

# **FERRING PARISH COUNCIL STANDING ORDERS April 2019**

The Standing Orders are based on the latest version from NALC and those statements which are in bold in the document are statutory and have not been changed.

Those not in bold have been considered and adapted where appropriate from the original NALC document to apply to the procedures and processes of Ferring Parish Council.

## **INTRODUCTION**

<b>1. RULES OF DEBATE AT MEETINGS .....</b>	<b>4</b>
<b>2. DISORDERLY CONDUCT AT MEETINGS .....</b>	<b>4</b>
<b>3. MEETINGS GENERALLY .....</b>	<b>5</b>
<b>4. COMMITTEES AND SUB-COMMITTEES .....</b>	<b>7</b>
<b>5. ANNUAL COUNCIL MEETINGS .....</b>	<b>8</b>
<b>6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES .....</b>	<b>10</b>
<b>7. PREVIOUS RESOLUTIONS .....</b>	<b>10</b>
<b>8. CO-OPTION OF COUNCILLORS .....</b>	<b>10</b>
<b>9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER .....</b>	<b>11</b>
<b>10. ACTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE ....</b>	<b>11</b>
<b>11. MANAGEMENT OF INFORMATION .....</b>	<b>12</b>
<b>12. DRAFT MINUTES.....</b>	<b>13</b>
<b>13. CODE OF CONDUCT AND DISPENSATIONS.....</b>	<b>14</b>
<b>14. CODE OF CONDUCT COMPLAINTS.....</b>	<b>15</b>
<b>15. PROPER OFFICER .....</b>	<b>15</b>
<b>16. RESPONSIBLE FINANCIAL OFFICER.....</b>	<b>17</b>
<b>17. ACCOUNTS AND ACCOUNTING STATEMENTS .....</b>	<b>17</b>
<b>18. FINANCIAL CONTROLS AND PROCUREMENT.....</b>	<b>18</b>
<b>19. HANDLING STAFF MATTERS.....</b>	<b>20</b>
<b>20. RESPONSIBILITIES TO PROVIDE INFORMATION .....</b>	<b>20</b>
<b>21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION .....</b>	<b>21</b>
<b>22. RELATIONS WITH THE PRESS/MEDIA .....</b>	<b>21</b>
<b>23. EXECUTION AND SEALING OF LEGAL DEEDS.....</b>	<b>21</b>
<b>24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS.....</b>	<b>22</b>
<b>25. RESTRICTIONS ON COUNCILLOR ACTIVITIES .....</b>	<b>22</b>
<b>26. STANDING ORDERS GENERALLY .....</b>	<b>22</b>

The following adopted Policies may be referred to in this document and are available separately.

The Councillor Code of Conduct (issues and signed by all councillors)

Freedom of Information

Data Protection (GDPR)

Information Technology (IT)

Document Retention

Complaints Procedure

Health & Safety Policy

Investment Policy

Recordings of Public Meetings Policy

Confidential Reporting Policy

Media & Communications Policy

Council Representation on Outside Bodies

Risk Management Policy

Members Allowance Policy

Staff Expenses Policy

Recruitment Policy

Bullying & Harassment Policy

Pay Policy

Performance Management Scheme

Disciplinary Policy

Grievance Policy

Co-Option of Councillors

Financial Regulations

Data Protection Regulations

IT Policy

## **1. RULES OF DEBATE AT MEETINGS**

A motion is defined as a request by a Councillor for an issue to be discussed and a decision made.

- a) Motions on the agenda shall be considered in the order they appear on the agenda unless the order is changed at the discretion of the chairman of the meeting.
- b) A motion (including an amendment) shall not be progressed unless it has been proposed and voted on by Councillors.
- c) An amendment to a motion is a proposal to remove or add words to a motion. It shall not negate the motion.
- d) If an amendment to a motion is agreed this becomes the substantive motion that shall be voted on.
- e) One or more amendments may be discussed together if the chairman of the meeting considers this expedient. Each amendment can be voted on separately or as a whole dependant on the consideration of the chairman.
- f) During the debate of a motion a Councillor may interrupt on a point of order and shall identify the Standing Order which is considered to have been breached or, alternatively, specify an irregularity in the proceedings that is of concern.
- g) A point of order shall be decided by the chairman of the meeting and this decision shall be final.
- h) When a motion is being debated the following actions may be carried out
  - i) To amend the motion
  - ii) To adjourn the debate
  - iii) To refer a motion to a committee for consideration
  - iv) To exclude the public or Press
  - v) To put the motion to a vote
- i) Before any motion or substantive motion is voted on the chairman of the meeting shall be satisfied that the motion has been sufficiently debated.

