

Berrynarbor Parish Council

Standing Orders

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Standing Orders*

BY RESOLUTION OF THE COUNCIL

1 Meetings

Mandatory for full Council meetings ●

Mandatory for committee meetings ●□

Mandatory for sub-committee meetings ●

- 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 **When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which notice was issued, the day of the meeting, the weekend, 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 morning shall not count. (It is not considered best practise to include Saturdays as a day for calculating publication of minutes and agenda therefore as Berrynarbor Parish Council meet on a Tuesday, minutes and agenda will be published on the Wednesday prior to meetings.**

- 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 public's exclusion.**

- d Subject to Standing Order 1(f) a member of the public may speak on any agenda item subject to the agreement of the majority of Councillors present and with permission of the Chairman. [Meetings of the Parish Council are not public meetings but members of the public have a statutory right to attend meetings of the council as observers. They have **no legal right to speak unless the Parish Council Chairman authorises them to do so**. However, as part of its community engagement, Berrynarbor Parish Council sets out a

time for public participation near the beginning of its meeting when members of the public are invited to speak.

Members of the public should not be involved in the decision making of the Council. The Council should not make any instant decisions at the behest of members of the public on items that are not included in the Agenda. As a matter of best practice the public forum will be kept separate from debate of councillors.

If matters raised are not on the agenda for the meeting these can be used to form part of the agenda for a future meeting at the discretion of the Council. Members of the public are welcome to stay for the Council meeting after the public session as observers, but will not be able to join in the discussion unless invited to do so by the Chairman.]

- e Subject to Standing Order 1(c) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business relating to the Council during the Public Participation Period (the Public Participation period shall not exceed 15 minutes).
- f Subject to Standing Order 1(d & e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes. Members of the public need to identify which business item on the agenda that they wish to speak and not speak more than 3 minutes.
- g In accordance with Standing Order 1(e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate within that meeting. It will be noted and if necessary, tabled onto the next agenda.
- h A record of a public participation session at a meeting shall be included in the minutes of that meeting – details of the individual or parties making representation will be recorded.

- i A person shall raise his hand when requesting to speak
- j Any person speaking at a meeting shall address his comments to the Chairman.
- k 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.

●● l Photographing, recording, broadcasting or transmitting the proceedings of a meeting must be carried out in accordance with the Council's adopted Protocol on recording/filming Council meetings. 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 In accordance with Standing Order 1(c) above, the press shall be provided 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 Chairman may in his absence be done by, to or before the Vice-Chairman.

● o The Chairman, if present, shall preside at a meeting. If absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

●●●p Subject to model Standing Order 1 (v) below, all questions at a meeting shall be decided by a majority of the

Councillors present and voting thereon.

●●●q The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may his casting vote whether or not he gave an original vote.
(See also *Standing Orders 2 (i) and (j) below.*)

● r Unless Standing Orders provide otherwise, voting on any 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.

● s The minutes of a meeting shall record the names of Councillors present along with:

- The time and place of the meeting.
- The names of Councillors who have given apologies.
- Interests that have been declared by Councillors and non-councillors with voting rights.
- The grant of dispensations (if any) to Councillors and non-councillors with voting rights.
- Whether a Councillor or non-councillor with voting rights left the meeting when matters that they held interest in were being considered.
- A brief summary of public participation.
- The resolutions made.

●●●t The code of conduct adopted by the Council shall apply to all Councillors in respect of the entire meeting.

●●●u An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also Standing Orders 7 and 8 below.*)

● v No business may be transacted at a meeting unless at least one third of the whole number of members of the Council

are present and in no case shall the quorum of a meeting be less than 3.



w **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 following meeting.

x Meetings shall not exceed a period of 3 hours.

2 Ordinary Council meetings

See also Standing Order 1 above

- 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 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 directs.**
- e **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**

- g The Vice-Chairman of the Council, 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 Councillors of their declarations of acceptance of office and division of responsibilities allotted: Planning/Manor Hall Management Committee/Home Defence & Emergency Officer/Footpaths Officer/Play Equipment Officer/Member to Check Invoices for Payment/Tree Warden/Personnel Officer/Governor to Berry Arbor School as and when the term of office expires/Snow Warden/Finance Officer.**
 - ii Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes**

- of and/or to determine recommendations made by committees.
- iii Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv Review of the terms of references for committees.
 - v Receipt of nominations to existing committees.
 - 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 Establishing or reviewing the Council's policy for dealing with the press/media

