

DREWSTEIGNTON PARISH COUNCIL.

STANDING ORDERS.

This document sets out Drewsteignton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

Document Number:	DPC 001
Approved by Resolution Number:	RR2020/065
Minutes Reference:	8.10.20 a)
Ratified on:	19th October 2020
Frequency of review:	Annually at Annual Parish Council Meeting in May
Version Number:	3.0

Version Control and Revisions.:

Revision History

Date	Version	Notes
December 2017	1.0	Adopted NALC model Standing Orders.
October 2019	2.0	Sections 1, 3, 5 9,10,13,15,17,19 & 20 re-written. Removed gender specific terms
October 2020	3.0	Incorporation of new NALC modal standing orders. Removal of standing orders relating to Committees.

Policy Review (where document reviewed but no changes made):

Review Number	Date	Resolution number & Minutes Ref:
R1	05-05-2021	RR2021/002 8.5.21 a)
R2	16-05-2022	RR2022/009 11.5.22

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the Drewsteignton Parish Council laptop is the controlled copy. A .pdf version of this document is published on the Drewsteignton Parish website. Any printed copies of this document are not controlled.

Drewsteignton Parish Council - Standing Orders.

Contents.

1. RULES OF DEBATE AT MEETINGS	- 3 -
2. DISORDERLY CONDUCT AT MEETINGS	- 3 -
3. MEETINGS GENERALLY	- 3 -
4. ORDINARY COUNCIL MEETINGS	- 5 -
5. EXTRAORDINARY MEETINGS OF THE COUNCIL	- 6 -
6. PREVIOUS RESOLUTIONS	- 6 -
7. VOTING ON APPOINTMENTS	- 6 -
8. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER	- 6 -
9. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE	- 7 -
10. MANAGEMENT OF INFORMATION (See also standing order 19 & 20.)	- 7 -
11. DRAFT MINUTES	- 7 -
12. CODE OF CONDUCT AND DISPENSATIONS	- 8 -
13. CODE OF CONDUCT COMPLAINTS	- 9 -
14. PROPER OFFICER	- 9 -
15. RESPONSIBLE FINANCIAL OFFICER	- 10 -
16. ACCOUNTS AND ACCOUNTING STATEMENTS	- 10 -
17. FINANCIAL CONTROLS AND PROCUREMENT	- 10 -
18. HANDLING STAFF MATTERS	- 11 -
19. RESPONSIBILITIES TO PROVIDE INFORMATION (See also standing order 20).	- 12 -
20. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION	- 12 -
21. RELATIONS WITH THE PRESS/MEDIA	- 12 -
22. EXECUTION AND SEALING OF LEGAL DEEDS	- 13 -
23. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS	- 13 -
24. RESTRICTIONS ON COUNCILLOR ACTIVITIES	- 13 -
25. STANDING ORDERS GENERALLY	- 13 -

Drewsteignton Parish Council - Standing Orders.

1. RULES OF DEBATE AT MEETINGS

- a) Items on the agenda shall be discussed 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 proposed and seconded.
- c) 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.
- d) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e) If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- f) In the event of a tied vote, the Chair will have a casting vote.

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 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.
- d) No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

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 speak at a meeting that they are entitled to attend, at the allotted time in the proceedings, and in respect of items on the agenda with the consent of the Chair.
- e) A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- f) **Subject to standing order 3(g), 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**

Drewsteignton Parish Council - Standing Orders.

- 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.
- g) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission**
 - h) **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.**
 - i) **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 absence be done by, to or before the Vice-Chair of the Council (if any).**
 - j) **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, 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.**
 - k) **A meeting is quorate when 3 Councillors are present. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
 - l) **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.**
 - m) **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.**
 - n) **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 vote for or against that question. Such a request shall be made before the vote is taken.**
 - o) **The minutes of a meeting shall include an accurate record of the following:**
 - i. the time and place of the meeting
 - ii. the names of councillors present and absent
 - iii. Interests that have been declared by councillors
 - iv. whether a councillor left the meeting when matters that they held interests in were being considered
 - v. the grant of dispensations (if any) to councillors;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
 - p) **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 their right to participate and vote on that matter.**
 - q) **A meeting shall not exceed a period of 2 hours unless by resolution of the council**
 - r) **All complaints, criticisms, remarks or items for inclusion on a future agenda brought to a meeting of the council by an individual councillor from a member of the public must be accompanied by the name of the person concerned or they will be deemed out of order. Under GDPR if the member of public wishes to remain anonymous, their details must be given to the Clerk who will confirm validity before destroying details. It shall be left to the discretion of the councillor concerned as to whether or not it is thought necessary to obtain a statement from the member of the public concerned.**
 - s) **In an emergency (e.g. to cover a temporary vacancy/illness or other absence of the clerk) a Councillor may fulfil the role of Clerk to the parish council (this must be unpaid (see below)).**

Drewsteignton Parish Council - Standing Orders.

- t) It should be noted that Councillors may not be paid employees of their council (as there is an unacceptable conflict of interest) and may not become employees of their former council until at least 12 months after ceasing to be a Councillor (Sections 112(5) and 116 Local Government Act 1972).
- u) At a Parish Council Meeting where the clerk is absent, a councillor may be nominated to take the minutes of the meeting. This will not prevent the councillor from taking a full and active part in the meeting.

4. 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 such 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 they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g) **The Vice-Chair of the Council, unless they resign or become 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, they 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, they shall preside at the annual meeting until a new Chair of the Council has been elected. They 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 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. Review of delegation arrangements to the Proper Officer.
 - iv. Appointment of members to existing internal and external groups;
 - v. Review and adoption of appropriate standing orders and financial regulations;
 - vi. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses
 - vii. Review of representation on or work with external bodies and arrangements for reporting back;
 - 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;

Drewsteignton Parish Council - Standing Orders.

