

**SHENLEY BROOK END & TATTENHOE PARISH COUNCIL**  
**STANDING ORDERS**



(Orders printed in bold type are mandatory and may not be amended).

“Where the male gender is specified it also includes female and vice versa”

**1. MEETINGS**

- (a) **Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.**
- (b) **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.**
- (c) **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.**
- (d) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.** In view of the confidential nature of the business to be transacted, it is advisable in the public interest that the press and public, with the exception of named individuals, be excluded temporarily and they be instructed to withdraw.
- (e) The Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- (f) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- (g) Any member of the public speaking at a meeting shall address their comments to the Chairman.
- (h) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- (i) **A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a Parish Council or its Committees but may otherwise:**
  - 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.**

- (j) **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.**
- (k) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.**
- (l) **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.**
- (m) **Subject to a meeting being quorate all questions at a meeting shall be decided by a majority of the Councillors with voting rights present and voting thereon.**
- (n) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise the casting vote whether or not an original vote was given.**
- (o) **If a member so requires, the Minute taker 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 or after the vote but in the latter event must be made before moving on to the next business. Members shall vote by a show of hands or if at least two members so request, by signed ballot.**
- (p) **The minutes of a meeting shall record the names of Councillors present, apologies given and absent.**
- (q) **If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by Council, the minutes of the meeting at which the approval was given shall record it.**
- (r) **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- (s) **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.**
- (t) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council/Committee are present and in no case shall the quorum of a meeting be less than 3.**
- (u) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a meeting on any such other day as the Chairman may decide.**
- (v) **Meetings shall not exceed a period of 3 hours.**

## 2. 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 a Council shall be held on such day in May as the Council may direct.
- (c) If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- (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 election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council. The Chairman and vice-chairman (if any) are elected by councillors for a one year term of office. If more than one candidate voting may be by paper ballot.
- (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, if any, 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 order of business shall be as follows:
  - 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 forms 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 and to receive and note minutes of and ratify recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the committee structure and terms of references for committees. **(structure is currently:Policy & Finance Committee meeting as required, but at least 3 times per year. Planning, Community and Environment Committee meeting as required but at least monthly except December, unless required).**
  - v. Receipt of nominations to existing committees. Appointments to Committees and changes to which Committee a member serves on at any time during the year must be agreed by full Council. **If more nominations for Policy and finance Committee voting may be by paper ballot.**

- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute Councillors) and receipt of nominations to them.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. Review of inventory of land and assets including buildings and office equipment.
- xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xii. Review of the Council's and/or employees' memberships of other bodies.
- xiii. Establishing or reviewing the Council's complaints procedure.
- xiv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xv. Establishing or reviewing the Council's policy for dealing with the press/media
- xvi. Reaffirm the dates, times and place of ordinary meetings of the full Council for the year ahead.

### **3. PROPER OFFICERS**

- (a) The Council's Proper Officer shall be the Parish Manager/ Responsible Financial Officer or a designated officer during their absence. The Proper Officer and the employee appointed to act as such during the Proper Officers' absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- (b) The Council's Proper Officer shall do the following:
  - i. **Serve on Councillors by delivery, email or post at their residences a signed summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee or sub-committee at least 3 clear days before the meeting.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 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)**
  - iii. Subject to Standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least ( 3) days before the meeting confirming his withdrawal of it.
  - iv. Make available for inspection the minutes of meetings
  - v. Keep proper records required before and after the meetings
  - vi. Receive and send general correspondence and notices on behalf of the Council

except where there is a resolution to the contrary

- vii. Record every planning application notified to the Council and the Council's response to the local planning authority on the planning register;
  - viii. Refer a planning application received by the Council to all members of the Planning, Community & Environment Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next meeting of the Planning, Community & Environment Committee.
- (c) The Council's Proper Officer (Responsible Financial Officer) shall do the following:
- i. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)i above.**
  - ii. Receive and retain declarations of acceptance of office from Councillors
  - iii. Retain a copy of every Councillor's register of interests and any changes to it and make copies of the same available for the Unitary Council and publish on Parish Council website.
  - iv. Arrange for legal deeds to be signed by 2 Councillors and witnessed (*See also standing orders 14(a) and (b).*)
  - v. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations
  - vi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- (d) The Relevant Proper Officer (in accordance with the councils Freedom of Information Policy) will process all Freedom of Information Act 2000 and Data Protection Act 1998 requests in accordance with that policy.

