

# **BRANDON & BYSHOTTLES PARISH COUNCIL**

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# **BRANDON & BYSHOTTLES PARISH COUNCIL**

## **STANDING ORDERS**

### 1. Meetings

- a) Meetings of the Council shall be held in each year on the third Friday of the month at 6.30p.m. in the Council Offices,6, Goatbeck Terrace, Langley Moor, Durham or at such dates and times as the Council may direct.
- b) The Council is in recess in August.
- c) Smoking is not permitted at any meeting of the Council.
- d) 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.
- e) The minimum three clear days for notice of a meeting does not include the date 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.
- f) 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 OR (The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting)

### 2. The Statutory Annual Meeting

- a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
- b) **In a year which is not an election year the Annual Parish Council Meeting shall be held on the third Friday in May or such day in May as the Council may direct.**

3. **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

### 4. Chairman of the Meeting

**The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

**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.**

**The Proper Officer shall convene a meeting of the Council for the election of new Chairman of the Council, occasioned by casual vacancy in his office.**

**5. Quorum of the Council**

**Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**

6. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

a) Co-opted Members

Co-opted members are to be treated equally, as elected members.

**7. Voting**

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

8. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

9. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

**(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman.**

**(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

**10. Order of Business**

**At each Annual Parish Council Meeting the first business shall be:-**

a) **To elect a Chairman of the Council**

b) **To receive the Chairman's declaration of acceptance of office or, if not received, to decide when it shall be received.**

c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**

- d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- e) To elect a Vice-Chairman of the Council.
- f) To appoint representatives to outside bodies.
- g) To appoint committees and sub-committees.
- h) To consider the payment of any subscriptions falling to be paid annually.
- i) To approve the Chairman and Vice Chairman's allowance
- j) To approve signatories for the coming year

and shall thereafter follow the order set out in the Standing Order 13

11. **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
12. In every year, the Council shall review the pay and conditions of service of existing employees. Standing Order 36 must be read in conjunction with this requirement.
13. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
  - a) To read and consider the Minutes; the Minutes shall be circulated to each member with the issue of the summons to attend the meeting and may then be taken as read.
  - b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
  - c) **To deal with business expressly required by statute to be done.**
  - d) To dispose of business, if any, remaining from the last meeting.
  - e) To receive such communications as the person presiding may wish to lay before the Council.
  - f) To receive and consider reports and minutes of committees.
  - g) To receive and consider motions in the order in which they have been notified.
  - h) To authorise the sealing of documents.
  - i) To consider other agenda items and the Report of the Clerk as specified in the summons.

14. Urgent Business

A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

15. Notices of Motion

Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.

- 16. The Clerk shall date every notice of motion when received, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 17. The Clerk shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 18. If a motion specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 19. If the subject matter of a motion 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 that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 20. Every motion shall be relevant to some subject over which the Council has power or duties, which affects its area.

21. Notices and Amendments Moved Without Notice

Motions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.

- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a motion or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (see Order 65 below)
- o) To silence or eject from the meeting a member named for misconduct. (see order 31 below)
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order. (see Order 74 below)
- r) To adjourn the meeting.

22. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided seven clear days notice of the question has been given to the person to whom it is addressed. Any question relating to urgent business, shall, if possible, be delivered to the Clerk not later than 11a.m. on the day of the meeting.

- 23. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 24. Every question shall be put and answered without discussion.
- 25. A person to whom a question has been put may decline to answer.

26. Rules of Debate

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

27. a) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a motion shall exceed five minutes and no other speech shall exceed five minutes except by consent of the Council.
- e) An amendment shall be relevant to the motion and shall be either:-
- i) To leave out words.
  - ii) To leave out words and insert others
  - iii) To insert or add words.
- f) An amendment shall not have the effect of negating the motion put before the Council.
- g) If an amendment be carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a motion or of an amendment shall have a right of reply, not exceeding five minutes.
- j) A member, other than the mover of a motion, shall not, without leave of the Council, speak more than once on any motion except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- m) When a motion is under debate no other motion shall be moved except the following:-
  - i. To amend the motion.
  - ii. To proceed to the next business.
  - iii. To adjourn the debate.
  - iv. That the question be now put.
  - v. That a member named be not further heard.
  - vi. That a member named leaves the meeting.
  - vii. That the resolution be referred to a committee.
  - viii. To exclude the public and press.
  - ix. To adjourn the meeting.
- 28. A member shall remain seated when speaking unless requested to stand by the Chairman.
- 29. a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
  - c) Whenever the Chairman speaks during a debate all other members shall be silent.
- 30. Closure

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.



31. Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the council on 21st September 2012, a copy of which is issued to members.**
- b) **Upon notification by the District or Unitary 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 the office (Review after Consultation process)**
- c) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- d) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Committee.**
- e) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.
- f) Formal notification can be sought for dispensation.

32. Right of Reply

The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

33. Alteration of Motion

A member may, with the consent of his seconder, move amendments to his own motion.

34. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice thereof bears the names of at least seven members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

35. Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

36. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 66.)

37. Motions on Expenditure

Any motion (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

38. Expenditure

**Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

39. Sealing of Documents

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) The Council's Common seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two members who shall sign the document as witnesses.  
The Common Seal of the Council shall be kept in a safe place in the custody of the Clerk to the Council.

40. Committees and Sub Committees

The following committees shall be the Standing Committees of the Council and shall consist of the number of Members exclusive of the Chairman, as fixed at the Annual Meeting:

1. Allotment Committee
2. Finance Committee
3. Complaints under Members' Code of Conduct Committee
4. Complaints Committee
5. Personnel Committee

and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) May appoint persons other than members of the Council to any Committee; and
- c) may subject to the provisions of Standing Order 34 above at any time dissolve or alter the membership of committee.

Under the L.G.Act 1972 Section 101 the Allotment Committee shall be delegated with the power to spend £3,000 in any year

41. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.

42. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

43. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

44. Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

45. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

46. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-quarter of its members.

47. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on

interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

48. Advisory Committees & Working Groups

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council.
- 4) An advisory committee may consist wholly of persons who are not members of the Council.
- 5) The Council may create working groups made up of selected members of the Council (usually one Member per Ward) which will report back to the Council

Voting in Committees

49. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

50. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

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 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.

51. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a motion, which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.

A member of a committee who is unable to attend a meeting for any reason may appoint a substitute to attend the meeting.

52. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Clerk to the Council. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the Clerk for payment with the approval of the Chairman or Vice-Chairman of the Council.
- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

53. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of June.
54. Estimates / Precepts  
The Finance Committee shall consider the draft estimates for the coming year no later than January and make recommendations for consideration by the full Council.
55. Interests  
**If a member has a discloseable pecuniary interest or other registerable interest as defined by the Code of Conduct adopted by the Council on 21<sup>st</sup> September 2012 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
56. **If a member has declared a discloseable pecuniary interest, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
57. **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of Durham County Council and/or as required by statute.**
58. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do, shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Orders 55 and 56 shall apply as appropriate.
59. The Clerk shall make known the purpose of Standing Order 58 to every candidate.
60. Canvassing of and Recommendations By Members  
  - 1) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.
  - 2) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such

appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

61. Standing Order Nos. 58 & 60 shall apply to tenders as if the person making the tender were a candidate for an appointment.

62. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**63. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

64. Unauthorised Activities

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions.

Unless authorised to do so by the Council or the relevant committee or sub-committee.

65. Admission of The Public and Press to Meetings

**The public and press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude** the public by means of the following resolutions: -

"That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw"

66. The Council shall state the special reason for exclusion.

67. The Council has adopted the following policy with regard to public questions at the meetings of the Council:

- 1. Any resident may put a question to the Chairperson, he or she may delegate another member or the Clerk to answer the question, provided:
  - a) at least 2 working days notice in writing is given
  - b) the question is one which can properly be asked in an open meeting.
  - c) it relates to Parish Council functions

2. If the Clerk considers that the number of questions is such that they cannot all be answered in 10 minutes, he/she will consult the Chairperson

and select those questions which are to be put at the Council meeting. The rest will be answered in writing.

