

# CUCKFIELD PARISH COUNCIL



## STANDING ORDERS

Policy Number		
Issue No.	Date agreed	Details of amendments
1	22/2/18	Change the Annual Parish meeting start time from 7pm to say to start no earlier than 6.30pm.
2	5/7/18	Introduction to Standing Orders added.
		Item 7: Urgent Business added.
		Item 12: Inclusion of new GDPR guidelines.
		Item 19: Public Contract information.
		Item 22: Data Protection responsibilities.

## **INTRODUCTION**

These standing orders have been updated to reference new legislation introduced after 2013.

## **HOW TO USE MODEL STANDING ORDERS**

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer.

## **DRAFTING NOTES**

Model standing orders that are in bold type contain legal and statutory requirements. Standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

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# STANDING ORDERS

## 1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b Subject to-standing orders 9a to 9g below, a motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c Subject to-standing orders 15b ii, a motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.

- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved understanding order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## **3. MEETINGS GENERALLY**

- 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 **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.**

- d Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 10 minutes unless directed by the chairman of the meeting.
- f Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- g In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- h A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- i 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.
- j Unless the meeting has resolved to exclude the public and press, any person attending the meeting to report on the proceedings may, subject to a published policy by the Council and provided that it does not disrupt the meeting or obstruct the transaction of business:**
- **film, photograph or make an audio recording of the proceedings,**
  - **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later,**
  - **report or comment on proceedings at a meeting:** in writing during or after a meeting, or orally report or comment after the meeting

Filming and recording of all council, committee and sub-committee meetings open to the public is welcomed but restrictions do apply to protect confidential information and those individuals who do not wish to be recorded. The council will provide assistance to anyone who wishes to carry out any recording in accordance with the council's Recording of Meetings Policy.

A person may not orally report or comment about a meeting as it takes place, if he is present at the meeting, as this could be disruptive to the meeting. Examples of written reporting or commentary include blogging, posting comments on Facebook or tweeting.

- k 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.**
- l Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
- m The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- n Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

- o **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**  
*(See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.)*
- p **Councillors shall vote by a show of hands or if at least two councillors so request, by signed ballot. 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.**
- q 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.
- r **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.**
- s **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 three.**
- t **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.** Any outstanding business of a meeting so adjourned shall be completed at a resumed meeting to be notified by the Proper Officer. Such resumed meeting shall be held before the next scheduled meeting. At the resumption, only the business not completed at the previous meeting shall be considered.
- u A meeting shall not exceed a period of 2 hours, unless before this period is exceeded a proposal to suspend this standing order for a nominated length of maximum time receives a majority vote from those present. After this time the meeting shall be adjourned and any outstanding business of a shall be completed at a resumed meeting to be notified by the Proper Officer. Such resumed meeting shall be held before the next scheduled meeting. At the resumption, only the business not completed at the previous meeting shall be considered.

#### **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.** Such appointed non-councillors shall have no voting rights.
- 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 full 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) above, appoint and determine the terms of office of members of such a committee; but no person shall hold office later than the next annual meeting of full council.
  - v. may dissolve a committee.

**5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the council shall be held on such day in May as the council may direct.**
- c **The annual meeting of the council shall take place no earlier than 6.30pm.**
- d **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g **The Vice-Chairman of the Council unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council**



**resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Appointment of members to existing committees; the Chairman and Vice Chairman of Council shall, ex-officio, be voting members of every committee;
- vi. Appointment of any new committees in accordance with standing order 4 above;
- vii. Review and adoption of appropriate standing orders and financial regulations;
- xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES**

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The statutory public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time in the same way.

## **7. URGENT BUSINESS**

- a If a matter is deemed “urgent” and if outside scheduled committee meetings or Full Council and with the consent of the Chairman of the Council and the Chairman of the relevant Committee or Vice Chairman, it can be agreed by the use of an Urgent Consultation Panel. The Panel will consist of the Chairman, the Vice Chairman, and Chairmen of committees. All decisions agreed by the panel will be reported to Full Council or the appropriate standing committee at the earliest opportunity.

## **8. PREVIOUS RESOLUTIONS**

- b A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee.
- c When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.
- c. Any resolution passed by a committee reporting to full council may be placed on the next full council agenda for discussion in its own right if so requested in writing by at least two councillors. Once such a request has been received, further activities, clarification and information gathering excepted, shall cease on the original resolution.

## **9. VOTING ON APPOINTMENTS**

- 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 may not be chairman of more than one committee or sub-committee at any one time.

## **10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion. Subject to the agreement of the mover, if the motion is not clear in meaning, the Proper Officer will amend the wording so that it can be understood.
- d If the subject matter of the resolution comes within the province of a committee of the council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the council may determine, for report; provided the chairman, if they consider it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- e Motions received shall be recorded in a book for that purpose and numbered in the order that they are received and will be inserted in the summons in the order they are received.

