

CROWLE PARISH COUNCIL

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STANDING ORDERS AND DELEGATION SCHEME

WRITTEN NOV 2017 USING THE CURRENT NALC MODEL Updated May 2019 and Sep 2019
(numbers in the table below relate to the NALC MODEL except 26 which has been added)

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. They are not the same as the policies of a council, but they may refer to them.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer. **Bold type indicates those sections NALC recommend to be included as per their model.**

1. Rules of debate at meetings	14. Code of conduct complaints
2. Disorderly conduct at meetings	15. Proper Officer
3. Meetings generally	16. Responsible Financial Officer
4. Committees and sub-committees	17. Accounts and accounting statements
5. Ordinary council meetings	18. Financial controls and procurement
6. Extraordinary meetings of the council and committees and sub-committees	19. Handling staff matters
8. Voting on appointments	20. Requests for information
9. Motions for a meeting that require written notice to be given to the Proper Officer	21. Relations with the press/media
10. Motions at a meeting that do not require written notice	22. Execution and sealing of legal deeds
11. Handling confidential or sensitive information	23. Communicating with District and County Councillors
12. Draft minutes	24. Restrictions on councillor activities
13. Code of conduct and dispensations	25. Standing orders generally
26. Council business & decisions outside meetings (DELEGATION SCHEME)	

1. RULES OF DEBATE AT MEETINGS

- a) The agenda for a meeting will be followed as written unless the order needs to be changed for a good reason.
- b) Points are discussed by all councillors under the overall direction of the chair, who will allow all views to be heard, and decide when sufficient debate has taken place, drawing it to a conclusion with an agreed proposed and seconded motion taken to a vote if necessary.
- c) Any motions that are specifically proposed/seconded by councillors beforehand are also debated, may be amended with consent of the proposer and then a vote taken at the end.
- d) During a debate, any of the following may be considered:
 - an adjournment;
 - exclusion of the public or press for sensitive or confidential matters;
 - requesting a person to be no longer heard or to leave the meeting;
 - referral of the motion to a committee for consideration.

2.DISORDERLEY CONDUCT AT MEETINGS

- a) All persons present at a Parish Council meeting will be expected to conduct themselves well in word and action, with good manners and consideration of others.
- b) If this is not the case, the Chair will ask them to moderate their conduct or, with consent of councillors, will ask them not to speak, to leave the meeting or suspend or close the meeting.

3.MEETINGS GENERALLY

- a) **Parish Council meetings will take place at the Parish Hall. Other committee or sub-committee meetings may be held in members houses or other private meeting rooms but not on licensed premises.**
- b) **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 this must be at least three.**
- c) **The agenda and public notices for full PC meetings will be issued with at least 3 clear days' notice, not including the notice day, the day of the meeting, Sundays or bank holidays.**
- d) **Full Parish Council meetings are open to members of the public and they may make representations, ask and answer questions and give evidence in respect of the business on the agenda.**
- e) The agenda always has a section designated for 'public question time' if a member of the public wishes to raise anything that is not on the agenda.
- f) **If their presence is prejudicial to the public interest (confidential/sensitive business or for other special reasons,) an exclusion will be decided by resolution and reasons given.**
- g) **Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted with Council's consent and the press will be provided with adequate facilities to carry out their work if needed.**
- h) **The Chairman presides meetings, but if absent the Vice-Chairman will preside. If both are absent, a councillor as chosen by the councillors will preside.
The Vice Chair may take the place of the Chair in any capacity if required.**
- i) **Subject to a meeting being quorate, all questions will be decided by a majority of the councillors by a show of hands or other means. The chair of the meeting has a casting vote on any matter in the case of equality. Any councillor may request that the vote is recorded, showing who voted for and against.**
- j) The minutes of a meeting shall include an accurate record of the following:
 - the time and place of the meeting;
 - the names of councillors present and absent (but not members of the public);
 - interests that have been declared by councillors;
 - whether a councillor left the meeting when matters that they held interests in were being considered;
 - if there was a public participation session; and
 - the resolutions made.
- k) **A councillor 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.**

4.COMMITTEES AND SUBCOMMITTEES

- a) The PC may establish committees to deal with specific areas of council business such as Finance and Risk, Field management and Land management.
- b) Conclusions will be reported to a full P.C meeting who may reject or approve recommendations.
- c) The number, quorum and members of the committee will be specified as well as usual number of meetings per year and the terms of reference.