#### **4. MOTIONS REQUIRING WRITTEN NOTICE**

- (a) In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Relevant Proper Officer at least 10 clear days before the next meeting. Clear days do not include the day of the notice or the day of the meeting.
- (b) The Relevant Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- (c) If the Relevant Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Relevant Proper Officer in clear and certain language at least 5 clear days before the meeting.
- (d) If the wording or nature of a proposed motion is considered unlawful or improper, the Relevant Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- (e) Having consulted the Chairman or Councillors pursuant to standing order 4(d) above,

the decision of the consultees as to whether or not to include the motion in the agenda shall be final.

- (f) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- (g) To dissolve a committee or sub-committee.

## **5. MOTIONS NOT REQUIRING WRITTEN NOTICE**

- (a) Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any Councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To note the minutes of a meeting of a committee or sub-committee.
  - xiii. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xv. To authorise legal deeds signed by two Councillors and witnessed.  
*(See standing orders 14(a) and (b) below.)*
  - xvi. To amend a motion, relevant to the original or substantive motion under consideration, which shall not have the effect of nullifying it.
  - xvii. To extend the time limit for speeches.

- xviii. To exclude the press and public for all or part of a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
  - xix. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xx. To give the consent of the Council if such consent is required by standing orders.
  - xxi. To suspend any standing order except those which are mandatory by law.**
  - xxii. To adjourn or close a meeting.
  - xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- (b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **6. RULES OF DEBATE**

- (a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- (b) Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- (c) Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.
- (d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- (e) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- (f) Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words
- (g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- (h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- (i) Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

- (j) Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- (k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- (l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (m) The mover of a motion or the mover of an amendment has no right of reply at the end of 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 in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- (o) Subject to standing orders 6(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- (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 irregularity in the meeting he is concerned by.
- (q) A point of order shall be decided by the Chairman and his decision shall be final.
- (r) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- (s) Subject to standing order 6(o) above, when a Councillor's 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 ask a person to be silent or for him to leave the meeting;
  - iv. to adjourn the debate;
  - v. to put the motion to a vote;
  - 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;
  - ix. to suspend any standing order, except those which are mandatory.
- (t) In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **7. CODE OF CONDUCT AND DISPENSATIONS**

- (a) **All Councillors shall observe the code of conduct adopted by the Council.**
- (b) All Councillors shall, wherever possible, undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.



- (c) Members of the public in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.
- (d) **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
- (e) **Dispensation requests shall be in writing and submitted to the Responsible Financial Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.**
- (f) A decision as to whether to grant a dispensation shall be made by a meeting of the council and that decision is final.
- (g) **A dispensation may be granted in accordance with 7e 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. **Granting the dispensation is in the interests of persons living in the councils area**
  - III. **It is otherwise appropriate to grant a dispensation**

## **8. QUESTIONS**

- (a) **A Councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Relevant Proper Officer.**
- (b) **Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.**

## **9. DRAFT MINUTES**

- (a) If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- (b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- (c) Minutes, including any amendment to correct their accuracy, 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, any previous draft minutes of the meeting shall be destroyed

## **10. DISORDERLY CONDUCT**

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- (b) If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put to the vote without discussion.
- (c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it This may include temporarily suspending or closing the meeting.

## **11. RESCISSION OF PREVIOUS RESOLUTIONS**

- (a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, which requires written notice by at least 2 Councillors, or by a motion moved in pursuance of the recommendation of a committee.
- (b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12. VOTING ON APPOINTMENTS (EXTERNAL REPRESENTATION)**

- (a) Where more than 2 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. If more than one candidate voting may be by paper ballot.

## **13. EXPENDITURE**

- (a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- (b) The Council's financial regulations shall be reviewed once a year for fitness of purpose
- (c) Any resolution which is moved otherwise than in pursuance of a recommendation of a 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.

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

*See also standing order 5(a)(xv) above*

- (a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- (b) **In accordance with a resolution made under standing order 14(a) above, the Chairman and one other member of the Council, may sign, on behalf of the Council, any deed required by law and the Responsible Financial Officer shall**

witness their signatures.

