

BERE FERRERS PARISH COUNCIL

Introduction

The purpose of these standing orders is to lay down procedures for the governance of Bere Ferrers Parish Council.

The Parish Council (known in this document as the Council) has ultimate responsibility for all decisions made.

Council will consist of 13 Councillors with the Parish Clerk (or Assistant to the Clerk) in attendance unless otherwise specified.

Standing orders for the organisation and transaction of Council's business are decided by Full Council. A committee or sub-committee may decide its own standing orders if its appointing body (which is the Council in the case of a committee or a committee in the case of a sub-committee) has not made standing orders which apply to them.

The standing orders in **bold type** should not be ignored or substantively amended as these reflect statutory requirements, unless the legislation from which they emanate changes.

Signed by the Chairman of Council.....

Date.....

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Bere Ferrers Parish

Standing Orders

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. A motion (including an amendment) shall not be progressed unless it has been moved and seconded. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- b. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- c. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- d. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- e. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- f. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- g. Subject to standing order 1(h) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- h. One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- i. A Councillor may not move more than one amendment to an original or substantive motion. The mover of an amendment has no right of reply at the end of debate on it.
- j. Where a series of amendments to an original motion is carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- k. Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:

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- i. to speak on an amendment moved by another Councillor;
 - i. to move or speak on another amendment if the motion has been amended since he last spoke;
 - ii. to make a point of order;
 - iii. to give a personal explanation; or
 - iv. in exercise of a right of reply.
- l. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- m. A point of order shall be decided by the Chairman of the meeting, with advice from the Clerk, and his decision shall be final.
- n. When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- o. Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- p. Excluding motions moved under standing order 1n) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed (3) minutes without the consent of the Chairman of the meeting.
- q. A member shall stand when speaking unless permitted by the Chairman to sit.
- r. Members shall address the Chairman.

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

C	Full Council meetings
C	Committee meetings
SC	Sub-committee meetings

- 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. (C)**
- 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 unless the meeting is convened at shorter notice. The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice(Cc)**
- c. A Councillor may request that an item be placed on the agenda for a Council or committee meeting, upon giving details to the Clerk, at least four days before the date of the meeting.
- d. The Chairman of the Council or of committees in consultation with the Clerk, shall determine the dates of their meetings and the agenda.
- e. **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. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.(Cc)**

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- f. 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. (Cc)**
- g. 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). (Cc)**
- h. 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. (C)**
- i. 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(CcSC)**
- j. The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council. (CcSC)**
- k. 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.**
- l. 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. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;**
 - v. if there was a public participation session;**
 - vi. and the resolutions made.**
- m. 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. See 13(b) (CcSC)**
- n. No business may be transacted at a meeting of the Council or of a Committee 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 fewer than three. (C)**

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- o. **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. (CcSC)

Guidelines for the public

- p. **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.**
- q. Members of the public may make representations, ask or answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda at a time relevant to the matter being discussed as determined by the Chairman, but at meetings of the Planning Committee this must be before it makes any recommendation.
- r. The period of time designated for public participation at a meeting in accordance with standing order 3(q) shall not exceed 3 minutes unless directed by the chairman of the meeting.
- s. In accordance with standing order 3(q) above, a question asked by a member of the public, 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.
- t. A person shall raise his hand when requesting to speak and preferably stand when speaking. The Chairman of the meeting may at any time permit a person to be seated when speaking.
- u. A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- v. 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.

4. Committees and sub-committees

- a. The Council will have four standing committees:
 - 1. Finance & General Purposes
 - 2. Open Spaces
 - 3. Planning
 - 4. Footpaths & Environment
- b. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference shall be determined by the committee.** Each committee will consist of a maximum of six Councillors and the Chairman of the Council. The Chairman of

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Open Spaces will be one of the members of Finance & General Purposes Committee.

- c. Each committee and sub-committee shall appoint its own chair and vice-chair.
- d. No member of Council is expected to be chair or vice-chair of more than two committees.
- e. **The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.**
- f. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.**
- g. The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. a copy of the minutes of an advisory or sub-committee shall be forwarded to the Clerk.
- h. Any resolution, passed unanimously, by those present, which is the responsibility of that committee, may be put into effect immediately, under delegated powers, provided that there is no financial cost to the Council.
- i. In order to share the work of the Council it is hoped that no Councillor should be a member of more than two committees but every Councillor is expected to serve on at least one (with the exception of Chair of Open Spaces being on F&GP and the Chair of Council) unless, after the annual internal Council elections, there are still vacancies. (reference 4[k])
- j. All Councillors are welcome to be in attendance at all meetings, but they cannot propose, second or vote nor can they be counted as part of the quorum.
- k. It is permissible for a Chair of Council who has served for two years, to be excused from any Committee for the following year.

