



## Standing Orders

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## 1. Rules of Debate at Meetings

- A. All items on the agenda shall be considered in the order that they appear unless, the order is changed at the discretion of the Chairman.
- B. All motions and amendments must be formally proposed and seconded.
- C. A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn. (Note this indicates the Chairman may seek to see whether another Member wishes to move forward with the motion),.
- D. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder.
- E. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- F. The Chairman of the meeting may request the wording of an amendment in writing.
- G. A Councillor may move an amendment to his own motion if a motion has already been seconded, the amendment shall be with the consent of the seconder.
- H. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order formally moved, subject to the Chairman's discretion.
- I. Only one amendment shall be moved and debated at a time.
- J. The mover of an amendment has a right of reply at the end of debate on it.
- K. The mover of the original Motion shall have the right of reply at the conclusion of the Debate.
- L. Councillors may speak once on the main motion and once only on any amendment moved. Excepting that they may:
  - i. to make a point of order
  - ii. to give a personal explanation; or
  - iii. to exercise the right of reply.
- M. During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings.
- N. A point of order shall be decided by the Chairman of the meeting, and his decision shall be final.
- O. When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion.
  - ii. to proceed to the next business.
  - iii. to adjourn the debate.
  - iv. to put the motion to a vote.
  - v. to ask a person to be no longer heard or to leave the meeting.
  - vi. to refer a motion to a committee or sub-committee for consideration.
  - vii. to exclude the public and press; The reason for doing so must be clearly given.
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements. (Very bad practice standing orders should almost never be suspended. If they must be it suggests they need rewriting. Suggest deletion)
- P. On the movement of a procedural motion this must be determined before further substantive debate
- Q. Before a substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

- R. Speeches shall relate only to the item under discussion, or to a procedural motion, and shall not exceed 5 minutes.
- S. In exceptional circumstances the Chairman may allow a Councillor to speak for a longer period.

## 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 a person disregards the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman of the meeting may move that the person be no longer heard or 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

- A. **Meetings shall not take place on 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 reasonable cost.**
- B. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued or the day of the meeting.**
  - i. **Neither does it include any days of the Christmas or Easter holiday, other public and bank holidays, or days of public 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 was convened at shorter notice.**
- D. **All meetings shall be open to the public unless this is prejudicial to the public interest by reason of the exempt nature of the proceedings.**
- E. **The public's exclusion from part or all a meeting shall be by a resolution which shall give the reasons for the public's exclusion.**
- F. Members of the public may make representations, answer questions, and give evidence at a meeting which they are entitled to attend in respect of items on the agenda. Additionally, a 15-minute period for public questions or statements may be held at the start of a Meeting.
- G. This may be extended should the Chairman agree. No debate or formal business should arise during this period.
- H. However, the Chairman may give a response to a factual question.
- I. Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes at a Committee and 5 at Full Council.
- J. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated when speaking.
- K. A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.

- L. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- M. **A person attending a meeting may report on a meeting whilst the meeting is open to the public.**
  - i. **“Report” means to film, photograph, make an audio recording of the meeting proceedings or use other means for enabling persons not present to see or hear the meeting as it takes place or later, or to report or provide written commentary of the meeting so that the report of commentary is available as the meeting takes place or later to persons not present.**
- N. **A person present at a meeting may not provide an overall report or oral commentary about a meeting as it takes place without permission.**
- O. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- P. **Subject to standing orders which indicate otherwise, anything:**
  - i. **Authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- Q. **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) shall preside. If both are absent a Councillor shall be elected to preside over that meeting.**
- R. **Subject to a meeting being quorate, all questions at a meeting shall be decided by the majority of Councillors and non-Councillors with voting rights present and voting.**
- S. **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote, whether he had voted originally.**
- T. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of Councillor, the voting on any question shall be recorded to show whether each Councillor present and voting gave his vote for or against that question.**
- U. **Such a request shall be made before moving on to the next item of business.**
- V. **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 and non-Councillors with voting rights.**
  - iv. **the grant of dispensations (if any) to Councillors and non-Councillors with voting rights**
  - v. **whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;**
  - vi. **if there was a public participation session; and**
  - vii. **the resolutions made.**
- W. **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.**
- X. **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 be less than 3 If a meeting is or becomes inquorate no business shall be transacted.**
- Y. **The meeting shall be closed.**
- Z. **The business on the agenda for the meeting shall be adjourned to another meeting.**

AA. A meeting shall not exceed a period of 3 hours.

