

Lamplugh Parish Council

STANDING ORDERS 2019

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings.

This document contains the standing orders adopted by Lamplugh Parish Council and are based on the Model Standing Orders issued by the National Association of Local Councils in 2018.

1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.

2. Disorderly conduct at meetings

- a 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.
- b 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.
- c If a resolution made under standing order 2(b) 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.

3. Meetings generally

- a 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 or at a reasonable cost.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas

break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

- c The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- d Meetings shall be open to the public 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.
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not normally exceed 15 minutes unless directed by the chairman of the meeting. (see also Appendix4 ; Public participation)
- g Subject to standing order 3(f) above, a member of the public shall not normally speak for more than 5 minutes.
- h In accordance with standing order 3(e) above, 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.
- i A member of the public shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- k Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

- m A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- n 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.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).
- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. 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.
- q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- r Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
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The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights.
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- t 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.
- u No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than four.
- v If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- w A meeting shall not normally exceed a period of 2 hours.
- x A meeting can be cancelled at short notice as long as notification of the cancellation is displayed on Parish Notice Boards and the website.

4. *Ordinary council meetings*

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c If no other time is fixed, the annual meeting of the council shall take place at 7.00pm.
- d 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.

The meeting pattern is shown below, all meetings will be held in the Lamplugh Village hall or another suitable local venue;

Jan	Parish Council Meeting (third Wednesday)
Mar	Parish Council Meeting (third Wednesday)
May	Annual Parish Meeting (first Wednesday)
May	Parish Council Meeting AGM (third Wednesday)
July	Parish Council Meeting (third Wednesday)
Sept	Parish Council Meeting (third Wednesday)
Nov	Parish Council Meeting (third Wednesday)

- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.
- f 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. No one individual may be elected to the Office of Chairman of the Parish Council for more than three consecutive years. There must be a minimum break of 1 year before that individual is eligible for nomination as Chairman.
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- h 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.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j 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:
 - i. 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 form unless the council resolves for this to be done at a later date;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Review and adoption of appropriate standing orders and financial regulations;
 - iv. 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;
 - v. Review of representation on or work with external bodies and arrangements for reporting back;
 - vi. Review of inventory of land and assets including buildings and office equipment;

- vii. Confirmation of arrangements for insurance cover in respect of all insured risks;
- viii. Review of the council's and/or staff subscriptions to other bodies;
- ix. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- x. Review of the council's policy for dealing with the press/media; and
- xi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

The Annual Parish Meeting will be alternated between Lamplugh and Kirkland each year. The meeting to be held in Lamplugh WI or Kirkland Mission as appropriate on the first Wednesday in May.

5. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer (2) days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;

- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

Planning

If a Planning Application arises between meetings and a response is required before the next meeting is held the Clerk consults with the Chair of the Planning Committee on the way forward. On simple planning application eg detail where there has been a previous approval in outline or other as per attached Scheme of Delegation (appendix 1) the clerk may consult with the Planning Committee Chairman as well as at least two members of the Committee. Provided the views obtained are unanimous the Clerk has delegated powers to make a recommendation that is then forwarded to the Planning Authority. Such decisions to be notified to the next full Parish council meeting. If the views obtained are not unanimous then the application must be referred to the full Parish Council. (see also Appendix 1)

In the event of there being no members of the Planning Committee being available the clerk to consult with at least 2 other councillors and Chair of the Parish Council to agree a way forward.

The Parish Council have established a Planning Sub Committee to consider planning applications as received for consultation from the relevant authorities. The Planning Sub Committee will consist of not fewer than three Councillors at least one member will be either the Chairman or Vice Chairman. Other Councillors are free to attend Sub committee meetings. Meetings will be held when necessary to consider applications. Minor applications will be circulated to committee members who will then determine the response required. Significant or “Major” applications will be considered by the sub committee and advice provided to the full Parish Council for response. All applications considered and the response will be notified to all Councillors.

If there was a need for specialist or detailed discussion about a specific matter, for example in considering the budget and precept for the following year, then a separate meeting could be convened to carry out that specific task. The group would then report back to the next Routine meeting of the Parish Council.

REPORTS FROM MEETINGS ATTENDED, TRUSTS ETC

- a) Reports from meetings and/or training events attended, trusts, committee etc either written or verbal to be given to the clerk where possible prior to each parish council meeting so that

the report can be circulated to each member. A brief verbal report can be given at the parish council meeting if required. **DO NOT** wait until the meeting as, if the councillor concerned is not in attendance, then the report gets delayed to the next meeting or not given at all. If any action is required on the report and there is timescale then it is even more important that such reports are given as soon as possible. Whilst occasionally the Council does receive minutes from some groups it is still a requirement that a report is given to the Council by the member concerned

b) As the Clerk is not always notified when meetings of trusts etc are being held it is up the member concerned to let the Clerk know that such a meeting has been held and a report will be given.

