

Standing Orders of Felliscliffe Parish Council

12th January 2023

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 as to bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.

1.3. No Councillor shall pass on personal data in any form.

1.4. 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.

2. Annual Meetings

2.1. 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.

2.2. If the outgoing Chairman is available then he/she 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, if appropriate) and to receive their acceptance of office.

2.3. The retiring Chairman will report on the activities of the Council for the preceding year.

3. Meetings

3.1. Meetings will be held in appropriate, accessible accommodation. Unless no other accommodation is available the meetings will not be held in premises used for the supply of alcohol.

3.2. Councillors will be advised future 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 in conspicuous places informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting. Notices will also be posted on the parish council website.

3.4. Meetings will be open to the public and press but they may be temporarily excluded from the meeting if the business is regarded as confidential.

The right to record, film and to broadcast meetings of the parish council and any sub committees is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

Felliscliffe Parish Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Such recording is permitted under the lawful direction of the parish council.

The parish council understands that some members of the public attending its meetings may not wish to be recorded and the Chairman of the meeting will facilitate this by ensuring that any such request will be respected by those making a recording. Any member of the public who does not wish to be recorded should make this known to the Clerk or the Chairman prior to the commencement of the meeting.

The rules that will apply to all parish council meetings are shown in Annex A and form part of the Standing Orders of Felliscliffe Parish Council.

3.5. An opportunity for public statements and questions will be made available at a time specified by an item in the agenda of each Council meeting. Members of the public may speak at Council meetings, at the discretion of the Chairman of the meeting, as specified in ‘PUBLIC STATEMENTS AND QUESTIONS AT MEETINGS OF FELLISCLIFFE PARISH COUNCIL: GUIDANCE FOR MEMBERS OF THE PUBLIC’, adopted by the Council on 19th June 2013.

3.6. The agenda for the meeting will be agreed by the Clerk, Chairman and Vice Chairman as appropriate. 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. 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. If they are not present then the first matter on the agenda will be the election of an appropriate Councillor who will chair the meeting. Whoever chairs the meeting will assume the duties of the Chairman for the meeting.

3.9. The quorum for the Council will be 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.

3.10. 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.

3.11. Voting at the meeting shall be by a show of hands unless a majority of Councillors wants 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.

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

3.13. A minute of the meeting will be kept by the Clerk or other nominated person in the Clerk's absence. The minutes will record any decisions made by the Council. Draft minutes will be circulated to Councillors as soon as practicable, at the latest within three weeks after the meeting. Councillors will supply any suggested amendments after which the amended unapproved draft minutes will be made available to the public. The minutes will then be approved at the following meeting and signed by the person presiding at that meeting.

4. Finance

4.1. Responsible Finance Officer (RFO)

4.1.1. The Responsible Finance Officer is a statutory office and appointed by the Council. The Clerk of the Council will take on this role of managing the Council's financial affairs in accordance with Proper Practices.

4.2. Estimates and Precept

4.2.1. 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 December 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.

4.3. Income and Expenditure

4.3.1. The RFO will supply regular updates of income and expenditure throughout the year and detail actual figures against estimate. Significant underspends or overspends will be brought to the attention of the Council and action taken to address any discrepancies.

Underspent revenue will be identified and earmarked to reserves by a Council resolution.

4.4. Accounting and Audit

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

4.4.2. 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.

4.4.3. An Internal Auditor will be appointed by the Council to carry out the work required to comply with the Proper Practice. The person appointed will be competent and independent of the operation of the Council.

4.4.4. The RFO will submit the Annual Return to the External Auditor by the due date, ensuring the return is complete.

4.5. Banking Arrangements and Cheques

4.5.1. 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.

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

4.5.3. 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. Cheques will be completed for all transactions and signed by two authorised Councillors.

4.5.4. Any utility bill or payment to HMRC may be paid by Direct Debit provided that the instructions are signed by two authorised Councillors.

4.5.5. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

4.5.6. Where internet banking arrangements are made with any bank, the Clerk RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. Payments of up to £350.00 can be instructed by the use of the Service Administrator alone, subject to minuted approval at a Parish Council meeting. Payments of over £350.00 may be made by the Service Administrator with the prior approval and agreement resolved at a Parish Council Meeting, and the recorded approval of at least two named Parish Councillors.

4.5.7. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

4.5.8. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk RFO. A programme of regular checks of standing data with suppliers will be followed.

4.5.9. When bank details are set up for internet banking with a new supplier, they must be supplied in hard copy with a telephone contact number so that they can be checked and approved by the Clerk RFO.

4.5.9.1. The council, and any employee using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

4.5.9.2. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

4.5.9.3. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

4.6. Loans and Investments

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

4.6.2. 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.

4.6.3. 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.