3. If the Clerk considers that it is not practicable to prepare a reply to a particular question in time for the Council meeting, it will be deferred to a future meeting.
4. At the Council meeting:
  - a) the resident himself/herself may ask the question
  - b) or may request a friend, a councillor or an officer to ask it
  - c) or the Clerk will read it out

The Chairperson or delegated person will reply orally. The questioner may then ask on supplementary question aimed at clarifying the original reply.

5. The time for public questions is limited to 10 minutes in total unless the Council agrees to extend it.  
Any questions that remain unanswered will then be answered in writing.

68. Press and public **may not orally report or comment about** a meeting as it takes place if they are present at a meeting of the parish council or its committees, but otherwise may:
  - a) film, photograph or make an audio recording of a meeting;
  - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting

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.

The Council's policy on Public Filming, Recording or reporting at Council and Committee meetings gives details of arrangements to facilitate the above..

69. If a member of the press and public disrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

70. Confidential Business

- 1) No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council or the committee as the case may be.
- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee of the Council by the Council.

## 71. Planning Applications

- 1) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council: -
  - a) the date on which it was received
  - b) the name of the applicant
  - c) the place to which it relates;
- 2) The Clerk shall refer every planning application received to the Chairman and appropriate ward members within 48 hours of receipt.

## 72. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- 1) Such Regulations shall include detailed arrangements for the following:
  - a) the Clerk's delegated powers
  - b) the accounting records and systems of internal control;
  - c) the assessment and management of risks faced by the Council;
  - d) the work of the Internal Auditor and the receipt of reports from the Internal Auditor which shall be required at least annually;
  - e) the financial reporting requirements of members and local electors and
  - f) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated less than £60,000
- 2) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £60,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>1</sup>.

A public contract regulated by the Public Contracts Regulation 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds 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.

A public contract regulated by the Public Contracts Regulation 2015 which 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 determines 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

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<sup>1</sup> The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts



Public Contracts Regulation 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU

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 contracts; 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 Regulation 2016.

The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>2</sup>.

Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

- 3) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 58, 60 & 61 regarding improper activity.
- 4) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

#### 73. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member as set out in the Council's complaints procedure except for those complaints which should be properly directed to the Standards Committee for consideration.

#### 74. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

75. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

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<sup>2</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts £164,176
- b. For public works contracts £104,394

76. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

77. Allocation to Wards

- 1) That each ward shall determine how the money precepted from the Council Tax and allocated to the wards shall be spent. The full Council shall ultimately approve the expenditure.
  - 2) That all Parish Councillors elected to that ward shall be consulted on all expenditure of that ward before approval by full Council.
  - 3) That any individual, organisation or named community group applying to the Parish Council for funds must supply accounts and statements for a full twelve months prior to the application. Only one donation in any twelve months may be made to any organisation or named community group (excluding the annual Christmas donations). Support will only be given for projects and activities which contribute to the well-being of residents within the Parish area.
  - 4) That a sum of not more than £500\* per ward be given in cash or spent on goods for any organisation with the exception of charitable organisations and under special circumstances approved by the Council or from the Council's Community Fund.
- 4) That applications made by individuals be considered only after further information is requested from the organisation, sports club or school of which the individual is a member. If agreed, the donation would be given to the organisation, sports club or school on behalf of the individual/s.

\* Amended by Council 9.6.2004 Minute No.64

Management of Information

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.

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)

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.

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

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.

## 78. DATA PROTECTION LEGISLATION

The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

The Council shall have a written policy in place for responding to and managing personal data breach.

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

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.

The Council shall maintain a written record of its processing activities.

Reviewed April 2007 Minute 424

Reviewed May 2009 Min 17

Reviewed May 2010 Min 17 No.40 Amended

Reviewed May 2011 Min 22

Reviewed May 2012 Min 27- Nos 31a, 31c, 40, 55, 57 and 73 amended

Amended July 2012 Nos 55, 56,

Amended September 2012 Nos 31a, 55

Reviewed May 2013 Min 28

Reviewed May 2014 Min.18

Amended September 2014 Nos 68, 77

Reviewed May 2015 Min.17

Reviewed & amended June 2016 Min.46

Reviewed & amended May 2017 Min.19

Reviewed & amended July 2018 Min.62

Reviewed and amended May 2019 Min.17