ANY OTHER BUSINESS/ITEMS FOR THE NEXT AGENDA

There will not be an item on the agenda to take any other business. Instead there will be an item titled 'Items for the next Agenda.

Members asking for items to be included in the next agenda must also give supporting information as to why the matter is being raised so that the Council understand the issues. This also enables the Clerk to carry out any research necessary so that the Council can reach a decision with the minimum of delay

6. *Extraordinary meetings of the council and committees and subcommittees*

- a The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b 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.

7. *Previous resolutions*

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Clerk in accordance with standing order 9 below.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. ***Voting on appointments***

a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

9. ***Motions for a meeting that require written notice to be given to the Clerk***

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b 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 Clerk at least 10 clear days before the meeting inclusive of weekends and bank holidays. Clear days do not include the day of the notice or the day of the meeting.
- c The Clerk may, before including a motion on the agenda received in accordance with standing order 8(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Clerk considers the wording of a motion received in accordance with standing order 8(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Clerk so that it can be understood at least 7 clear days before the meeting inclusive of weekends and bank holidays.
- e If the wording or subject of a proposed motion is considered improper, the Clerk shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 8(e) above, the decision of the Clerk as to whether or not to include the motion on the agenda shall be final.

10. ***Motions at a meeting that do not require written notice***

The following motions may be moved at a meeting without written notice to the Clerk;

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to appoint a person to preside at a meeting;
- v. to change the order of business on the agenda;
- vi. to proceed to the next business on the agenda;
- vii. to require a written report;
- viii. to extend the time limits for speaking;
- ix. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- x. to not hear further from a councillor or a member of the public;
- xi. to exclude a councillor or member of the public for disorderly conduct;
- xii. to temporarily suspend the meeting;
- xiii. to suspend a particular standing order
(unless it reflects mandatory statutory requirements);
- xiv. to adjourn the meeting; or
- xv. to close a meeting.

11. Management of Information

- a 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.
- b 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).
- c 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.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

12. Draft minutes

- a 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.

- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 9(a)(i) above.
 - c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
 - d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the Lamplugh Parish Council held on (date) in respect of agenda item (insert agenda item number) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
 - e If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
 - f Subject to the publication of draft minutes in accordance with standing order 11(e) and standing order 19(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
- 13. Code of conduct and dispensations See also standing order 3(t) above. See also Appendix3;Matters for Declaration of Interest**
- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
 - b 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.
 - c 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 another

interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.

- d Dispensation requests shall be in writing and submitted to the Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Clerk and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 12(d) and (f) above, dispensations requests shall be considered by the Clerk at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 12(e) above if having regard to all relevant circumstances the following applies:
 - a. 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
 - b. granting the dispensation is in the interests of persons living in the council's area or
 - c. it is otherwise appropriate to grant a dispensation.

14. *Code of conduct complaints*

- a Upon notification by the City Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Clerk shall, subject to standing order 12 above, report this to the council.

- b Where the notification in standing order 13(a) above relates to a complaint made by the Clerk, the Clerk shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Clerk in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 13(d) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the City 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.

15. ***Proper Officer***

- a The Proper Officer shall be either (i) the clerk or (ii) volunteer (councillor) nominated by the council to undertake the work of the Clerk when the Clerk is absent. The Clerk of Lamplugh Parish Council is the Proper Officer.
- b The Clerk shall:
 - i. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences or by email authenticated in such manner as the Clerk thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email) and provide in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them).
See standing order 3(b) above for the meaning of clear days for a meeting of a full council
 - ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
 - 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;
 - vi. retain acceptance of office forms from councillors;

- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;
(see also standing order 22);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority.
- xiv. refer a planning application received by the Council to the councillors within two working days of receipt to obtain comments if a planning application requires consideration before the next ordinary meeting of the Council.
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 22).

16. *Responsible Financial Officer*

a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. The Clerk is the Responsible Financial Officer for Lamplugh parish Council.

17. *Accounts and accounting statements*

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

- c The Responsible Financial Officer shall supply to each councillor at each parish council meeting a statement to summarise:
- i. the council's receipts and payments since the previous meeting;
 - ii. the council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June. Under the new audit framework for smaller authorities the parish council will be exempt from routine external audit. In place of routine external audit the council will be subject to the new transparency requirements laid out in the Transparency Code for Smaller Authorities 2014.