3 Proper Officer

- a **The Council's Proper Officer shall be either (i) the Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.**
- b The Council's Proper Officer shall do the following.
 - i **Sign and serve on Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit a summons confirming the time, date, venue and the agenda of a**

- meeting of the Council and a meeting of a committee and 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 7 days before the meeting confirming his withdrawal of it.
 - iv **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] OR [3(b)ii] above.**
 - v Make available for inspection the minutes of meetings.
 - vi **Receive and retain copies of byelaws made by other local authorities.**
 - vii **Receive and retain declarations of acceptance of office from Councillors.**
 - viii Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - ix Keep proper records required before and after meetings;
 - x Process all requests as soon as possible (the Parish Council will aim to provide a response as soon as possible and within 20 working days) made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - xi Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

- xii Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii Arrange for legal deeds to be signed by 2 Councillors and witnessed (*See also model Standing Orders 14(a) and (b)*).
- xiv 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.
- xv Record every planning application notified to the Council and the Council's response to the local planning authority.
- xvi Refer a planning application received by the Council to the Planning Officer or in his absence the Chairman of the Council immediately on receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before either the next ordinary meeting of the Council or the Supplementary and Planning Meeting.
- xvii Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.
- xix Retain custody of a book containing a register of interests declared by Councillors at meetings.

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.
- b The 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 Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded in the minutes giving reasons for its rejection.
- d 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.

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 dissolve a committee or sub-committee.
 - xii To note the minutes of a meeting of a committee or sub-committee.

- xiv To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xv To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi To authorise legal deeds signed by two Councillors and witnessed. (*See Standing Orders 14(a) and (b) below.*)
- xvii To authorise the payment of monies up to £500.00.
- xviii To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix To extend the time limit for speeches.
- xx To exclude the press and public for all or part of a meeting.
- xxi To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii To give the consent of the Council if such consent is required by Standing Orders.

- xxiii **To suspend any Standing Order except those which are mandatory by law.**
- xxiv To adjourn the meeting.
- xxv To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi To answer questions from Councillors.

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 Order 3(b)(iii) above, a motion included in an agenda not moved by the Councillor who tabled it, may

be treated as withdrawn.

- c 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.
- d 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.
- e Subject to Standing Order 6(d) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- f The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- g 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.
- h A point of order shall be decided by the Chairman and his decision shall be final.
- i In respect of Standing Orders above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote.

7 Code of conduct

- a **All Councillors shall observe the code of conduct adopted by the Council.**

- b All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

- c Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at Para 6(b)(i) of the Code of Conduct and you must also observe any restrictions the Parish Council may place on your involvement in matters where you have any interest as defined by the Parish Council and shown at Para 7 of the Code of Conduct.

- d Where you have any interest in any business of the Parish Council and you attend any meeting at which that business is to be considered, you must:
 - (i) disclose to that meeting the existence and nature of that interest;

 - (ii) disclose any interest in accordance with the Parish Council's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;

 - (iii) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you; and not seek to influence improperly any decision about that business;

- e The Council's Proper Officer is authorised to determine requests from Members of the Council for dispensation in

accordance with the Council's Code of Conduct for Members where:

- i) it is appropriate in the circumstances of the case
- ii) a significant number of members would be prevented from participating in any item of business as to impede or affect the likely outcome
- iii) it is considered that the dispensation is in the interests of persons living within the Parish.

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 Proper Officer.
- b Councillors 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.
- c Every question shall be minuted and maybe tabled as an agenda item as necessary.

9 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 If the Chairman 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 Chairman 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 majority of the () and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
- f 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.

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 forthwith and 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 and/or he may adjourn 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, the written notice whereof bears the names of at least 3 Councillors of the Council, or by a motion moved in pursuance of the report or 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

- 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. Any tie may be settled by the Chairman's casting vote.

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.

- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

14 Execution and sealing of legal deeds (See also Standing Order 5(a)(xvi))

- 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, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15 Committees (*See also Standing Order 1*)

- 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 may in accordance with Standing Orders, dissolve a committee at any time.

16 Sub-committees (*See also Standing Order 1*)

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17 Extraordinary meetings (*See also Standing Order 1*)

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two**

Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

18 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 The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.**

19 Estimates/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 Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

20. 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. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

21 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.

