plans on a regular basis at council meetings, the council should maintain clear control over its finances throughout the year and ensure well gauged expenditure in furtherance of its objectives.

End of year accounts

a. The council will publish its statement of accounts based on the format included in the Annual Return form (Appendix H). Publication will consist of the relevant page of that form, once completed. The statement of accounts will be approved and signed by the clerk and the chairman of the meeting approving the statement. All councillors, however, share in collective responsibility for sound financial management,

b. The statement of accounts will be accompanied by:

i. a copy of the bank reconciliation for the relevant financial year (FY).

ii. an explanation of any significant variances (e.g. more than 10-15%, in line with proper practices) in the statement of accounts for the relevant FY and previous FY; and

iii. an explanation of any differences between 'balances carried forward' and 'total cash and short term investments', if applicable.

Annual governance statement

a. The council will publish its annual governance statement according to the format included in the Annual Return form. Publication will consist of the relevant page of the form, once completed. The chairman and clerk will sign the statement. Where the statement contains any negative statements, it should explain these fully, including how the council will address any weaknesses.

b. When publishing this information the council should consider whether the Data Protection Act 1998 imposes any restrictions or constraints on such publication and whether any of the information would fall within an exemption under the Freedom of Information Act 2000 and therefore could, or should, be withheld from publication.

c. Where the council discloses information that potentially engages the Data Protection Act 1998, it must ensure publication of that information complies with that Act. The Act does not restrict or inhibit information being published naming councillors who have taken certain decisions, because of the public interest in the scrutiny of such decision makers.

Appointment of internal auditor

The council must appoint a competent internal auditor, who is independent of the clerk and the council and scrutinises the council's financial systems. The internal auditor cannot be involved in any business of the council. He or she reports back to the council on its system of internal control.

Internal audit report

a. The council will publish its annual internal audit report according to the format included in the Annual Return form. Publication will consist of the relevant page of the form, once completed. The internal audit report should be signed by the person who carried out the internal audit.

b. Where the internal audit report contains any negative responses on internal controls objectives, it should explain these fully, including how the council will address any weaknesses. When publishing this information the council should consider whether the Data Protection Act 1998 imposes any restrictions or constraints on such publication and whether any of the information would fall within an exemption under the Freedom of Information Act 2000 and therefore could, or should, be withheld from publication.

c. Where the response on any internal controls objective is 'not covered', the council will explain when the most recent internal audit work was completed in this area and when it is next planned. If coverage is not required, the council should explain why coverage is not needed.

Publication of material under this guidance

The data and information published by the council will be placed on the Pyrton.org website, where it will be publicly accessible free of charge. The council shall seek to ensure public data is as accurate as possible at first publication. In the event of error, the council will publish revised information making it clear where and how there has been an amendment.

Amendments to these standing orders

These orders may be amended or added to by a simple majority of councillors but councillors should first research the basis for the order(s) to be amended, as it may be based on statute or codes that bind the council and which the council cannot change.