18. ***Financial controls and procurement*** (see also Appendix 2; *Specific Financial Guidelines for Lamplugh PC*)

- a 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:
- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and

- v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

CONTRACTS

Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value for the supply of goods or materials or the execution of works the clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meeting of the Council is given.

Where a contract exceeds £1,000 then attempts to seek three tenders should be made

Where contracts are over £100 but less than £1,000 attempts to seek two tenders are to be made except where such a contract is being renewed.

The tenders to be opened by the clerk or other person to whom the tenders are required to be addressed to on the date specified.

The tenders to be reported to the Council, Committee or sub-committee concerned.

The Council, Committee or sub committee is not bound to accept the lowest or any tender.

- d 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, the council's specification, the time, date and address for the submission of tenders, the date of the council's written response to the tender and the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

- iii. the invitation to tender may be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Clerk;
 - v. tenders shall be opened by the Clerk in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

19. ***Handling staff matters***

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 10 above.
- b The Clerk shall notify the chairman or, if he is not available, the vice-chairman of any absence occasioned by illness or other reason and that person shall report such absence to council at its next meeting.
- c The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the council.
- d The Clerk shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be progressed in line with the council's grievance procedure.

- e If an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the council, this shall be communicated to another member of the council which shall be reported back and progressed in line with the council's grievance procedure.
- f Any persons responsible for all or part of the management of the Clerk shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The council shall keep all written records relating to the Clerk secure. All paper records shall be secured and locked and electronic records shall be password protected.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 18(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 18(f) and (g) above shall be provided only to the Clerk and the Chairman of the Council.

20. ***Responsibilities to provide information***

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

21. ***Responsibilities under Data Protection Legislation***

-
- a Further to the government's decision to exempt local councils from the definition of "public authority" for the purposes of the General Data Protection Regulation the Council may appoint a data protection officer.
 - b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
 - c The Council shall have a written policy in place for responding to and managing a personal data breach.

- d 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.
- e 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.
- f The Council shall maintain a written record of its processing activities.

22. ***Relations with Press and Media***

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. ***Execution and sealing of legal deeds***

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Clerk shall witness their signatures.

24. ***Communicating with District and County or Unitary councillors***

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of Copeland Borough Council and Cumbria County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to Copeland Council and Cumbria County Council shall be sent to the ward councillor(s) representing the area of the council.

25. ***Restrictions on councillor activities***

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26. ***Standing orders generally***

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Clerk in accordance with standing order 9 above.
- c The Clerk shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

*Appendix 1****Lamplugh Parish Council*****STANDING ORDERS 2019**

SCHEME OF DELEGATION re Standing Order on Planning

- A. To determine application in the following categories
- (a) "Householder" developments eg extensions; LPG tanks; satellite dishes etc
 - (b) Minor operations eg erection of walls and fences; construction of vehicular accesses.
 - (c) Changes of use
 - (d) Temporary buildings and uses eg pigeon lofts; stables; garages etc
 - (e) Agricultural buildings and operations
 - (f) Reserved matters viz following the grant of outline planning permission
 - (h) Advertisements
 - (i) Notices of intention to carry out development in relation to agriculture and telecommunications
 - (j) Overhead power lines
 - (k) Listed building consent
 - (l) Conservation area consent
- B. To submit comments to the Lake District Special Planning Board on applications which would otherwise be outside the 28 day consultation period and on those application which the Board has delegated to its officers for determination.
- C. To determine applications to fell, lop, top or carry out other minor works to trees subject to a Tree Preservation Order or within the Conservation Area
- D. To approve or disapprove any of the following matters when reserved, or made the subject of conditions, in a planning consent
- (a) Materials to be used externally on buildings
 - (b) Landscaping and tree planting proposals and tree replacements
 - (c) Minor alterations in the siting of the development
 - (d) Minor modifications to plans or previously approved materials
 - (e) Provision of vehicular access
 - (f) Construction and finish of boundary walls and fences
 - (g) Construction and finish of parking areas

Applications to be referred to Council for determination in the following circumstances:-

- (i) Where a member asks for the application to be referred to Council for decision. Such a request should be made to the Clerk, in writing within 14 days of the publication of the weekly list of applications received (or notification thereof). Any request may also be withdrawn, in writing, by the Member at any time prior to the publication of the agenda in which the proposal is included.
- (ii) Where there is an unresolved objection from any source received within a period of 14 days from the date of notification of the application.