## **15. COMMITTEES and SUB-COMMITTEES**

*See also standing order 1 above*

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

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

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

**The Chairman of the Committee may give an original vote on any matter put to the vote and in the case of equality of votes may exercise the casting vote whether or not an original vote was given** except where the vote is the one choosing a new chairman where following an equality of votes the matter will be referred to the next meeting of full council for a vote of all present. Members shall vote for a new Chairman by paper ballot if more than one member is nominated..

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
- i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall not appoint any Councillor of standing committees or committee so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Relevant Proper Officer ( 2 ) days before the meeting that they are unable to attend;
  - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vi. may in accordance with standing orders, dissolve a committee at any time.

## **16. RESPONSIBLE FINANCIAL 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

## **17. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES**

*See also standing order 1 above*

- (a) **The Chairman of the Council or committee may convene an extraordinary meeting of the Council at any time.**
- (b) **If the Chairman of the Council or committee does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council or committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

## **18. ADVISORY COMMITTEES**

*See also standing order 1 above*

- (a) **The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.**

## **19. ACCOUNTS AND FINANCIAL STATEMENT**

- (a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- (b) 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 Responsible Financial Officer. Such payment shall be authorised by the Responsible Financial officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- (c) All payments ratified under paragraph (19b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- (d) a) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise :-
  - I. The councils receipts and payments for each quarter.
  - II. The councils aggregate receipts and payments for the year to date
  - III. The balances held at the end of the quarter being reported
  - IV. A comparison with the budget for the financial year highlighting any actual or potential overspends
- b) As soon as possible after the financial year end at 31<sup>st</sup> March the Responsible Financial Officer shall provide:-
  - I. Each councillor with a statement summarizing the council's receipts and payments for the last quarter and the year to date information
  - 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.
- c) 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<sup>st</sup> March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including annual governance statement, shall be presented to council for consideration and formal approval. In line with the dates as instructed by the National Audit Office or its successor or nominee.

## **20. ESTIMATES for PRECEPTS**

- (a) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- (b) Any committee desiring to incur expenditure shall give the Responsible Financial Officer a written estimate of the expenditure recommended for the coming year no later than October

## **21. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS (TENDERING PROCESS)**

- (a) Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Responsible Financial Officer shall disclose the requirements of this standing order to every candidate.
- (b) A Councillor or a member of a committee or sub-committee, may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. INSPECTION OF DOCUMENTS**

- (a) Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

## **23. UNAUTHORISED ACTIVITIES**

- (a) Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **24. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION**

- (a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- (b) A Councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
- (c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- (d) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **25. MANAGEMENT OF INFORMATION (BOLD)**

- 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.**

## **26. MATTERS AFFECTING COUNCIL EMPLOYEES**

- (a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(d) above.
- (b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council of any significant absence occasioned by illness or urgency that would impact on the performance of the Council and will also prepare a report for the Council at its next meeting.
- (c) The Chairman and the Vice-Chairman shall conduct an annual review of the performance and/or appraisal of the staff and shall keep a written record of it. The review and/or appraisal process shall be reported back to full Council.
- (d) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- (e) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

- (f) 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.
- (g) Only authorised persons shall have access to employee records referred to in standing orders 24(e) and (f) above if so justified.
- (h) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(e) and (f) above shall kept secure

## **27. FREEDOM OF INFORMATION ACT 2000**

- (a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.and Data Protection Act 1998
- (b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Facilities & Administration Officer to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers in respect of Freedom of Information requests set out under standing order 3(b)(ix) above.

## **28. RELATIONS WITH THE PRESS/MEDIA**

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- (b) In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **29. LIAISON 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 of the Unitary Council representing its electoral ward.

## **30. FINANCIAL MATTERS**

- (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 accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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;
  - v. Procurement policies (subject to standing order 29(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.
- (b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as detailed in Appendix Legal Topic Note LTN87 January 2016 Procurement**

- (c) Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Responsible Financial Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Responsible Financial Officer and at least one member of the Council;
  - v. Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- (d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- (e) **Where the value of a contract is likely to exceed £164,176 the Council must consider whether the Public Contracts Regulations 2015 (SI No.5, as amended) and the Utilities Contracts Regulations 2015 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules as set out in Appendix Legal Topic Note LTN87 January 2016 Procurement**

