

MARDEN PARISH COUNCIL STANDING ORDERS

BASED ON NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC)
MODEL STANDING ORDERS 2018 (ENGLAND)

These Standing Orders were adopted by Marden Parish Council at its Meeting held on

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Points in bold in the following text are Mandatory, Statutory or Legal requirements

AMENDMENT MAY 2020 DUE TO COVID 19

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 came into force on 4 April 2020.

Under the regulations local authorities may determine not to hold their annual meeting until May 2021. Where meetings are held, the Regulations provide that local authorities have the flexibility to hold meetings at any time of day and on any day, to alter how frequently meetings can be held and to move or cancel meetings without requiring further notice. As local authorities (including parish councils) are not required to hold annual meetings under these Regulations, current appointments (Chair, Vice Chair and members of working groups) will continue until the next annual meeting of the parish council or when the local authority determines. This provides, in the absence of an annual meeting, continuity of membership.

The Regulations provide for meetings to be held remotely until 7 May 2021. For the purposes of any statutory requirement, members of the local authority will be considered as attending a meeting if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. This allows for meetings to be held by remote means including via telephone conferencing, video conferencing, live webchat and live streaming.

Where it is stipulated that documents are “open to inspection”, the Regulations provide that this requirement is satisfied by the documents (notices, agendas, minutes etc) being published on the Council’s website.

1. RULES OF DEBATE AT MEETINGS

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h. A Councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the

seconded and the meeting.

- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A Councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another Councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he/she last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p. During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- q. A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;

- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t. Excluding motions moved under standing order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 2 minutes without the consent of the Chair of the meeting.

2. **DISORDERLY CONDUCT AT MEETINGS**

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

3. **MEETINGS GENERALLY**

- a. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- e. The period of time designated for public participation at a meeting in accordance with standing order 3(d) shall not exceed 10 minutes unless directed by the Chair of the meeting.

- f. Subject to standing order 3(e), a member of the public shall not speak for more than 2 minutes.
- g. In accordance with standing order 3(d), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- h. During the Public Forum, a person shall raise his/her hand when requesting to speak. The Chair of the meeting may at any time ask a person to stand when speaking. A person who speaks at a meeting shall direct his/her comments to the Chair of the meeting.
- i. Councillors may not respond to matters raised during the Public Forum unless directed to by the Chair or Vice Chair.
- j. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- k. **Subject to standing order 3(l), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- l. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- m. **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.**
- n. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice Chair of the Council.**
- o. **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair of the Council if present, shall preside. If both the Chair and the Vice Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- p. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.**
- q. **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5 (h) and (i) for the different rules that apply in the election of the Chair of the Council at the Annual Meeting of the Council.

- r. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question.** Such a request shall be made before moving on to the next item of business

on the agenda.

- s. The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of Councillors who are present and the names of Councillors who are absent;
 - iii. interests that have been declared by Councillors;
 - iv. the grant of dispensations (if any) to Councillors;
 - v. whether a Councillor left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- t. **A Councillor 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.**
- u. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present, quorum for this Council is four.**
- v. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- w. A meeting shall not exceed a period of 2 hours, except with agreement of at least 4 Councillors present at the meeting, who agree to keep the meeting quorate and continue with the remaining business.

4. **ADVISORY/WORKING GROUPS**

- a. Unless the Council determines otherwise, an advisory/working group may appoint a sub-group whose terms of reference and members shall be determined by the advisory/working group.
- b. The members of a group may include non-Councillors unless it is a group which makes recommendations about the finances of the Council.
- c. Advisory/working groups may have a designated agreed budget and can determine spending priorities for that agreed budget for recommendation to full Council. To ensure full council is aware of expenditure, all payments are agreed by full Council or between meetings by 2 signatories in line with Financial Regulations.

5. **ORDINARY COUNCIL MEETINGS**

- a. **In an election year, the Annual Meeting of the Council shall be held on or within 14**

days following the day on which the Councillors elected take office.