- d) A chair will be appointed for each committee and they will organise times and places of meetings in liaison with the Clerk (if they are to be attending.)
- e) Minutes will be recorded in the usual way and distributed to all councillors.
- f) Committees will determine if members of the public will be permitted to attend.
- g) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- h) Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- i) With the exception of committees controlling finances, unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

5.ORDINARY COUNCIL MEETINGS

- a) The Annual Meeting of the Parish Council (AMPC) is held in May at a start time decided by the Council and must be within 14 days of new councillors taking office in an election year. (2019/2023)**
- b) At least 3 other ordinary meetings will be held each year – usually every other month.**
- c) The first business conducted at the AMPC is the election of the Chair and Vice-Chair.**
- d) The Chair, unless he has resigned or becomes disqualified, continues in office until a successor is elected at the next AMPC.**
- e) The Vice-Chair of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair at the next AMPC**
- f) In an election year, if the current Chair has not been re-elected, they preside at the meeting until a successor is in place. The current Chair has no vote in respect of the election of the new Chair but must give a casting vote in the case of an equality of votes.**

g) The business of the AMPC should include:

- **Acceptance of Office forms for all councillors in election year (just the Chair if not.)**
- Confirmation of the accuracy of the minutes of the last meeting of the council;
- Receipt of the minutes of the last meeting of a committee and consideration of any recommendations;
- Review of committees and sub-committees with regard to delegation, terms of reference and appointment of members to them.
- Staff review.
- Review and adoption of appropriate standing orders;
- Review and approval of the Annual Return (Annual Governance statement and Annual Accounting statement.)
- Review and adoption of appropriate financial regulations including ongoing approval of regular payments made by direct debit or standing order, annual subscriptions and review of contracts or other financial commitments such as loans;
- Review of assets and liability register;
- Review of risk assessment and of arrangements for insurance cover in respect of all insured risks;
- Review of policies e.g. Information management (including FOI and DP), complaints, H&S
- 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

- a) The Chair of the Council (or a committee/subcommittee) may convene an extraordinary meeting of the council (or committee/subcommittee) at any time.**
- b) If the Chair of the Council (or committee/subcommittee) does not or refuses to call an extraordinary meeting within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c) Reasons for failure or refusal to call such a meeting should be included when the two councillors do hold their meeting.

8.VOTING ON APPOINTMENTS

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.AND 10. MOTIONS FOR A MEETING

- a) Any motion may be submitted for discussion at a meeting which relates to the performance of the council's statutory functions, powers and obligations or to an issue which specifically affects the council's area or its residents.
- b) This must be done in writing to the Clerk at least 14 days before the meeting and motions will be placed on the agenda in the order received for discussion.
- c) If this wording of the motion is unclear or improper, the clerk may discuss this with the person submitting it, and also with the chair of the council until an acceptable motion is agreed.
- d) If the motion is rejected, then clear reasons will be given to the person who submitted it.
- e) The following motions may be moved at a meeting without giving 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 refer a motion to a particular committee or sub-committee;
 - 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;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

11.HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

Councillors, staff, 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.

12. DRAFT MINUTES

- a) Draft minutes of the last meeting will be e-mailed to members 1-2 weeks after the meeting and again with the agenda for the next meeting for members to read and check. Those receiving minutes by post will receive just the first copy.
- b) If they are considered to be inaccurate, the Clerk will make corrections before they are checked and signed by the Chair as an accurate record.
- c) If the Chair does not agree that they are an accurate record, they are signed but a paragraph inserted that their view was not upheld by the meeting.

13. CODE OF CONDUCT AND DISPENSATIONS

- a) Councillors will abide by the Code of Conduct adopted for the council.
- b) If a Councillor has a disclosable pecuniary or other interest in any item of business on the agenda, they must declare it at the beginning of the meeting and leave the room while that item is discussed.
- c) If they wish to remain and take part in discussions, they must seek dispensation from the Council to do so **in writing by completing the model form from the Clerk, preferably before the meeting or at the start if this is not possible.** This details the nature and reason for the interest, if discussion and voting rights are requested to be preserved and the period for which the dispensation is requested (max 4 years.)
- d) **A dispensation may be granted by the council if:**
 - i. **without it there would be too few persons left to conduct the business or**
 - ii. **it is in the interests of persons living in the Parish or**
 - iii **it is otherwise appropriate to grant a dispensation**

14. CODE OF CONDUCT COMPLAINTS

- a) The Clerk will inform the Council if they are notified by the DC or CC that there is a complaint against one of the councillors.
- b) If the complaint has been made by the Clerk, then the Chair will be notified and appoint another member of staff to deal with the matter until it is resolved.
- c) The Council may provide evidence to any investigation or seek information relevant to the complaint from any person or body with statutory responsibility for investigation.
- d) **Upon notification by the District Council that a councillor 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. AND 16. PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER

The Proper Office of Crowle Parish Council is the Clerk who is also the Responsible Financial Office (RFO)

Their role in convening meetings:

- a) **The Clerk will send a signed agenda for any regular meeting by e-mail or post (as wished by each councillor) at least 3 clear days before the meeting.**
- b) The Clerk will give public notice of time, place and agenda of full PC meetings with 3 clear days' notice (on notice boards and on the Councils website) and any committee meetings to which the public are invited.
- c) In the case of Extraordinary meetings called by 2 councillors, the notice will be signed by them.
- d) **The clerk will convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in this office**
- e) If the Clerk/RFO is absent for a long period the Council will appoint a temporary member of staff to fulfil the role.