BB. Urgent Business shall only be considered at meetings, subject to the agreement of the Meeting and provided the Business is;

- i. For Noting
- ii. A matter for consideration for adding to a Future Agenda
- iii. An update to an already notified item.

#### **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 and approved by the Council.**

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

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

D. The Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference.
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next Annual Meeting of the Council.
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
- iv. shall, subject to standing orders 4(B) and (C), appoint and determine the terms of office of members of such a committee.
- v. may, subject to standing orders 4(B) and (C), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee, if the ordinary members of the committee confirm to the Proper Officer that they are unable to attend prior to the commencement of the meeting.
- vi. shall permit a committee to appoint its own Chairman at the first meeting of the committee of the new Council year shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three.
- vii. shall determine if the public may participate at a meeting of a committee.
- viii. shall determine if the public may participate at a meeting of a sub- committee.
- ix. may dissolve a committee and or a sub-committee.
- x. Councillors will be encouraged to serve on at least one Committee.

E. Papers Supporting Decisions

- i. Papers supporting agenda items will be shared by the Proper Officer with relevant committee or sub-committee members as appropriate no later than 3 clear days before the meeting subject to 4eii. (add or Committee Clerk)
- ii. Should there be a revised version of a paper supporting an agenda item this will be provided to the committee or sub-committee.
- iii. Papers supporting agenda items shall be provided by the Proper Officer to relevant committee members in an electrical format via the councils chosen file sharing software. Should a Councillor or member of the public require a printed or electrical version he/she is to request this in writing directly from the Proper Officer. (or Committee Clerk)

- iv. Councillors are not permitted to share access to items on the Council's file sharing software.
- v. See also the Council Model Publication Scheme.

## 5. Ordinary Council Meetings

- A. **In an election year, the Annual General 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 General 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 General Meeting of the Council shall take place at 6pm.**
- D. **In addition to the AGM of the Council, at least three other ordinary meetings shall be held annually at such dates and times as the Council decides.**
- E. **The first business conducted at the Annual General 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 he/she has resigned or becomes disqualified, shall continue in office, and preside at the AGM until his successor is elected at the next Annual General Meeting of the Council.**
- G. **The Vice-Chairman of the Council, if there is one, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next AGM of the Council.**
- H. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he/she shall preside at the AGM until the new Chairman has been elected. He will have a casting vote in the event of a tie, but may not cast an original vote,**
- I. **In an election year, if the current Chairman of the Council has been re- elected as a member of the Council, he/she shall preside at the Annual General Meeting until a new Chairman of the Council has been elected. He/she 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 at the AGM of the Chairman of the Council and Vice-Chairman (if there is one) 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 and in a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. 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. Review and adoption of appropriate standing orders and financial regulations.
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.

- xi. Review of representation on or work with external bodies and arrangements for reporting back.
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the General Power of Competence.
- xiii. Review of inventory of land and other assets including buildings and office equipment.
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks.
- xv. Review of the Council's and/or staff subscriptions to other bodies.
- xvi. Review of the Council's complaints procedure.
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under FOI and data protection legislation
- xviii. Review of the Council's Press and Media strategy (new addition)
- xix. Review of the Council's employment policies and procedures.
- xx. Review of the Council's expenditure incurred under s 137 of the Local Government Act 1972 of the General Power of Competence
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next Annual Meeting of the Full Council.

## **6. Extraordinary Meetings of the Council, Committees and Sub-Committees**

- A. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- B. If the Chairman of the Council does not 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 or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- D. If the Chairman of a committee or a sub-committee does not call an extraordinary meeting within 7 or 10\* days of having been requested to do so by any 2 members of the committee or the sub-committee, any 2 members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee. \*Depending on whether for a Committee or Sub Committee.

## **7. Previous Resolutions**

- A. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 -3 Councillors to be given to the Proper Officer (or Committee Clerk) in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- B. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **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 are given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