## **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 propose that the person be no longer heard or be 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) 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

Full Council meetings	●
Committee meetings	○
Sub-committee meetings	x

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice 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**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public are permitted to ask questions during the 15 minute designated question time or longer at the discretion of the chairman.
- f In accordance with standing order 3(e), a question asked by a member of the public during a public question time at a meeting shall be responded to at the discretion of the chairman. This response may be written or oral.
- g A person shall raise their hand when requesting to speak and shall address comments to the chairman.
- h **Subject to standing order 3(i), 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.**

- i A person present at a meeting may not provide an oral report or  
o oral commentary about a meeting as it takes place without  
permission.
- j The press shall be provided with reasonable facilities for the taking  
o of their report of all or part of a meeting at which they are entitled to  
be present.
- k 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 their absence be done by, to or before the Vice-  
Chairman of the Council (if there is one).
- l The Chairman of the Council, if present, shall preside at a meeting.  
If the Chairman is absent from a meeting, the Vice-Chairman of the  
Council (if there is one) 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.
- m Subject to a meeting being quorate, all questions at a meeting shall  
o be decided by a majority of the councillors and non-councillors  
x with voting rights present and voting.
- n The chairman of a meeting may give an original vote on any matter  
o put to the vote, and in the case of an equality of votes may exercise  
x their casting vote whether or not they gave an original vote.

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- o 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 their vote for or against  
that question. Such a request shall be made before moving on to the  
next item of business on the agenda.
- p 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 who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors;
- iv. the grant of dispensations (if any) to councillors;
- v. whether a councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public question time; and
- vii. the recommendation & resolutions made.

● q **A councillor or a non-councillor with voting rights who has a**  
o **disclosable pecuniary interest or another interest as set out in the**  
x **Council's code of conduct in a matter being considered at a**  
**meeting is subject to statutory limitations or restrictions under the**  
**code on their right to participate and vote on that matter.**

● r **No business may be transacted at a meeting unless at least one-**  
o **third of the whole number of members of the Council are present**  
x **and in no case shall the quorum of a meeting be less than three.**

● s **If a meeting is or becomes inquorate no business shall be**  
o **transacted** and the meeting shall be closed. The business on the  
x agenda for the meeting shall be adjourned to another meeting.

#### **4 COMMITTEES AND SUB-COMMITTEES**

a **Unless the Council determines otherwise, a committee may appoint a**  
**sub-committee whose terms of reference and members shall be**  
**determined by the committee.**

b **The members of a committee may include non-councillors unless it is a**  
**committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory**  
**committee and a sub-committee of the advisory committee may be non-**  
**councillors.**

d The Council may appoint standing committees (current committees are Finance & General Purposes, Highways and Communities, Environment, Neighbourhood Plan Implementation (CRTBO's) and Planning. All Committees

have advisory powers only with the exception of Planning which has decision making powers), and

- i. shall determine their terms of reference;
- ii. shall determine the number of standing committees.
- iii. shall permit a standing committee to determine the time of its meetings.
- iv. Members of standing committees will be appointed based on their interest & skills.
- v. The public may attend & make representation at a meeting of a standing committee.
- vi. The press are permitted to attend the meetings of a standing committee.
- vii. May dissolve a standing committee.

## **5 ANNUAL 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 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 decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6.00pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**



- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting, the business 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 their 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. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. From recommendation of the Policy Review Group, adopt the following: Standing Orders & Financial Regulations, Legal Agreements, Representation of external bodies, General Power of Competence, Inventory of land and other assets, Insurance cover, Staff subscriptions, Complaints procedure.
  - x. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation

*(see also standing orders 11, 20 and 21);*

- xi. Review of the Council's policy for dealing with the press/media.
- xii. Review of the Council's employment policies and procedures.
- xiii. Review any other Councils policies and procedures.
- xiv. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

## **6 EXTRAORDINARY MEETINGS OF THE COUNCIL & 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 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 shall be signed by the two councillors.**
- c The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chairman of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the 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 four councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8 CO-OPTION OF COUNCILLORS**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of

votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

- b Councillors must declare an interest in the co-option process if a potential candidate is known to them.