5. 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 the 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 7pm.**
- 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.**
- 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.**

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- f. Nominations for both posts must be made in writing to the Clerk, at least seven days before the Annual Meeting. Each nomination must be seconded and the consent of the Councillor nominated must be obtained. The Clerk will include in the Annual Meeting agenda a list of the nominations received and a secret ballot will take place if more than one person is nominated.
- g. **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.**
- h. **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.**
- i. **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.**
- j. **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.**
- k. The period of office for both the Chairman and Vice-Chairman of Council should normally be no more than two consecutive years.
- l. 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 of delegation arrangements to committees, sub-committees, staff and other local authorities.
 - iv. Clause deleted
 - v. Appointment of members to existing committees.
 - vi. Appointment of any new committees in accordance with standing order 4 above.
 - vii. Review of arrangements, including any charters and agency agreements, with their local authorities and review of contributions made to expenditure incurred by other local authorities.

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- viii. Review of representation on or work with external bodies and arrangements for reporting back.
- ix. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future.
- x. Delegating to the Finance & General Purposes Committee the annual review of standing orders, financial Regulations, the inventory of land and assets including buildings and equipment and confirmation of arrangements for insurance cover in respect of all insured risks and a review of the Council's and/or staff subscriptions to other bodies.
- xi. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
- xii. Review of the Council's complaints procedures.
- xiii. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.

6. Extraordinary meetings of the Council and committees and sub-committees

- 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.**
- c. The Chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d. If the Chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

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 5 Councillors to be given to the Proper Officer (see section 15) in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 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

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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.

- b. Co-option of Councillors. Each candidate will be invited to make a short presentation to full Council and then answer questions. At this point Council will go into Part 2 for discussion and the vote which will be taken in accordance with 8(a).

9. Motions for a meeting that require written notice to be given to the Proper Officer

- 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 Proper Officer at 4 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 3 clear days before the meeting.
- d. If the wording or subject of a proposed motion is considered improper, the Proper Officer 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.
- e. The Proper Officer having consulted the Chairman or Councillors pursuant to Standing order 9(a) above, the decision of the Chairman of Council as to whether or not to include the motion in the agenda shall be final.
- f. If a subject for debate comes within the province of a committee of the Council, it shall, upon the request of a Councillor, stand referred without discussion to such committee or to such other committee as the Council may determine for report, provided that the Chairman of the Committee is in agreement. However, if the Chairman considers it to be a matter of urgency, it may be dealt with at the meeting at which it was first raised.

10 Motions at a meeting that do not require written notice

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- a. The following motions may be moved at a meeting without written notice to the Proper Officer;
 - 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 refer a motion to a particular committee or sub-committee in accordance with clause 9f.
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - i. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xi. to not hear further from a Councillor or a member of the public;
 - xii. to exclude a Councillor or member of the public for disorderly conduct;
 - xiii. to temporarily suspend the meeting;
 - xiv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xv. to adjourn the meeting; or
 - i. to close a meeting.

11. Handling confidential or sensitive information

- a. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c. If a subject is to be discussed at Council or at a Committee meeting of a confidential or sensitive nature, including staff matters, it should be taken in accordance with clause 3p where the public may be excluded by a resolution known as Part 2.
- d. During discussions under Part 2, notes will be taken and then kept in a secure confidential file, which shall be available to any Councillor, under the constraints of clause 11b.
- e. **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.**
- f. **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).

- g. 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.
- h. 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. A copy of all draft minutes, except F & G. P., should be distributed no later than 10 days after the meeting.
- 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 10(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 () held on [date] in respect of () 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.**

13. Code of conduct and dispensations

See also standing order 3(m) above.

- a All Councillors 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

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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. (See 3m)

- 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 Proper Officer** 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 a subcommittee of the Council consisting of the Chair, Vice-Chair and the Proper Officer (the Clerk) for which the dispensation is required 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 13(d) and (e) above, dispensations requests shall be considered by the subcommittee before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required. If the interest does not become apparent until a meeting is underway, the Chairman of the meeting should suspend the proceedings while a decision is made. The subcommittee should meet confidentially.
- h **A dispensation may be granted in accordance with standing order 13(d) above if having regard to all relevant circumstances the following applies:**
 - i.without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
 - ii.granting the dispensation is in the interests of persons living in the Council's area or
 - iii.it is otherwise appropriate to grant a dispensation.
- i **All Councillors shall undertake training in the code of conduct within six months of the delivery of their declaration of acceptance of office.**
- j On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer shall refer it to the appropriate officer at West Devon Borough Council.