### **31. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

- (a) On receipt of a notification that there has been an alleged breach of the code of conduct the Responsible Financial Officer (RFO) shall refer it to full Council.
- (b) Where the notification relates to a complaint made by the RFO, the RFO shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the RFO set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- (c) Where a notification relates to a complaint made by an employee (not being the RFO) the RFO shall ensure that the employee in question does not deal with any aspect of the complaint.
- (d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the RFO and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 30(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- (e) Standing order 30(d) above should not be taken to prohibit the Council (whether through the RFO or the Chairman) from disclosing information to members and



officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

- (f) The Council shall have the power to:
  - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
- (g) References in standing order 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

**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/her. Such action excludes disqualification or suspension from office.**

### **32. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- (a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item on the Agenda for a meeting.
- (b) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

### **33. STANDING ORDERS TO BE GIVEN TO COUNCILLORS**

- (a) The Responsible Financial Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his declaration of acceptance of office.
- (b) The Chairman's decision as to the application of standing orders at meetings shall be final.
- (c) A Councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders

## **APPENDIX**

# NALC: Legal Topic Note LTN 87 January 2016

## PROCUREMENT

### Introduction

1. This LTN applies to local councils in England and Wales except for paragraphs 10 to 15 below which apply only to local councils in England
2. In the context of local councils “procurement” is the process by which they award contracts to third parties (frequently individuals or companies) to provide goods, services or to undertake works. A procurement process is designed to source the most suitable contractors based on cost and their knowledge, experience, capability and financial standing.
3. In a procurement exercise by a local council in England, three sets of legal requirements are relevant. In a procurement exercise by a local council in Wales, two sets of legal requirements are relevant. These legal requirements are summarised in the table below.

<b>Value of Contract (net of VAT)</b>	<b>Legal Requirements</b>
Up to £25,000 (England only*)	Requirements in the council’s standing orders (and financial regulations)
Over £25,000 (England only*)	Use of the Contract Finder website and other light touch rules in the Public Contracts Regulations 2015 (“the 2015 Regulations)
Over £164,176 or £4,104,394	Other detailed and complex requirements in the 2015 Regulations

\*In Wales, the light touch provisions in the 2015 Regulations in respect of the procurement of contracts valued at £25,000 or more do not apply. However, provision for the procurement of certain types of contract (explained in paragraph 9 below) should be made in the standing orders and financial regulation of councils in Wales.

As illustrated below, the estimated value of the proposed contract is necessary to determine which legal requirements regulate the procurement process. A further explanation of the differences in England and Wales is explained in paragraph 9 below.

<b>Value (net of VAT)</b>	<b>NEED</b>	<b>TO COMPLY</b>	<b>WITH</b>
	<b>A Council's standing orders (and financial regulations)</b>	<b>The Contract Finder website and other light touch rules in the 2015 regulations</b>	<b>Detailed and complex requirements in the 2015 regulations</b>
Up to £25,000 (England only*)	✓	X	X
Over £25,000 (England only*)	✓	✓	X
Over £164,176 or £4,104,394	✓	✓ Use of the contract finder website (see paragraph 20 below)	✓

\*In Wales the light touch provisions in the 2015 Regulations in respect of the procurement of contracts valued at £25,000 or more do not apply. However, provision for the procurement of certain types of contract (explained in paragraph 9 below) should be made in the standing orders and financial regulation of councils in Wales.

- The requirements for councils in England and Wales to have standing orders with respect to procuring and entering into contracts is set out in s.135 of the Local Government Act 1972 ("the 1972 Act") This note provides (A) and explanation of councils' responsibilities under the 1972 Act( England and Wales). (B) an explanation of the Contract Finder provisions and other light touch requirements for procuring and awarding contracts covered by the 2015 regulations which are valued over £25,000 (England only) and (C) an overview of the detailed and complex requirements for procuring contracts covered by the 2015 Regulations which are valued over £164,176 for a public supply or public service contract or £4,104,394 for a public works contract (England and Wales).

### **Which contracts are covered by the 2015 Regulations?**

- The 2015 Regulations apply to "public contracts" which are defined as "contracts.... Having as their object the execution of works, the supply of products or the provision of services". Regulation 2 of the 2015 Regulations defines each of those 3 contracts as follows:
  - "public service contracts" meaning public contracts which have as their object the provision of services other than those referred to in the definition of "public works contracts"
  - "public supply contracts" meaning public contracts which have as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products, whether or not the contract also includes, as

an incidental matter, siting and installation operations:

- “public works contracts” meaning public contracts which have as their object any of the following:-
    - (a) The execution , or both the design and execution of works related to one of the activities list in Schedule 2 (see paragraph 6 below)
    - (b) The execution, or both the design and execution of a work
    - (c) The realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work.
6. The activities in Schedule 2 to the 2015 Regulations which are included in the definition of a “public works contract” include site preparation, demolition of buildings, construction of new buildings, erection of roofs, bricklaying, scaffolding, insulation work, plumbing, plastering, joinery installation, floor and wall covering and painting and glazing, civil engineering works and construction of highways, roads, airfields and sport facilities.