## **9. Motions For A Meeting That Require Written Notice To Be Given To The Proper Officer (Or Committee Clerk)**

- A. A motion must relate to the Council's statutory functions or duties or to the interests of the inhabitants of the Parish.
- 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 or committee clerk at least 7 clear days before the meeting. Councillors who raise motions should provide information, paperwork or a paper for Council to be able to consider the motion.
- C. The Proper Office, or Committee Clerk, may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- D. If the Proper Officer, or Committee Clerk, considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be referred to the mover for clarification and only accepted once the motion has been so clarified in writing, to the Proper Officer, or Committee Clerk. at least 7 clear days before the meeting. (This should this be done in consultation with the Chairman).
- E. If the wording or subject of a proposed motion is considered improper, or Ultra Vires the Proper Officer, or Committee Clerk, shall consult with the Chairman of the forthcoming meeting or the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- F. The decision of the Proper Officer as to whether to include the motion on the agenda shall be made in consultation with the Chairman and is final, unless either the Proper Officer or Chairman has a DPI, in which case the decision will be delegated to another Member of staff or to the Vice chairman.
- G. Motions received shall be recorded and numbered in the order that they are received.
- H. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **10. Motions At A Meeting That Do Not Require Written Notice**

- A. The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting.
  - ii. to move to a vote.
  - iii. to defer consideration of a motion.
  - iv. to refer a motion to a particular committee or sub-committee.
  - v. to appoint a person to preside at a meeting.
  - vi. to change the order of business on the agenda.
  - vii. proceed to the next business on the agenda.
  - viii. to require a written report
  - ix. to extend the time limits for speaking.
  - x. to exclude the press and public from a meeting in respect of an unexpected likelihood of disclosing exempt information
  - xi. To not hear further from a Councillor or a member of the public; or to exclude a Councillor or member of the public for disorderly conduct.

- xii. To temporarily suspend the meeting.
- xiii. 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 exempt information or personal data without legal justification and applying the public interest test.**
- D. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification, and applying the public Interest test.**

## 12. Draft Minutes

- A. 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((i))
- B. 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.
- C. Subject to the publication of draft minutes in accordance with standing order 20 (a) and following a resolution which confirmed the accuracy of the approved minutes, draft minutes and recordings should be destroyed.

## 13. Code of Conduct And Dispensations

See also Standing Order 3(v)

- A. All Councillors and non-Councillors with voting rights shall observe the Code of Conduct adopted by the Council (technically should apply to non -voting members of Committees and Sub Committees if any too)
- B. Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest. (As above and both also apply to Officers of the Council)
- C. Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another

interest, if so, required by the Council's Code of Conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.

- D. **Dispensation requests shall be in writing and submitted to the Proper Officer, or Committee Clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- E. A decision as to whether to grant a dispensation shall be made by the Proper Officer, or Committee Clerk in consultation with the Chairman and that decision is final. (Unless it relates to the Chairman or Officer when the decision shall be made by another appropriate officer or Vice Chairman)
- 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 person requiring 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 4 years) for which the dispensation is sought)
  - iv. And an explanation as to why dispensation is sought.
- G. Subject to standing orders 13(d) a dispensation request shall be considered by the Proper Office, before the relevant meeting. The latest possible time shall be at the commencement of the meeting.
- i. **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - a. **without the dispensation the number of persons prohibited from participating in the business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - b. **granting the dispensation is in the interests of persons living in the Council's area or**
  - c. **it is otherwise appropriate to grant a dispensation.**

#### **14. Code of Conduct Complaints**

- A. Upon notification by the District or County Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- B. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer (or other officer), the Proper Officer shall notify the Chairman of HR Committee the Chairman of Council of this fact, and the Chairman of the HR Committee who will agree what action to take in accordance with standing order 14(d). shall nominate another staff member to assume the duties of the Proper Officer (or other 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 Borough Council that a Councillor or non- Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if**

any, action to take against him/her. Such action excludes disqualification or suspension from office.

## 15. Proper Officer

- A. The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent, or who is exercising an appropriate delegation, as Authorised by the Council.
- B. The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
  - ii. **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**
  - iii. **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).**
- C. Subject to standing order 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least 5 days before the meeting withdrawing the motion.
- D. **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/her office.**
- i. **facilitate inspection of the minute book by local government electors.**
  - ii. **receive and retain copies of byelaws made by other local authorities.**
  - iii. hold acceptance of office forms from Councillors.
  - iv. hold a copy of every Councillor's register of interests.
  - v. assist with responding to requests made under Freedom of Information legislation.
  - vi. Assist with rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures.
  - vii. To act as the Council's Data Protection Manger or to liase with said person should a separate Post be established. (Amended wording)
  - viii. receive and send general correspondence on behalf of the Council, save where is a resolution to the contrary.
  - ix. assist in the organisation, storage, access to, security of and destruction of information held by the Council in paper and electronic forms in accordance with the requirements of data protection and freedom of information legislation and other requirements including the limitation Act 1980.
  - x. arrange for legal deeds to be executed; (see *also standing order 23*)
  - xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council.
  - xii. ensure that actions under clause 3 xii are compliant with the Council's financial regulations.
  - xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
  - xiv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Planning Committee within 2 working days to facilitate an extraordinary meeting, if the nature of a planning applications requires consideration before the next ordinary Committee meeting.