14. Code of conduct complaints

- a. Upon notification by the West Devon Borough 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 Proper Officer shall, subject to standing order 11 above, report this to the Council.
- b. Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer 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 14(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 Borough 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) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
 - i. **at least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer or by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
See standing order 3(b) above, for the meaning of clear days for a meeting of a full Council, and standing order 3 (c) above for a meeting of a committee.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by Councillors is signed by them);**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
 - iii. 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 5 days before the meeting confirming his withdrawal of it;

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- iv. **convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- i. **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;
- i. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- ix. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- x. arrange for legal deeds to be executed;
See also standing order 22 below.
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose unless this is delegated to the Assistant;
- xiii. refer a planning application received by the Council to the Chairman of the Planning Committee or Vice-Chairman of the Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the planning committee. The Chairman of the Council will also be informed.
- xiv. manage access to information about the Council via the publication scheme; and
- xv. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
See also standing order 22 below.
- xvi. liaise, as appropriate, with the Council's Data Protection Officer

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.

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.

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- c The Responsible Financial Officer shall supply to each member of the Finance & General Purposes Committee, at its monthly meeting a statement to summarise;
 - i.the Council's receipts and payments for the month to date;
 - i.the Council's aggregate receipts and payments for the year to date;
 - ii.the balances held at the end of the previous month 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 month and the year to date for information;
 - ii.to the full Council the accounting statements for the year in the form of Section 1 of the annual 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, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- 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. procurement policies (subject to standing order 18(c) below). For detailed procedures refer to Procurement Policy.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. All matters dealing with tenders and proposed contracts are detailed in paragraphs 10 & 11 of the Financial Regulations.
- c. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below** and in accordance with the Procurement Policy.
- d. Clause superseded by Procurement policy.

- e. Clause superseded by Procurement policy.
- f. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 2015/102, as amended) and the Utilities Contracts Regulations 2006 (SI No. 2016/274, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**
- g. **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.**
- h. **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.**
- i. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Finance & General committee or a sub-committee is subject to standing order 11 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman or, if he is not available, the Vice-Chairman of absence occasioned by illness or other reason and that person shall report such absence to Finance & General Purposes committee at its next meeting.
- c. The Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of The Clerk and the Clerk will carry out a similar review of all other staff.

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- d. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance & General Purposes committee.
- e. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f. The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- g. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(e) and (f) above if so justified.
- h. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(e) and (f) above shall be provided only to The Clerk and the Chairman of the Council.
- i. The Council will have a Disciplinary Committee which will be chaired by the Vice-Chairman of Council, the Chairman of F & G. P. and one other Councillor.
- j. The Council will have Grievance Committee which will be chaired by the Vice-Chairman of Council, the Chairman of F & G. P. and one other Councillor.
- k. The Council will have an Appeals Committee where any member of staff who has been the subject of a Disciplinary or Grievance Committee finding, may lodge an appeal. Such an appeal will be lodged within 14 days of the original finding. The Chairman of Council, the Vice-Chairman of F & G. P. and one other Councillor will form the Appeals Committee.
- l. The Staff Sub-Committee will formulate the policies and procedures for these Committees. In a case of conflict of interest with regard to any procedure or investigation, the Council may replace any position on any Committee mentioned in sections i to k with another suitable Councillor.
- m. A member of staff appearing in front of any of the above Committees may be accompanied by a union official or a friend.

20. Requests for 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**

Local Government (Transparency Requirements) (England) Regulations 2015.

- c. The minutes of the Council or its committees shall be open to inspection by any local government elector of the parish without charge, by appointment with the Clerk.

21. Relations with the press/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 referred to the Clerk or Chairman of Council only.
- b Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media other than in accordance with a resolution of Council.
- c. In the case of an event requiring a statement to the press/media, the Chairman of Council (or the Vice-Chair if the Chair is unavailable), after liaison with the Clerk may issue such statement.
- d. **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.**
- e. A Councillor may be authorised by Council to send copy or speak to the media. Such material should be copied to the Clerk and the Chair of Council.

22. Execution and sealing of legal deeds

See also standing orders 15(b) (xii) and (xvii) above.

- 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 Proper Officer shall witness their signatures.**

23. 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 the West Devon Borough Council and Devon County Council.
- b. Unless the Council determines otherwise, a copy of each letter or email sent to the Councils in 23a shall also be sent to the ward Councillors representing the area of the Council and to the Chairman of the Council.