4.7. Contracts and Purchase Orders

4.7.1. An official order or letter will be issued for all work or service paid for by the Council. All Councillors and officers are responsible for obtaining good value for money at all times. An officer placing an order on behalf of the Council will ensure that good value and appropriate terms are obtained for the transaction.

4.7.2. Orders for values £500 to £2000 require a minimum of two quotations; for values above £2000 three quotations are required.

No contracts exceeding the annual precept for the Parish shall be entered into.

4.7.3. All estimates will be approved by the Council; while the Council is not obliged to accept the lowest quotation the reasons for accepting the quotation will be recorded

4.8. Assets

4.8.1. The RFO will ensure that an appropriate and accurate Register of Assets is maintained by the Council. It will be reviewed at least annually, in conjunction with a health and safety inspection of assets if appropriate.

4.9. VAT

4.9.1. 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.

5. Insurance

5.1. Following the annual risk assessment the Council will review the level of insurance cover and ensure it is adequate and appropriate for the activities of the Council. Minimum cover will include Public Liability, Employers Liability, Money and Fidelity Guarantee.

6. Risk Assessment

6.1. 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.

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

7. Freedom of Information

7.1. The Council is subject to the Freedom of Information Act and has adopted the Model Publication Scheme for Parish Councils. The Clerk will ensure the Council conforms to the requirements of the Act allowing public access to the appropriate documents.

8. Clerk to the Council

8.1. The Council may appoint a number of employees to assist it in the performance of its duties. 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.

8.2. 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.

8.3. The Clerk will act as Responsible Financial Officer or be responsible for managing a Finance Officer or other employees of the Council.

8.4. 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.

9. Committees and task and finish groups

9.1. The Council from time to time may set up committees and task-and-finish groups to undertake work on behalf of the Council. The Council will set their terms of reference, and they will report periodically to the Council.

10. Emergency Business

10.1. 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.

11. Alteration or Reversal of previous decisions

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

12. Standing Orders

12.1. 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.

12.2. 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 Yorkshire Local Councils Association.

12.3. 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:

Felliscliffe Parish Council

at a meeting of the Council held on 12th January 2023

Signed:...Andrew Brown.... Chair)

Annex A: Recording, filming and Broadcasting meetings of Felliscliffe Parish Council

(This Annex forms part of the Standing Orders of the Parish Council)

1. The parish council will display requirements as to filming, recording and broadcasting at its meeting venues or on notice boards in the parish and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. A copy of these rules will be provided to members of the public in attendance at a meeting of the parish council, whether they wish to film or not at the meeting. The Chairman may also verbally remind the meeting and all present of the freedom to record but that these rules must be observed when this is planned or taking place.
3. Any person wishing to record a meeting in any format whatsoever must contact, the Clerk prior to the start of the meeting. The Clerk's details are set out in the public notice and agenda of the meeting; (or in his/her absence, the contact will be the Chairman of the parish council).
4. The parish council will define an area from which recording may be carried out and, if given advance notice, will strive to ensure that reasonable facilities are made available to any person wishing to record, eg provision of a table. However the physical layout of a room may restrict the ability to make any provision.
5. The parish council requires that all visual recording will be undertaken from a static point to avoid disruption at the meeting.
6. A person or persons recording the parish council meeting are reminded that the "Public Participation" period may not be part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period.
7. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
8. Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults, whereby the consent of a responsible adult is required for recording, i.e. a medical professional, carer or legal guardian.

9. All those visually recording a meeting are requested to focus only on recording councillors, officers, those members of the public who have not requested anonymity or have been identified as under the age of 18 or a vulnerable adult.
10. All recording must be overt (i.e. clearly visible to anyone at the meeting).
11. Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.
12. A person or persons making a recording has no right to interrupt a parish council meeting by asking questions or making comments. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
13. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
14. Persons who are recording must not leave equipment unattended.
15. The recording and reporting on meetings of the parish council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the parish council's values or in a way that ridicules or shows a lack of respect for those in the recording. The parish council would expect any recording in breach of these rules to be removed from public view. The parish council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
16. The Clerk must be contacted in advance of the meeting even if the recording device being used involves equipment which is no larger than a smart phone, tablet or compact camera. The use of lighting for filming/flash photography may be allowed if it is arranged via the Clerk prior to the meeting and the owner of the premises has also confirmed their permission but the parish council will have regard to the impact of such lighting on the ability of others present to view the meeting, or for reasons of health, and may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting must not cause any other form of disruption.
17. The parish council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Where a council proposes to record all of its own meetings it will be bound by this policy.
18. Where a parish council proposes to record all of its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The parish council will include such recordings within its Publication Scheme.

19. The parish council is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.

20. The minutes of a council meeting remain the statutory and legally binding formal record of council decisions.