- xv. manage access to information about the Council via the publication scheme.

## 16. Responsible Finance Officer

The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. Bearsted Parish council has designated the Clerk to the Council for this role (where the Proper Officer is not available this task shall be delegated to the relevant Committee Clerk).

## 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 as soon as practicable and at least after 30 June, 30 September and 31 December in each year a statement to summarise:
- i. the Council's receipts and payments (or income and expenditure) for each quarter.
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date.
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- D. As soon as possible after the financial year end at 31st March, the Responsible Financial Officer shall provide:
- i. each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Full Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
- E. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (Receipts and payments, or income and expenditure) 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.

## 18. Financial Controls And Procurement

- A. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls.
  - ii. the assessment and management of financial risks faced by the Council.

- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually.
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £30,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- B. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- C. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 but less than the relevant thresholds in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Find A Tender website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement)**
- 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 with a value above £10,000 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. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
  - iv. the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender, outside of the prescribed process.
  - v. The invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate.
  - vi. tenders are to be submitted in writing in sealed marked envelope addressed to the Proper Officer
  - vii. Tenders shall be opened by the Proper Officer, or in their absence the appropriate delegated officer, in the presence of at least one Councillor, after the deadline for submission of tenders has passed.
- E. Neither the Council nor any Committee or sub-committee with delegated responsibility for considering tenders is bound to accept the lowest cash tender.
- F. **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.**

## 19. Handling Staff Matters

- A. A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 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 HR Committee. Or if they are not available the Vice Chairman of absence occasioned by illness or other reason and that person shall report such absence to Full Council.
- C. The chairman of the Full Parish Council or in his/her absence, the vice- chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Parish Clerk (or other members of staff). The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Full Parish Council.
- D. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the Chairman of the HR Committee or in his/her absence, the Vice-Chairman of the HR Committee in respect of an informal or formal grievance matter, and the matter shall be reported and progressed by resolution of the Council.
- E. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Parish Clerk relates to the chairman/vice chairman of the Full Parish Council, this shall be communicated to another member of the Full Council, which shall be reported back and progressed by resolution of the Full Parish Council.
- F. Subject to paragraph c above, any person 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. The Council shall keep all written records relating to employees secure. All paper records shall be secured, and all electronic records shall be password protected and encrypted.
- H. Only In accordance with standing order 11 (a) persons with line management responsibilities shall have access to staff records referred to in standing orders 19(e & f) above if so justified.
- I. Access and means of access by keys and/or computer passwords of employment records referred to in standing orders 19(e) above shall be provided only to the Proper Officer and/or the Chairman of the Council. (or a duly appointed investigating officer should the matter under consideration relate to the conduct of the Chairman and/or proper officer).

## 20. Responsibilities To Provide Information

- A. **In accordance with Freedom of Information legislation, the Council shall publish information in accordance with its Publication Scheme and respond to requests for information held by the Council.**
- B. ***If gross annual income or expenditure (whichever is higher) does not exceed £25,000. The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.***  
OR  
***If gross annual income or expenditure (whichever is the higher) exceeds £200,000. The Council shall publish information in accordance with the requirements of the Local Government (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 may appoint a Data Protection Officer.**

- B. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- C. The Council shall have a written policy in place for responding to and managing a personal data breach.**
- D. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- E. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date,**
- F. The Council shall maintain a written record of its processing activities.**

## **22. Relations With The Press/Media**

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 only by the Proper Officer or an appointed Press Officer. in accordance with the Council's policy in respect of dealing with the press and/or other media. Councillors are free to comment as individuals provided, they make it clear they are speaking as individuals and not on behalf of the Parish Council.

## **23. Execution And Sealing Of Legal Deeds**

- A. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- B. Subject to standing order 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 Councillor(s) of the Borough and County Council representing the area of the Council.
- B. Unless the Council determines otherwise, a copy of each letter sent to the Borough and County Council shall be sent to the Councillor(s) representing the area of the Council. (Changed district to Borough deleted ward as County Councillors have divisions not wards).

## **25. Restrictions On Councillors Activities**

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. 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 2 Councillors to be given to the Proper Officer in accordance with standing order 9.
- B. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he/she has delivered his/her acceptance of office form.



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

**This policy will be reviewed annually.**