Other roles of the Clerk/RFO are to:

- organise and attend all meetings where required, provide relevant information to facilitate the meeting and record accurate minutes;
- **receive and retain copies of byelaws made by other local authorities.**
- retain acceptance of office forms from councillors;
- retain a copy of every councillor's register of interests;
- receive and send general written or electronic correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- arrange for legal deeds to be executed;

- maintain detailed accounts, monitor banking, conduct audits and 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;
- review and recommend renewal of the Council's insurance policy with regard to the risk assessment and asset and liability registers;
- conduct research and obtain quotes for work or goods required by the council;
- refer every planning application received by the council to councillors within two working days of receipt to facilitate consideration before the deadline for comments;
- record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- manage and respond to requests for access to information about the council via the publication scheme under the FOI Act 2000 and DP Act 1998/2018 in accordance with the Councils policies on the same, including access to the minute book where requested;
- ensure that the PC section of the website is up to date and monitor the content of other contributors with the assistance of the website manager and councillors,
- liaise with other local bodies, parishes, councils, staff, employees, contractors, service providers and parishioners to resolve questions, issues or complaints in consultation with councillors.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) The Clerk/RFO will observe 'Proper Practices' as defined in 'Governance and Accountability for local Councils – a Practitioners Guide' and Crowle PC's Financial Regulations when preparing any financial transactions.
- b) The Clerk/RFO will complete the annual return after 31st March each year and present this for approval at the Annual Meeting of the PC in May.
- b) They will ensure that Councillors examine and approve records of payments, receipts, bank reconciliations and balances at each PC meeting and review all finances, budget and precept with the Finance and Risk committee which will meet at least 3 times a year.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a) The Council will follow annually reviewed Finance regulations in relation to keeping and inspecting accounting records/ financial transactions and procuring goods or services or entering into contracts, to ensure safe and effective systems are in place for the management of money and risks.
- b) **Financial regulations will confirm that a proposed contract for the supply of goods, materials and services and the execution of works with an estimated value in excess of £25,000 will be procured on the basis of a formal tender.**
- c) **Where the value of a contract is likely to exceed the limit specified by the Office of Government Commerce, the council must consider whether the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2015 apply to the contract and if either of these apply, the Council must comply with EU procurement rules.**

19. HANDLING STAFF MATTERS

- a) Personal matters relating to members of staff will not be discussed at meetings and all written and electronic information regarding staff employment will be stored securely. Access to such records will be limited to those who manage the staff – the RFO and the PC Chair (or Chair of a staffing committee.)
- b) Members of staff will report any illness which prevents them from working or attending a meeting to the Chair or Vice Chair of the Council.
- c) An annual appraisal will take place for each member of staff with the Chair of the Council or another delegated councillor. Any agreements with regards to terms and conditions must be ratified by the whole Council.
- d) Staff may raise any grievances with the Chair or Vice Chair of the Council (or another member of this is not appropriate) and the matter will be dealt with by the Council at their next meeting.

20. AND 21. REQUESTS FOR INFORMATION INCLUDING PRESS/MEDIA

- a) Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000, GDPR 2018 and the Data Protection Act 1998/2018.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman/DPO who will have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
- c) 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. Refer to the whole PC for decision/action.

22. EXECUTION AND SEALING OF LEGAL DEEDS

For info: A deed is any legal instrument in writing which passes, affirms or confirms an interest, right, or property and that is signed, attested, delivered, and in some jurisdictions, sealed.

- a) A legal deed executed on behalf of the council must be 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 will witness their signatures.**

23. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

- a) The local District and County Councillors will be invited to attend all main PC meetings and sent an agenda and minutes.
- b) A copy of any letter sent to the District or County Council will be copied to the ward councillors representing the area.

24. RESTRICTIONS ON COUNCILLOR ACTIVITIES

Councillors must have permission by resolution of the Council to inspect land, issue orders, instructions or directions. i.e. No councillor will act alone.