24. 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 to council staff.

- b. Visits by the Planning Committee to proposed development sites.
 - i. A visit may be authorised by the Chair (or Vice Chair if the latter is absent,) after consultation with the Clerk and will only be carried out when there is due course.
 - ii. A site visit can only be made with the permission of the applicant/owner and the Clerk will make all necessary arrangements and explain the purpose and constraints of such a visit.
 - iii. The purpose of the visit is only fact finding to ascertain the location and details of the proposed development. No discussion should take place as to the merits of the application; this must be reserved for the official committee meeting.
 - iv. There should be no discussion with the applicant/owner about the application, except that the Clerk or Chair may ask a question of fact to clear up any part of the application which is not clear to members.
 - v. The applicant can be advised that he may attend the official committee if he so desires.

25. 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 Proper Officer in accordance with standing order 9 above.

- c. The Proper Officer 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 and when major revisions (changes to more than three clauses) of the orders have taken place.

- d. The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

Revised H.B-H
8.12.18

APPENDIX

1 West Devon Borough Council Members' Code of Conduct 26 June 2012

West Devon Borough Council Members' Code of Conduct

PART 1 GENERAL PROVISIONS

Public Duty and Private Interests: An introduction

1 This Code applies to you as a Member or a Co-opted Member of **West Devon Borough Council** ('the Council').

1.2 When acting in your capacity as a Member or Co-opted Member of the Council, you should have regard to the Principles of Public Life namely:

- Selflessness
- Honesty/Integrity
- Objectivity
- Accountability
- Openness,
- Personal judgement,
- Respect for others
- Duty to uphold the law,
- Stewardship and
- Leadership.

1.3 When acting in your capacity as a Member or Co-opted Member of the Council:

(a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate;

(b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

(c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;

(d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;

(e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements 2 West Devon Borough Council Members' Code of Conduct 26 June 2012

and any reasonable additional requirements imposed by the Council or contained in its Constitution,

(f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;

(g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements;

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(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council;

(i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.

1.5 Do nothing as a Member which you could not justify to the public.

1.6 The reputation of the Council depends on your conduct and what the public believes about your conduct.

1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

1.8 It is your responsibility to comply with the provisions of this Code.

Definitions

2. In this Code:

'interest or interests' have the meanings set out in Part 2 of this Code

'meeting' means any meeting of:

- the Council;
 - any of the Council's Committees, Sub-Committees or Joint Committees,
- 3 West Devon Borough Council Members' Code of Conduct 26 June 2012

- one or more Members, formal or informal and with or without officers, relating to the discharge of the Council's functions where a formal record is made by a Council Officer.

'Member' includes a co-opted member

'Relevant Person' means:

- you or
- your spouse or civil partner, or
- a person with whom you are living as husband and wife or as civil partners

and you are aware that that other person has an interest

'relevant period' means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

'the Regulations' means 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI2012/1464)' or any statutory amendment of them

Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:

(a) you are engaged on the business of the Council; or

(b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council.

General obligations

4. You must:

(a) treat others with courtesy and respect,

(b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest **and** have reasonable regard to any relevant advice provided to you by an officer of the Council.

5. You **must not**:

(a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

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(b) do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010); 4 West Devon Borough Council Members' Code of Conduct 26 June 2012

(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);

(d) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct;

(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(a) in the public interest; and

(b) made in good faith and

(c) in compliance with the reasonable requirements of the Council;

(g) prevent another person from gaining access to information to which that person is entitled by law;

(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute. 5 West Devon Borough Council Members' Code of Conduct 26 June 2012

PART 2 INTERESTS

Registration of Interests

6. You **must, within 28 days** of:

(a) this Code being adopted by, or applied to, the Council; or

(b) your taking office as a Member or Co-opted Member of the Council, whichever is the later, and annually thereafter, provide written notification to the Council's Monitoring Officer of:

(i) any disclosable pecuniary interest as defined by Regulations, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife); and

(ii) any other personal interest laid down by the Council, as set out at paragraph 7 below; which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at: www.westdevon.gov.uk

6.1 **Within 28 days** of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Council's Monitoring Officer.

6.2 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the Council's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 8 below, where the matter is not a 'sensitive interest'.

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6.3 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within **28 days** beginning with the date of disclosure.

6.4 In relation to disclosable pecuniary interests in this Part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column: 'body in which the relevant person has a beneficial interest'	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
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