



BOSTON SPA PARISH COUNCIL

# **Boston Spa Parish Council**

## **Standing Orders**

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### **1. Code of Conduct and Dispensations**

1.1	All Councillors and non-councillors with voting rights will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.
1.2	Unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary or other interest. They may return to the meeting after it has considered the matter in which they had the interest.
1.3	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.
1.4	A dispensation may be granted if having regard to all relevant circumstances any of the following apply:
	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;
	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.

### **2. Code of Conduct Complaints**

2.1	Upon notification by Leeds 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 them. Such action excludes disqualification or suspension from office.
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### **3. Meetings**

3.1	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.
3.2	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.
3.3	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.
3.4	Subject to standing order 3.5, 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.
3.5	A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
3.6	The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
3.7	Members of the public may address the Parish Council on any relevant topic of concern to them at the beginning of the meeting, with the time designated not normally exceeding a total of 20 minutes for all those who may wish to speak. Unless directed by the Chair of the meeting no further public representation may be made after this point.
3.8	The Council may only take decisions on items clearly specified on the agenda; if agreed by the Chair, any urgent items which are not on the agenda may be discussed, but no decision may be made, at that meeting.

3.9	Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Parish Council may in his absence be done by, to or before the Vice Chair of the Council.
3.10	The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
3.11	Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
3.12	The Chair 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.
3.13	Unless standing orders provide otherwise, voting on any 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.
3.14	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; and
	vi. The resolutions made.
3.15	The accuracy of draft minutes, including any amendment(s) made to them, shall confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
3.16	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.
3.17	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 3.
3.18	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.
3.19	Decisions of the Council will not be revised within six months, except where a special item is placed on the agenda bearing the name of two Councillors, and is considered and approved by the Council.

#### **4. Committees, sub-committees and working parties**

4.1	Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
4.2	The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
4.3	Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

<b>5. Ordinary Council Meetings</b>	
5.1	In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office. 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 decides. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
5.2	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.
5.3	The first business of the Annual Meeting will be the election of the Chair (and Vice Chair) and to receive their acceptance of office. Each position requires a nominator and a seconder then a vote shall be carried by a show of hands by all those eligible to vote.
5.4	The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until a successor is elected at the next annual meeting of the Council.
5.5	The Vice-Chair of the Council unless they have resigned or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
5.6	In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.
5.7	In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes. Term of office.
5.8	Following the election of the Chair and Vice Chair 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 Chair 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 Chair of the Council of their acceptance of office forms unless the council resolves for this to be done at a later date.
ii.	Review of delegation arrangements to committees, sub-committees, staff and other local authorities.
iii.	Review of terms of reference for committees; appointment of members to existing committees; appointment of any new committees in accordance with standing order 4.
iv.	Review and adoption of appropriate standing orders and financial regulations.
v.	Review of inventory of land, and assets including buildings and equipment.
vi.	Confirmation of arrangements for insurance cover in respect of all insured risks.
vii.	Review of the council's and/or staff subscriptions to other bodies.
viii.	Review of the council's complaints procedure.
ix.	Review of the council's policies, procedures and practices in respect of obligations under freedom of Information and data protection legislation..
x.	Confirmation of 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**

6.1	The Chair of the Council may convene an extraordinary meeting of the Council at any time.
6.2	If the Chair of the Council does not call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, venue and agenda for such a meeting shall be signed by the two councillors.

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

7.1	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 4 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
7.2	If the clerk considers the wording of a motion received in accordance with standing order 6.1 is not clear in meaning, the motion shall be rejected until the mover resubmits it, so that it can be understood, in writing to the clerk at least 4 clear days before the meeting.
7.3	The decision of the clerk as to whether or not to include the motion on the agenda shall be final.
7.4	Subject to 7.1 above, the clerk shall include on the agenda all items in the order received unless a councillor has given written notice no later than 4 clear days before the meeting confirming his/her withdrawal of it.

**8. Management of Information**

8.1	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.
8.2	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 (eg the Limitation Act 1980).
8.3	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.
8.4	Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

**9. Clerk to the Council/Proper Officer**

9.1	The Council may appoint a number of employees to assist it in the performance of its duties. The Council will appoint a Clerk to the Council which will be on an employed basis, unless the Clerk is a member of the Council, acting in an unpaid capacity.
9.2	As an employee of the Council the Clerk will have a contract of employment stating the terms and conditions under which he/she is employed. This will effectively be administered by the Personnel Committee.
9.3	The Clerk shall be designated as the Council's Proper Officer.
9.4	The Proper Officer shall at least three clear days before a meeting of the council or a committee serve on councillors a signed summons, by email, confirming the time, place and the agenda.
9.5	The Proper Officer shall provide, in a conspicuous place, at least three days before a meeting of the council or a committee 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).