- (iii) ALL applications relating to proposed developments which are departures from national planning policy guidelines and/or the Councils adopted/draft local plan policies will be referred to the Council for determination.
- (iv) ALL applications recommended for refusal will be placed before the Council for consideration.
- (v) where the Committee and/or Clerk is of the view that the application or matter should be referred to Council for determination.
- (vi) Any application classed as a “Major” application will be placed before the full Council for consideration.

Modified from Copeland Borough Council’s Scheme of Delegation dated 1 & 21 February 1995

Adopted LPC 15/09/99

Appendix 2

FINANCIAL REGULATIONS specific for Lamplugh Parish Council 2019

1. GENERAL

- 1.1. These financial regulations shall govern the conduct of the financial transactions of the council and may only be amended or varied by resolution of the council.
- 1.2. The Clerk shall be the responsible financial officer (RFO).
- 1.3. The responsible financial officer (RFO) under the policy direction of the council shall be responsible for the proper administration of the council's financial affairs.
- 1.4. The RFO shall be responsible for the production of financial management information.

2. ANNUAL ESTIMATES

- 2.1. The Council shall formulate the rolling capital programme not later than the end of November each year.
- 2.2. Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO.
- 2.3. The Council shall review the estimates and recommend the precept to be levied for the ensuing financial year, not later than the end of December in each year. The RFO shall supply each member with a copy of the approved estimates.
- 2.4. The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

3. BUDGETARY CONTROL

- 3.1. Expenditure on the revenue account may be incurred up to the amounts included in each approved budget heading.
- 3.2. No expenditure may be incurred which cannot be met from the amount provided in the appropriate revenue budget heading unless a virement has been approved by the council.
- 3.3. The RFO shall periodically provide the council with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.
- 3.4. The Clerk may incur expenditure on behalf of the council, which is necessary to carry out any repair, replacement or other work, which is of such extreme urgency that it must be done at once. Whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,500. The Clerk shall report the action to the council as soon as practicable thereafter.
- 3.5. Where expenditure is incurred in accordance with regulation 3.4 above and the sum required cannot be met from savings made elsewhere within the council's approved budget, it shall be subject to the provisions of a supplementary estimate approved by the council.
- 3.6. Unspent provisions in the revenue budget shall not be carried forward to a subsequent year.
- 3.7. No expenditure shall be incurred in relation to any capital project, no contract entered into or tender accepted involving expenditure on capital account. Unless the council is satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 3.8. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1. All accounting procedures and financial records of the council shall be determined by the RFO as required by the Accounts and Audit Regulations 1996.

- 4.2. The RFO shall be responsible for completing the annual accounts of the council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the council.
- 4.3. The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the council's accounting, financial and other operations in accordance with regulation 5 of the Accounts and Audit Regulations 1996. Any member of the council shall, if the RFO requires, make available such documents of the council which relate to their accounting and other records, as appear to the RFO to be necessary for the purpose of the audit, and shall supply the RFO with such information and explanation as the RFO considers necessary for that purpose.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1. The council's banking arrangements shall be made by the RFO and approved by the council. One current account shall be maintained at a bank and a reserve account if felt necessary.
- 5.2. A schedule of the payment of money shall be prepared by the RFO and together with the relevant invoices etc presented to the council. If the schedule is in order it shall be proposed and seconded and authorised by a resolution of the council.
- 5.3 Cheques drawn on the Current account as recorded in the minutes shall be signed by the two members of the council who are authorised signatories.
- 5.4 The clerk/RFO may become a signatory to the accounts for the purposes of internet banking but is not allowed to sign any cheques for payment.

6. PAYMENT OF ACCOUNTS

- 6.1. Apart from petty cash payments all payments shall be effected by cheque or other order drawn on the council's bankers.
- 6.2. The RFO shall examine the invoices in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. He shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.
- 6.3. When the RFO is satisfied that invoices are in order he shall raise an outgoing sheet and satisfy the audit trail.
- 6.4. All duly examined invoices will then be entered on the schedule referred to in 5.2 above.

7. PAYMENT OF SALARIES AND WAGES

- 7.1. The payment of all salaries shall be made by cheque using the schedule of the payment of money and presented to the council in the normal way.
- 7.2. The payment sheet will be presented to the council at the same time as the cheque and certified by the Chairman as to accuracy.