### **Public contracts which are exempted from the 2015 Regulations**

7. Regulations 7 to 12 provide that certain public contracts are exempted from the requirements of the 2015 Regulations. In the context of local authorities, Regulation 12, for example, excludes:
- a contract with an incorporated body, controlled by a local authority, where more than 80% of the body’s activities are controlled by the local authority and there is no private sector ownership of the body, with certain exceptions.
  - a contract between two or more local authorities who come together to provide a public service to achieve objectives they have in common and that the joint venture is governed solely by consideration relating to the public interest (e.g. where a parish council enters into arrangements with a principal council) and
  - an incorporated body which is a contracting authority awards the contract to its controlling local authority or to an incorporated body controlled by the same local authority.

### **A. Standing Orders (s.135 of the 1972 Act.)**

8. S135 of the Local Government Act 1972 provides:
- (1) A local authority (which includes local councils in England and Wales) may make standing orders with respect to the making of contracts by them or on their behalf.
  - (2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
  - (3) Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders, and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
  - (4) A person entering into a contract with a local authority shall not be bound to inquire whether the

standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.

9. S.135(3) confirms that, in England or Wales, a local council's standing orders may exempt contracts from the tendering exercise if they are below a certain value or if specific circumstances apply. The Contract Finder and other light touch provisions of the 2015 Regulation apply in England to contracts valued above £25,000, and NALC takes the view that councils in England may reasonably decide to exempt contracts falling below that level from their standing order entirely,. The Contract Finder provisions of the 2015 Regulations do not apply in Wales but, nevertheless, councils in Wales would, in NALC's view, be acting reasonably if they, too, exempted contracts with a value of less than £25,000 from their standing orders. It would also be open to councils in England and Wales to consider exempting contracts of lesser level value – depending on circumstances. NALC's publication "Local Councils Explained" 2013 includes model standing orders in respect of a council's tendering processes for the supply of goods, materials, services and the executing of works which predate the introduction of the 2015 Regulations. Additional information about the impact of the 2015 Regulation on NALC's model standing orders and the standing orders and financial regulations adopted by a Council is available in Legal Briefing LO5-15.

#### **B. The Contracts Finder website and other light touch rules in 2015 Regulations (England only)**

10. Where the estimated value of a public contract exceeds £25,000 (net of VAT) a local council in England must comply with Articles 109 to 114 of the 2015 Regulations, Regulation 110, which provides that a council must advertise a contract opportunity is summarised below.
  - It must advertise the contract opportunity on the "Contract Finder" website – whether or not it advertises the contract opportunity elsewhere.
  - It must advertise the contract opportunity on Contract Finder within 24 hours of advertising it elsewhere.
  - A council is deemed to advertise a contract opportunity if it does anything to put the opportunity in the public domain or bring the opportunity to the attention of economic operators generally or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract. A council is not deemed to advertise an opportunity where it makes the opportunity available only to a number of particular economic operators who have been selected for that purpose (whether ad hoc or by virtue of their membership of some closed category such as a framework agreement), regardless of how it draws the opportunity to the attention of those economic operators.
  - The information to be published on Contracts Finder shall include at least the following:- (a) the time by which any interested economic operator must respond if it wishes to be considered (b) how and to whom such an economic operator is to respond and (c) any other requirements for participating in the procurement:
  - Where a council publishes information on Contracts Finder it must – (a) by means of the internet, offer unrestricted and full direct access free of charge to any relevant contract documents, and (b) specify in the

information published on Contracts Finder the internet address at which those documents are accessible.