- b. **In a year which is not an election year, the Annual Meeting of the Council shall be held on any day in May as the Council decides.**
- c. **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.**
- d. **In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e. **The first business conducted at the Annual Meeting of the Council shall be the election of the Chair and Vice Chair of the Council.**
- f. **The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting until his/her successor is elected at the next Annual Meeting of the Council.**
- g. **The Vice Chair of the Council, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Meeting of the Council.**
- h. **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she shall preside at the Annual Meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she shall preside at the Annual Meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j. Following the election of the Chair of the Council and Vice Chair of the Council at the Annual Meeting, the business shall include:
 - i. **In an election year, delivery by the Chair 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 Chair of the Council of his/her acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Appointment of Councillors to any existing or new advisory/working groups in accordance with standing order 4;
 - iv. Review and adoption of appropriate standing orders and financial regulations, unless under significant review;
 - v. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - vi. Review of representation on or work with external bodies and arrangements for reporting back;

- vii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the General Power of Competence in the future;
- viii. Review of inventory of land and other assets including buildings and office equipment;
- ix. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- x. Review of the Council's and/or staff subscriptions to other bodies;
- xi. Review of the Council's complaints procedure;
- xii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation, unless under significant review (*see also standing orders 11, 20 and 21*);
- xiii. Review of the Council's policy for dealing with the press/media;
- xiv. Review of the Council's employment policies and procedures;
- xv. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the General Power of Competence.
- xvi. Determining the time and place of ordinary meetings of the Council up to and including the next Annual Meeting of the Council, unless already agreed for the calendar year.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL

- a. **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors and published by the Clerk in the usual manner.**

7. PREVIOUS RESOLUTIONS

- a. A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 4 Councillors to be given to the Proper Officer in accordance with standing order 9.
- b. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a. Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh

vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a. The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular advisory/working group to provide a recommendation;
 - v. to appoint a person to preside at a meeting;

- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint an advisory/working group;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a Councillor or a member of the public;
- xiii. to exclude a Councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

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

12. **DRAFT MINUTES**

- a. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall

be moved in accordance with standing order 10(a)(i).

- b. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- c. If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of Marden Parish Council held on [date] in respect of () were a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- d. **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.** Although there is no legal obligation to publish draft minutes as the Council’s gross annual receipts and payments exceed £25,000, draft minutes will be published on the Marden Parish Council website.
- e. Subject to the publication of draft minutes in accordance with standing order 12(d) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes, notes or recordings of the meeting for which approved minutes exist shall be destroyed (at the Clerk’s discretion) and draft minutes removed from the Marden Parish Council website and replaced by the adopted version.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(t).

- a. All Councillors shall observe the Code of Conduct adopted by the Council.
- b. Unless he/she has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c. Unless he/she has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council’s Code of Conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f. A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to

which the request for the dispensation relates;

- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g. Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area;**
or
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. **CODE OF CONDUCT COMPLAINTS**

- a. Upon notification by the County Council that it is dealing with a complaint that a Councillor has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall arrange an agency Clerk to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c. The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. **Upon notification by the County Council that a Councillor has breached the Marden Parish Council's Code of Conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

15. **PROPER OFFICER**

- a. The Proper Officer shall be the Clerk or an agency Clerk arranged by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council**
 - a) **serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the Councillor has consented to service by email), and**
 - b) **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least 4 days before the meeting confirming his/her withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office;**
- iv. **facilitate inspection of the minute book** (currently as legally required in loose leaf, consecutively numbered pages in folders) **by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities,** communicate to Councillors and publish on Marden parish website;
- vi. hold acceptance of office forms from Councillors;
- vii. hold a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as relevant, with the appropriate Data Protection Officer through HALC;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of Data Protection and Freedom of Information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed; (*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in the minutes;
- xv. refer a planning application received by the Council to the Chair or in his/her absence Vice Chair within two working days of receipt to facilitate an additional ordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council or invoke the Marden Parish Council Urgent Planning Matters Policy;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. work within the Marden Parish Council Councillor Officer Protocol adopted 2018.