- 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 (*see also standing orders 11, 20 and 21*).

5. 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.**

6. PREVIOUS RESOLUTIONS

- a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 8, or by a motion moved in pursuance of the recommendation of a committee.
- b) When a motion moved pursuant to standing order 6(a) has been disposed of, no similar motion may be moved for a further six months.

7. 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.

8. 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) Any motion submitted to the Proper Officer shall be made in writing no later than 7 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 8(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 8(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 7 clear days before the meeting.
- e) The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f) Motions received shall be recorded and numbered in the order that they are received.
- g) Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

Drewsteignton Parish Council - Standing Orders.

9. 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 resolve to approve absences;
 - iii. to move to a vote;
 - iv. to defer consideration of a motion;
 - v. to move to proposals on new planning applications
 - vi. to move to proposal on approval of payments
 - vii. Motions specifically addressing an agenda item
 - viii. to appoint a person to preside at a meeting;
 - ix. to change the order of business on the agenda;
 - x. to proceed to the next business on the agenda;
 - xi. to require a written report;
 - xii. to appoint an internal group and their members;
 - xiii. to appoint representatives to external bodies
 - xiv. to extend the time limits for speaking;
 - xv. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest, this may be done by the following motion "I propose we move to Part II" further information must be available to the press and public as to why they are excluded upon request;
 - xvi. to not hear further from a councillor or a member of the public;
 - xvii. to exclude a councillor or member of the public for disorderly conduct;
 - xviii. to temporarily suspend the meeting;
 - xix. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xx. to adjourn the meeting; or
 - xxi. to close a meeting.

10. MANAGEMENT OF INFORMATION (See also standing order 19 & 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 and staff shall not disclose confidential information or personal data without legal justification.**

11. DRAFT MINUTES

- a) If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

Drewsteignton Parish Council - Standing Orders.

- b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 9(a)(i).
- c) 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.
- d) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he 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 the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e) **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.**
- f) **Subject to the publication of draft minutes in accordance with standing order 11(e) and standing order 19(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.**

12.CODE OF CONDUCT AND DISPENSATIONS

- a) All councillors shall observe the code of conduct adopted by the Council.
- b) Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c) Unless they have been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council’s code of conduct. They may return to the meeting after it has considered the matter in which they 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 12(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 12(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;**

Drewsteignton Parish Council - Standing Orders.

- 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.**

13.CODE OF CONDUCT COMPLAINTS

- a) Upon notification by the Borough 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 10, report this to the Council.
- b) Where the notification in standing order 13(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 nominate another staff member 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 13(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 District that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

14.PROPER OFFICER

- a) The Proper Officer shall be the Clerk
- b) The Proper Officer shall:
 - i. **serve on councillors a summons, by email or by post at their residences, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.** *See standing order 3(b) above for the meaning of clear days for a meeting of the full council*
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council (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 order 8, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 clear days before the meeting confirming their withdrawal of it;
 - iv. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in the office;**
 - v. **facilitate inspection of the minute book by local government electors;**
 - vi. **receive and retain copies of byelaws made by other local authorities;**
 - vii. hold acceptance of office forms from councillors;
 - viii. hold a copy of every councillor's register of interests;
 - ix. assist with responding to requests made under freedom of legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. manage 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 22*);

Drewsteignton Parish Council - Standing Orders.

- 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 on a spreadsheet for such purpose;
- xv. refer a planning application received by the Council to the full council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xvi. manage access to information about the Council via the publication scheme;
- xvii. To sign notices and other documents on behalf of the council
- xviii. Facilitate a request from a member for any purpose of their duty as such (but not otherwise), inspect any document in the possession of the Council and if copies are available shall, on request, be supplied for the like purpose with a copy.

15. RESPONSIBLE FINANCIAL OFFICER

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

16. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c) The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments for each quarter;
 - ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e) The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 7 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

17. 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;

Drewsteignton Parish Council - Standing Orders.

- 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.
 - vi. Up to a maximum of £400 can be spent on emergency matters by the Clerk following notification of the Chair and this matter to be discussed and ratified at the next scheduled meeting of the Parish Council.
- b) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £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 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works 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 and 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 at the next Council meeting 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.**
- 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.**

18. 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 10.

Drewsteignton Parish Council - Standing Orders.

- b) The Chair or in their absence the Vice-Chair shall upon a resolution conduct an annual appraisal of the work of Clerk. The appraisal shall be reported to the council and any recommendations are subject to approval by resolution by the council
- c) Subject to the Council's policy regarding the handling of grievance matters, the Proper Officer shall contact the Chair or in their 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.
- d) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer 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.
- e) 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.
- f) The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- g) In accordance with standing order 10(a), persons with line management responsibilities shall have access to staff records referred to in standing order 18(f).
- h) Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the post holder and/or the Chair of the Council.

19. RESPONSIBILITIES TO PROVIDE INFORMATION (See also standing order 20).

- a) **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b) *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015. **OR** *[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

20. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list). *See also standing order 10.*

- a) The Council may appoint a Data Protection Officer.
- b) **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c) **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d) **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e) **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

21. 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.

Drewsteignton Parish Council - Standing Orders.

22. EXECUTION AND SEALING OF LEGAL DEEDS

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) **[Subject to standing order 22(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

The above is applicable to a Council without a common seal.

23. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.
- b) Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.

24. 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; or
 - ii. issue orders, instructions or directions.

25. 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 3 councillors to be given to the Proper Officer in accordance with standing order 8.
- c) The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form, unless this has been deferred by the Council.
- d) The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.