8. LOANS AND INVESTMENTS

- 8.1. All loans and investments shall be negotiated by the RFO in the name of the council, and shall be for a set period of time in accordance with council policy. Changes to loans and investments should be reported to the council at the earliest opportunity.
- 8.2. All investments of money under the control of the council shall be in the name of the council.
- 8.3. All borrowings shall be effected in the name of the council.
- 8.4. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges annually, following a report of the clerk.
- 9.4. Any bad debts shall be reported to the council.
- 9.5. All sums received on behalf of the council shall be banked by the RFO.
- 9.6. A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered on the paying-in slip.
- 9.7. Every transfer of official money from one member of the council to another member shall be signed for by the receiving officer.
- 9.8. Personal cheques shall not be cashed out of money held on behalf of the council.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purchases. Copies of orders issued shall be maintained.
- 10.2 Order books shall be controlled by the RFO
- 10.3 The RFO is responsible for obtaining value for money at all times. The RFO issuing an official order has to ensure as far as reasonable and practicable that the best available terms are obtained in respect of cash transaction.

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down in the council's standing orders item 36 to 41.

12 STORES AND EQUIPMENT

- 12.1 The RFO shall be responsible for the care and custody of stores and equipment in that section.
- 12.2 Delivery notes must be obtained in respect of all goods received into store and goods must be checked as regard quality at the time delivery is made.
- 12.3 Stocks shall generally be maintained at the minimum levels consistent with operational requirements.
- 12.4 The Parish Council Chair (or nominee) shall be responsible for annual check of all stocks and stores.

13 INSURANCE

- 13.1 The RFO shall effect all insurance and negotiate all claims on the council's insurer.
- 13.2 The RFO shall insure that all new risks, properties or vehicles which require to be insured are added to existing insurance.
- 13.3 The RFO shall keep a record of all insurance effected by the council and the property and risks covered thereby and annually review it.
- 13.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- 13.5 All appropriate employees of the council shall be included in a suitable fidelity guarantee insurance.

14 REVISION OF FINANCIAL REGULATIONS

- 14.1 It shall be the duty of the council to review the financial regulations of the council from time to time and to make such changes as the council considers are required.

Appendix 3

INTERESTS

a) Personal Interests -

- Employment or business carried out by member
- Employment, partnership or directorship of member
- Election sponsor
- Shares in local business exceeding £25,000 or 1/100th total share capital
- Membership of
 - Body appointed by authority
 - Other public body
 - Charity
 - Body whose purposes include influencing public opinion
 - Trade Union

All these need to be registered and declared at start of discussion

- Any matter which might affect (more than other inhabitants of the area) the well-being or financial position of member, a relative or a friend
- OR
 - Employment or business of such persons
 - Any body which such persons have shares exceeding £5000 in value
 - Public bodies in which such persons have positions of general control or management

Need to be declared

b) Prejudicial Interests –

These are personal interests that a member of the public with knowledge of the facts might regard as so significant that it is likely to prejudice member's judgement of the public interest.

Need to declare and withdraw from the room where the meeting is taking place for duration of that item.

A member with a prejudicial interest under paragraph 12(2) of The Local Authorities (Model Code of Conduct) Order 12 is accorded equal rights as a member of the public to speak, make representation, give evidence or answer questions before withdrawing from the meeting during the discussion and vote). This is set out in the Policy attached (Appendix 4)

c) Not prejudicial interests –

- Membership of Other local authority
- Membership of Other public authority
- Member of body appointed by Council
- Statutory sick pay
- Members allowances

Appendix 4

POLICY REGARDING PUBLIC PARTICIPATION AT PARISH COUNCIL MEETINGS AND ALSO MEMBERS WITH PREJUDICIAL INTERSTS

At meetings of the Parish Council members of the public are not permitted in law to take part in or make comments on items being discussed by the Council. They can only be observers.

However, in line with current practice, Lamplugh Parish Council has allowed a slot on the agenda of its full meetings to permit members of the public the opportunity to raise issues or comment on items on the agenda. This course of action is encouraged by the Parish Council's advisers the National Association of Local Councils and the Cumbria Association of Local Councils.

This slot is the only time members of the public are permitted to speak at Parish Council meetings.

The policy is that:

- *The slot to last no more that 15 minutes. It should not be allowed to take up the agenda.*
- *Individual members of the public can only speak for no longer than 5 minutes at the designated time on issues they wish to raise for the Council to consider at its next meeting or comment on items on the agenda.*
- *Prior warning is given to Chair up to and before the meeting of any issues that a member of the public wishes to raise.*
- *The Chair at his/her discretion may invite a member of the public to speak outwith this slot if such comments are likely to help members to get a clearer picture of the item under discussion.*

This policy is now extended to include those member/s of the Parish Council who have a prejudicial interest, whereby that/those member/s may be permitted to speak on the matter in which he/she/they have a declared interest but after doing so, must withdraw from the room and meeting while the matter is being discussed and voted upon.

The/those member/s must give prior warning to the Chair that there is/are a prejudicial interest and that it is the intention to speak on the matter concerned.