## **11. 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 approve or to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## **12. MANAGEMENT OF INFORMATION**

*See also standing order 21.*

- 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.

### 13. DRAFT MINUTES

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d Upon 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.

### 14. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(t) above.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b **Councillors with a disclosable prejudicial (pecuniary) interest in relation to any item of business being transacted at a meeting must declare the existence and nature of that interest as soon as it becomes apparent to them unless it is a sensitive interest as previously disclosed in which case only the existence of that interest should be declared. In all cases the councillor must leave the room and not take part in any debate or vote unless a dispensation has been authorised by the Proper Officer. He may return to the meeting after it has considered the matter in which he had the interest.**
- c **An interest arising from the code of conduct shall be recorded in the minutes.**
- d **Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, in accordance with the Council's agreed Dispensation Policy.**
- e Subject to standing orders 13(d) above, dispensations agreed shall be noted at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- f **A dispensation may be granted in accordance with standing order 13d above if having regard to all relevant circumstances the following applies:**
  - i. **without the dispensation the number of persons prohibited from**

participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or

- ii. without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- iii. granting the dispensation is in the interests of persons living in the council's area or
- iv. it is otherwise appropriate to grant a dispensation.

#### 15. CODE OF CONDUCT COMPLAINTS

- a On receipt of a notification that there has been an alleged breach of the Code of Conduct, the Proper Officer shall refer this to Mid Sussex District Council's Monitoring Officer who will review the complaint and will make a decision as to whether it merits formal investigation.
- b **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### 16. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall undertake the following:
  - i. Serve on councillors a summons, by email, if agreed confirming the time, date, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.  
*See standing order 3(b) above for the meaning of clear days for a meeting.*
  - ii. **give public notice of the time, date, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**  
*See standing order 3(b) above for the meaning of clear days for a meeting.*
  - iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least five days before the meeting confirming his withdrawal of it;
  - iv. facilitate inspection of the minute book;
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. **receive and retain acceptance of office forms from councillors;**
  - vii. retain a copy of every councillor's register of interests for inspection;
  - viii. process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - ix. receive and send general correspondence and notices on behalf of the council except where there is a lawful resolution to the contrary;
  - x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - xi. arrange for legal deeds to be executed;  
*See also standing order 22 below.*
  - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
  - xiii. record every planning application notified to the council and the council's response to the local planning authority;

- xiv. Action or undertake lawful activity or responsibilities instructed by resolution or contained in standing orders.

*See also standing order 22 below.*

#### **17. RESPONSIBLE FINANCIAL OFFICER**

- a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

#### **18. 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 (England).
- 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 periodically supply to each councillor a statement to summarise:
  - i. the council's receipts and payments to date;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held to date.and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments for the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May or as soon as possible thereafter. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June, or as soon as possible thereafter.

#### **19. FINANCIAL CONTROLS AND PROCUREMENT**

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 19(c) below) including the setting of values for different procedures.
- b Financial regulations shall be reviewed regularly.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £60,000 but less than the relevant thresholds in**

standing order 18(c) 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 **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender.**
- e The tender process for contracts for the supply of goods, materials, services or the execution of works shall be as set out in the council's agreed financial regulations.
- f Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- g **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.**
- h **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.**

## **20. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a committee is subject to standing order 11 above. The Council, committee or sub-committee, (as the case may be), must decide whether or not the press and public shall be excluded pursuant to Standing Order 3d above.
- b Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- c The chairman of the council or other appointed councillor will conduct an annual review of the performance and annual appraisal of the work of the Proper Officer.
- d Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- e The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- f Only persons with line management responsibilities shall have access to staff records if

so justified.

- g Access and means of access by keys and/or computer passwords to records of employment shall be provided only to persons with line management responsibilities and if appropriate the Chairman of the Council or of the committee.

## **21. REQUESTS FOR INFORMATION**

- a **Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **22. 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.**

## **23. 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.

## **24. EXECUTION AND SEALING OF LEGAL DEEDS**

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

**Subject to standing order 23(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

## **25. COMMUNICATING WITH DISTRICT AND COUNTY 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 Councils representing the area of the council.
- b When requested, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

## **26. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless authorised by a resolution, no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect;
  - ii. issue orders, instructions or directions or,
  - iii. incur expenditure on behalf of the council.

## **27. DELEGATION**

- a. Where powers or duties have been delegated to a committee it shall be competent for that committee in turn to assign functions or delegate powers and duties to the Proper Officer, provided that any action taken under delegated powers shall be reported to the next meeting of the Council or appropriate committee for information.
- b. Delegated powers shall be given to the Proper Officer for the general management of the Council's services in accordance with the practices as determined from time to time by the council and its committees.
- c. The Council may from time to time further delegate action to the Proper Officer specifically or to the Proper Officer and appropriate committee chairman. Such delegation must be clearly minuted.

## **28. STANDING ORDERS GENERALLY**

All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- 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 requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9 above.
- b. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- c. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.