9.6	<p>The Proper Officer shall</p> <ul style="list-style-type: none"> <li>• Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in the office;</li> <li>• Facilitate inspection of the minute book by local government electors;</li> <li>• Receive and retain copies of byelaws made by other local authorities;</li> <li>• Hold acceptance of office forms from councillors;</li> <li>• Hold a copy of the register of interests of every councillor</li> <li>• Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;</li> <li>• Assist in the organisation, storage of, access to 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 (eg the Limitation Act 1980);</li> <li>• Arrange for legal deeds to be executed;</li> <li>• Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations</li> </ul>
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#### **10. Responsible Finance Office (RFO)**

10.1	The Responsible Finance Officer is a statutory office and appointed by the Council. The Clerk of the Council will take on this role and will follow the guidance set out in the most recent version of Governance and Accountability for Local Councils – A Practitioners’ Guide (England).
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#### **11. Accounts and Accounting Statements**

11.1	“Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – A Practitioners’ Guide (England)
11.2	All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations, which shall be reviewed at least annually.
11.3	The Responsible Financial Officer shall supply to each councillor as soon as practicable after the end of each month a statement summarising: the Council’s income and expenditure for the month; the council’s aggregate income and expenditure for the year to date; and the balances held at the end of each month; and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends..
11.4	As soon as possible after the financial year end at 31 March, the Responsible Finance Office shall provide: each councillor with a statement summarising the council’s income and expenditure for the year to date for information; and 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.
11.5	The yearend accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

<b>12. Financial Controls and Procurement</b>	
12.1	<p>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:</p> <ul style="list-style-type: none"> <li>• The keeping of accounting records and systems of internal control;</li> <li>• The assessment and management of financial risks faced by the Council;</li> <li>• 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.</li> <li>• The inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and</li> <li>• Whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise</li> </ul>
12.2	Financial regulations shall be reviewed regularly and at least annually for fitness of purpose. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
12.3	The Council's Financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
12.4	A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 but less than the relevant thresholds referred to in standing order 12.7 is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).
12.5	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 executions of works shall be drawn up;
	ii. An invitation to tender shall be drawn up to confirm <ul style="list-style-type: none"> <li>• The Council's specification</li> <li>• The time, date and address for the submission of tenders</li> <li>• The date of the council's written response to the tender and</li> <li>• The prohibition of prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;</li> </ul>
	iii. The invitation to tender shall 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 Proper Officer;
	v. Tenders shall be opened by the Proper Officer 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.
12.6	Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
12.7	Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details (LTN87).

<b>13. Responsibilities to Provide Information</b>	
13.1	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.



13.2	The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.
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#### **14. Responsibilities under Data Protection Legislation**

14.1	The Council shall have policies and procedures in place to respond to individuals exercising statutory rights concerning their personal data.
14.2	The Council shall have a written policy in place for responding to and managing a personal data breach.
14.3	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.
14.4	The Council shall ensure that information communicated in its privacy notices is in an easily accessible form and kept up to date.
14.5	The Council shall maintain a written record of its processing activities.

#### **15. Execution and Sealing of Legal Deeds**

15.1	Any two members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.
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#### **16. Emergency Business**

16.1	Should it not be appropriate to convene a special meeting then any emergency business will be handled by the Clerk, in consultation with the Chair and one other Councillor. If the Clerk is unable to deal with the matter then the Chair shall involve all the other available Members and the emergency business may be conducted and determined electronically or by telephone. Any actions taken or decisions made shall be reported to a subsequent meeting of the Council.
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#### **17. Standing Orders**

17.1	All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting., in order to progress the business of the Council, and such decision will be included in the minutes. The suspension will not be taken lightly and it will be time-limited.
17.2	The clerk shall provide a copy of the council's standing orders to a councillor as soon as possible after he/she has delivered their acceptance of office form.
17.3	During the course of meetings of the Council, the Chair's decision as to the interpretation of the standing orders will be final. In cases of doubt, the Council will seek the advice of the Yorkshire Local Councils Association.