- It must have regard to guidance issued by the Minister for the Cabinet Office.
11. Regulation 111 provides that councils cannot include a pre-qualification stage. A “pre-qualification stage” is defined as “a stage in the procurement process during which the contracting authority assesses the suitability of candidates to perform a public contract for the purpose of reducing the number of candidates to a smaller number who are to proceed to a later stage of the process” A council may ask tenderers to answer “suitability assessment questions” which is defined as relating “to information or evidence which the contracting authority requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing” if the questions are relevant to the subject matter of the procurement: and proportionate. Councils must have regard to guidance issued by the Minister for the Cabinet Office.
  12. Regulation 113 provides that councils must ensure that contracts contain suitable provisions stating that valid undisputed invoices will be paid by within 30days. Public contracts must also contain a condition requiring contractors to include similar provisions in their contracts, and so on down the supply chain. Councils shall have regard to any guidance issued by the Minister for the Cabinet Office.
  13. When a contract is awarded, a council, having regard to guidance issued by the Minister for the Cabinet Office, must publish on the Contracts Finder the information set out in Regulation 112. This includes:
    - The name of the contractor
    - The date on which the contract was entered into
    - The value of the contract
    - Whether the contractor is a SME (defined as an enterprise falling within the category of micro, small and medium-sized enterprises defined by the Commission) or VCSE (defined as a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives)
  14. A council may withhold information in paragraph 13 above from publication where its release –
    - (a) would impede law enforcement or would otherwise be contrary to the public interest.
    - (b) would prejudice the legitimate commercial interests of a particular economic operator, whether public or private, or
    - (c) might prejudice fair competition between economic operators
  15. The above is a summary of the main requirements in relation to use of the contracts website. Council are recommended to read the 2015 Regulations which can be accessed via <http://www.legislation.gov.uk/>

### **C Detailed and complex requirements in the 2015 Regulations**

16. The 2015 Regulations incorporate the Public Contracts Directive 2014/24/EU (“the Public Contracts

Directive”) In its simplest terms, the Public Contracts Directive facilitates the award of certain contracts to any business entity in the EU. The 2015 Regulations imposes procurement requirements on “contracting authorities” which include local authorities (and therefore includes local councils), associations formed by one or more such authorities (e.g. County Associations) and bodies governed by public law (e.g. government departments, NHS trusts, maintained schools and Academy schools) (Regulation 2 of the 2015 Regulations).

### **Financial Thresholds (net of VAT)**

17. Even if the procurement and award of a contract is covered by the 2015 Regulations (see paragraph 5 and 6 above) and is not an exempted contract (see paragraph 7 above) it will not be subject to the full requirements of the 2015 Regulations unless its estimated value exceeds the thresholds, expressed in euros, in Article 4 of the Public Contracts Directive (Regulation 5 (1) of the 2015 Regulations). The thresholds in the Directive are adjusted by the European Commission every two years and are published in the Official Journal of the European Union (OJEU) (Regulation 5 (4) of the 2015 Regulation). As already mentioned in paragraphs 3 and 4 above, the current thresholds in pounds sterling are below.

<b>Type of Contract</b>	<b>Threshold (net of VAT)</b>
Public works contracts	£4,104,394
Public service contracts	£164,176
Public supply contracts	£164,176

18. Few contracts to be awarded by local councils will exceed the thresholds in paragraph 17 above but, if they do, they will be subject to the requirements summarised in paragraph 20 below.

19. As noted above, contracts procured by Councils in England which are worth over £25,000 but less than the thresholds in paragraph 17 above will still be subject to the Contracts Finder website and other light touch provisions in the 2015 Regulations summarised in paragraphs 10 – 15 above.

### **Procedural requirements**

20. Contracts awards exceeding the thresholds in paragraph 17 above are detailed and complex. It is likely that councils considering such high value contracts will require technical and or legal advice from those who specialise in public procurement. Set out below is a very brief overview of the full requirements of the 2015 Regulations – where they apply.

- Procurement must take one of five forms: the open procedure, the restricted procedure, competitive dialogue, the innovations partnership procedure, and competitive procedure with negotiation:

- Accelerated forms of the open procedure and competitive procedure with negotiation and the restricted procedure in situations of urgency that a local council can duly substantiate:
- Relevant contractual notices have to be published in the Official Journal of the European Union (OJEU):
- There is a pre-qualification stage:
- Councils will need to comply with the requirements in respect of tenders:
- Contracts should be awarded on the “most economically advantageous tender” (Regulation 67):
- Contracts can be varied without going through a new procurement exercise, (Regulation 72); and
- Contracts should be advertised on the Contracts Finder website (Regulation 106)

## **NALC 2016**