25. STANDING ORDERS GENERALLY

- a) Other than those which are mandatory, standing orders may be suspended or varied by resolution in relation to a particular item on an agenda if proposed by two councillors in writing to the Clerk. – see also Standing order 9 e) xv
- b) New councillors will be given a copy of the Council's Standing Orders as soon as possible after delivering their acceptance of office form.
- c) The Chair of a meeting has final say as to the application of standing orders at that meeting.

26. COUNCIL BUSINESS AND DECISIONS OUTSIDE OF MEETINGS

DELEGATION SCHEME

Written with reference to the Worcs CALC good practice guide model scheme

- a) The Parish Council's business continues between bi monthly meetings and new issues arise regularly.
- b) A single councillor or the clerk may not act on behalf of the PC or take decisions alone – see 24.
- c) All statutory, main or contentious decisions will be taken by the whole council e.g Approval of the budget, large expenditure and Annual Governance and Accounting statements, appointment of staff, awarding contracts.
- d) The Clerk may refer day to day decisions on minor matters to relevant Councillors who are involved with that business e.g. on a related committee or to the whole Council by means of email, phone or personal conversation.
- e) A consensus view will be sought, but if this is not possible, the decision will be referred to the next full PC meeting or, only if an urgent matter the Chair (or Vice chair if absent) have authority to make a final decision.
- f) Outcomes of these decisions will be reported and minuted at the next full PC meeting.
- g) Working Groups do not have any delegated powers to act independently but oversee certain areas of the Councils business.
- h) This is important for a small council so that there is clear definition and issues can be handled easily.

Delegation guidance table

Group/Individual	Roles and/or delegated powers	Notes
Finance and Risk Group 3 Cllrs (at least 2 of who are on the bank mandate and signatories) and Clerk (RFO) Meets 2-3 times a year at key times,	No delegated powers. Meets to discuss and oversee all financial arrangements of council to ensure the council remains within budget. Recommends budget and precept request to the Council. Monitors and reports on the work of the Internal and External Auditors Identifies, considers and reports any potential risks. Report to full council for approval of decisions, projects and expenditure	2 'signatories' on all transactions + independent checking post spending ensures no complicity.
Clerk (Finances)	Receives and administers invoice and receipts of money agreed by the PC, seeking approval for all payments as per the Finance Regulations. Seeks comparative quotes for all work and presents to PC for final decision. Transfers money from the 10k Paypal account into the Playing Field account. Purchases admin and other supplies to max £50	Reports all transactions at full PC meetings for checking.
Clerk (Planning)	Circulates relevant planning application papers to all Cllrs who comment, and the clerk prepares a summary of all comments for submission to the planning authority within the prescribed consultation period.	The whole PC considers applications
Clerk (minor decisions between full PC meetings)	After consultation with Cllrs as above can feedback decisions and ensures these are raised and minuted in next PC meeting	
Clerk (Liaison with the Community)	Respond to requests for information and advice within capacity, seeking advice from other bodies where necessary and referring/signposting to other organisations. Feeds back to whole PC at meetings.	

Clerk and Footpath Warden (Liaison with Highways/Countryside service/Public rights of way)	Addresses issue in the Community by submitting reports via the WCC Highways website reporting pages or direct liaison with WCC. Reports at PC meetings.	
Clerk (Liaison with District and County Councils)	To consult WCC or WDC to resolve issues in the Community. Feeds back at PC meetings	
Cllrs on other Parish committees e.g. CPHT, Shop, Wychavon Games, 10k	Attends meetings on behalf of the PC and either represents their views or report back and seek advice from PC where necessary.	
Staffing Group 2 members of the council only convenes when necessary.	Referring to the legal framework and good practice in employment matters will use nationally negotiated model contracts and conditions for advertising and interviewing potential members of staff. Recommends final employment decisions to the whole PC.	Confidentiality of all personal data.
Field Management Committee Councillors (2). Meets with representatives of Field Users – Football, Bowls and Tennis Clubs and Field manager 3-4 times per year.	No delegated Powers. Meets to discuss Field and Playground issues and oversees their management, ensuring both are kept in good order and meet necessary Health and Safety standards. Oversees contract for field and surrounding site maintenance and makes recommendations to the Parish Council on all Field matters. Report to full council for approval of decisions, projects and expenditure.	
Field Manager	Purchase items to max value £50 for use in Field maintenance. Report spending to clerk for re-imburement. Spending reported at next PC meeting on accounts. Higher value purchases to be agreed before committed.	
Land Management Committee (2 Cllrs and the Clerk.) Meets only when necessary.	No delegated powers. Meet to inspect land under the auspices of the parish council and oversee its management; Parish garden, 'Green Pool', other small areas of land, allotments, tree warden, Parish paths warden and Parish Lengthsman. Report to full council for approval of decisions, projects, rent and expenditure	