22 Confidential Business

- a Councillor 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

26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

- c A breach of confidentiality by a Councillor could lead to further action being taken through the Monitoring Officer of the Council's adopted Grievance Procedure

23 General Power of Competence

- a **Before exercising the General Power Of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish Council.**
- b **The Council's period of eligibility begins on the date that the resolution under Standing Order 22 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 22(b) above.**

24 Matters affecting council employees

- a Any matter relating to a Council employee will not be dealt with until the Press and Public have been excluded from the meeting pursuant to Standing Order 1(c) above
- b Subject to the Council's policy regarding absences from

work, the Council's most senior employee shall notify the Chairman (or, in his absence, the Vice-Chairman) and Personnel Officer of any absence occasioned by illness or urgency and that person shall report such absence to the Full Council at its next meeting.

- c The Chairman (or in his absence, the Vice-Chairman) along with the Personnel Officer and one other councillor shall upon a resolution conduct a review of the performance and/or appraisal of the Parish Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Full Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman (or in his absence, the Vice-Chairman) and the Personnel Officer in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Full Council.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Parish Clerk relates to the Chairman or Vice-Chairman, this shall be communicated to another member of the Full Council, which shall be reported back and progressed by resolution of the Full Council.
- f Any persons responsible for all or part of the management of the Clerk/or other employee shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g 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.

- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to the Chair or person with responsibility for the same.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 23(g) and (h) above shall be provided only to the Chairman of the Council and the Personnel Officer.

25 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. As a Parish Council these requests will be prioritised and responded to as quickly as possible, where legal advice is required on releasing information a response might take longer but in all cases the Parish Council will aim to provide a response within the 20 working days timescale.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman, Finance Officer and Personnel Officer. The said officers shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3(b)(x) above.

26 Responsibilities to Provide Information

- a If gross annual income or expenditure does not exceed £25,000 the Council, shall publish information in accordance

with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

- b If gross annual income or expenditure exceeds £200,000 the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015

27 Responsibilities under Data Protection Legislation

- a The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning personal data.
- b The Council shall have a written policy in place for responding to an managing a personal data breach.
- c 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 take.
- d 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.
- e The Council shall maintain a written record of its processing activities.

G 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.

28 Relations with the press/media

- a All requests from the press and other media will be responded to by the Proper Officer having first consulted with the Chairman and the relevant other councillors.
- b 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 dealt with in Standing Order 25(a).
- c 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 District and County or 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 27(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £1,000.00.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£1,000.00] shall be procured on the basis of a formal tender as summarised in Standing Order 27(c) below.**
- c Any formal tender process shall comprise the following steps:
- i a public notice of intention to place a contract will be advertised locally;
 - 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 Proper Officer by a stated date and time;
 - iv tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer;
 - 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 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 27f 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.

- 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 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 £4,551,416 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.

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 Proper Officer shall refer it to the Council. Monitoring Officer.

- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer 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 Proper Officer 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 Proper Officer) the Proper Officer 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 Proper Officer 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 28(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 28(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman) or otherwise 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;
 - iii grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in Standing Order 28 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.

32 Variation, revocation and suspension of Standing Orders

- a 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 Proper 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.

Preface

Throughout these Orders, certain terms are used throughout. These terms and their definitions for the purposes of these Standing Orders are set out below.

The term Council shall mean **BERRYNARBOR PARISH COUNCIL** unless otherwise indicated.

“Chairman” and “Vice Chairman” refer to the offices of the Chairman and Vice-Chairman of Berrynarbor Parish Council unless otherwise indicated.

“Councillor” refers, except where the content suggests otherwise, a person elected (whether his election is contested or not) and co-opted onto the council, or a person who is not a Councillor but who is a member of a committee or a sub-committee or is a member of, and represents the council on any joint committee or joint sub-committee of the council who in law is entitled to vote on any question which falls to be decided at a council, committee or sub-committee meeting. It is recognised that local Councillors can be male or female and, therefore, a reference to the masculine gender in these Standing Orders should also be construed as a reference to the feminine gender except where the context suggests otherwise.

“Resolution” is the legal term for a decision lawfully made by the majority of those present and voting at a council, committee or sub-committee meeting.

“Financial Regulations” refer to Berrynarbor Parish Council’s Standing Orders for the regulation of its financial affairs and accounting procedures.

Some of the Standing Orders are mandatory because they reflect requirements of Acts of Parliament and subsequent regulations. For ease of reference, the orders or parts of orders concerned are printed in **bold type**. The Standing Orders in bold type may not be amended unless the legislation out of which they are born changes.

Berrynarbor Parish Council

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