16. RESPONSIBLE FINANCIAL OFFICER

- a. The Council shall appoint the Clerk to undertake the work of the Responsible Financial Officer.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c. Full management accounts are not appropriate for a Council of this size. The Responsible Financial Officer shall supply to each Councillor at meetings where spending decisions are to be made, a statement which includes a comparison with the budget for the financial year and highlights any actual or potential overspends and to summarise:
 - i. the Council's receipts and payments up to and including that meeting;
 - ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held reconciled to the latest bank statement.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each Councillor with a statement summarising the Council's receipts and payments for the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors. The Annual Governance and Accountability Return of the

Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and updated as appropriate with annual review to ensure fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper or in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;

- vi. tenders are to be reported to and considered by the appropriate meeting of the Council.
- e. The Council is not bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. **HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chair, if he/she is not available the Vice Chair, of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c. The Chair or Vice Chair, as the recognised line managers for employee(s), will undertake an annual appraisal of the Clerk. In line with the Marden Parish Council Staff Appraisal Policy (2018), once the appraisal has been completed and signed by the appraiser and the employee and counter-signed by the second qualified appraiser, the Chair/Vice Chair will provide a written summary for Councillors to note and for Council to consider any changes required to the employee's hours or training requirements. Any change in the employee's terms and conditions must be agreed jointly by the Council and employee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chair, or in his/her absence the Vice Chair, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Chair or Vice Chair, this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the Council.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- g. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- a. **In accordance with Freedom of Information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **If gross annual receipts or payments (whichever is higher) does not exceed £25,000, the Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.** In order to adhere to best practice, such information for Marden Parish Council will be published.

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list). See also standing order 11.

- a. **The Council shall have arrangements in place to appoint a Data Protection Officer if required.**
- b. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her personal data.**
- c. The Council will make every Councillor aware that parish council matters contained within personal email accounts or on personal computers, tablets, phones or other media devices, as well as Council email accounts, computers and other media, could be examined by a third party under a Freedom of Information request or a Subject Access Request.
- d. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- e. **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.**
- f. **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.**
- g. **The Council shall maintain a written record of its processing activities.**

22. **RELATIONS WITH THE PRESS/MEDIA**

- a. Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. **EXECUTION OF LEGAL DEEDS**

See also standing orders 15(b)(xii).

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to standing order 23(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24. **COMMUNICATING WITH COUNTY COUNCILLORS**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Ward Councillor of the County Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each communication sent to the County Council shall be sent to the Ward Councillor representing the area of the Council.

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no Councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect;
 - ii. issue orders, instructions or directions; or
 - iii. communicate between meetings with other Councillors about forthcoming Council decisions or issues in such a way that it could be construed as influencing another Councillor's decisions such that the Councillor has a closed mind. This may be considered as pre-determination (Localism Act 2011), for which the Council could be criticised or even have its decisions legally challenged. The Council chamber is the place to contribute to discussions.

26. **TRAINING FOR COUNCILLORS AND OFFICERS**

- a. All Councillors should attend training on roles and responsibilities at the first opportunity following election or co-option and attend further training as appropriate and agreed by Council.
- b. If CiLCA (Certificate in Local Council Administration) qualified, Officers should attend on-going training as required to maintain up-to-date knowledge. If not CiLCA qualified, the Council should require the Officer to obtain the qualification as soon as possible and provide support, eg. training hours, to facilitate this.

27. **STANDING ORDERS GENERALLY**

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

the agenda for a meeting.

- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 Councillors to be given to the Proper Officer in accordance with standing order 9.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

Review date: by November 2021

Signed:

Date:

(Chair of Marden Parish Council)