## **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 for which it is tabled shall relate to the Council's statutory obligations or an issue which affects 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 least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c 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.
- d The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- e Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection. The proper officer will advise the councillor of the necessary action to ensure the wording or subject is correct.
- f Motions received shall be recorded and numbered in the order that they are received.

## **10 ACTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following actions 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;
- 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 other 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 or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

**11 MANAGEMENT OF INFORMATION** *See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

- d **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 12 DRAFT MINUTES

Full Council meetings	●
Committee meetings	o
Sub-committee meetings	x

- 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 and have been read by Councillors.
- 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).
- 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, they 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 their 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**  
o **higher) does not exceed £25,000, it shall publish draft minutes on**  
x **a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f The Parish Council 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.
- g Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which

confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

**13 CODE OF CONDUCT AND DISPENSATIONS** *See also standing order 3(q).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council. (See Councillor Code of Conduct model)
- b Unless they have been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which the councillor has a disclosable pecuniary interest. The councillor may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they 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 meeting of the Council or committee 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 **A dispensation may be granted in accordance with standing order 13(e) 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.**

#### **14 CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) 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).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - 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 District Council that a 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.**

#### **15 PROPER OFFICER**

- a The Proper Officer shall be either Parish Clerk or other staff member(s) or Locum Clerk 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,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks**

**fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**

- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed; (*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;



- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in the minutes of the Planning Committee
- xv. refer a planning application received by the Council to the Chairman of the Planning Committee to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee
- xvi. manage access to information about the Council via the publication scheme in accordance with the Media policy;
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

## **16 RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate staff or Locum Clerk 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.
- c The Responsible Financial Officer shall supply to each councillor on a monthly basis if practicable:
  - i. the Council's income and expenditure for each month;
  - ii. the Council's aggregate income and expenditure for the year to date;
  - iii. the balances held at the end of the month being reported and any potential overspreads will be notified by the Responsible Financial Officer.
- d As soon as possible after the annual internal audit, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's income and

- expenditure for the last year to date for information; and
- ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council income and expenditure for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at the F&GP Committee Meeting 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.

## **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 reports from the internal auditor, which shall be required at least annually;
  - iv. the councils monthly accounts are available on the parish council website; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed at the discretion of the parish council.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**

- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - 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 with delegated responsibility.
- e. Neither the Council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **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 the personnel committee is subject to standing order 11.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the personnel committee or, if they are not available, the council chairman of absence occasioned by illness or other reason and that person shall report such absence to the personnel committee.
- c The chairman of the committee will conduct a review of the performance and annual appraisal of the work of the Parish Clerk. The review and appraisal shall be reported in writing to the personnel committee and subject to approval by resolution by full council.
- d Subject to the council's policy regarding the handling of grievance matters, the Parish Clerk shall contact the chairman of the personnel committee or in their absence, the Council Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back to the personnel committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Parish Clerk relates to the chairman of the personnel committee, this shall be communicated to another member of the personnel committee which shall be reported back to the personnel committee.
- f All councillors & the Parish Clerk responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), the chairman of the personnel committee as instructed by the personnel committee, shall have access to staff records referred to in standing orders 19(f) via the Parish Clerk.
- h All other staff have access to the personnel committee if required.

### **20 RESPONSIBILITIES TO PROVIDE INFORMATION** *See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and**

**respond to requests for information held by the Council.**

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

## **21 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

- a The Council shall appoint a Data Protection Officer.**
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f The Council shall maintain a written record of its processing activities.**
- g The parish council privacy notice shall be made available on the parish council website.**

## **22 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 handled in accordance with the Council's policy in respect of dealing with the press and/or other media.**

## **23 EXECUTION AND SEALING OF LEGAL DEEDS** *See also standing orders 15(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.**

- b **[Subject to standing order 23(a), the Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]** *The above is applicable to a Council with a common seal.*

OR

**[Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]** *The above is applicable to a Council without a common seal.*

## **24 COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council.

## **25 RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

## **26 STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal 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 or legal requirements, shall be proposed by a special motion, the written notice by at least (1) councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council’s standing orders to each councillor.
- d The application of the standing orders to a particular issue shall be decided by the members of the committee.