

# Payhembury Parish Council

## Standing Orders (2020)

### INTRODUCTION

Standing orders are one of the council's three governing policy documents providing procedural guidance for members and officers, alongside the financial regulations and code of conduct. Standing orders are the written rules of a local council and are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

### LEGAL AND STATUTORY REQUIREMENTS

Local councils operate within a wide statutory framework. It is not possible for standing orders to contain or reference all the statutory or legal requirements which apply to local councils, however the statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

### NALC MODEL STANDING ORDERS

The National Association of Local Councils (NALC) provide model standing orders which incorporate and reference many statutory requirements to which councils are subject. The model standing orders reference new legislation introduced after 2013 when the last model standing orders were published. The model standing orders highlight legal and statutory requirements in bold. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs.

### PAYHEMBURY PARISH COUNCIL STANDING ORDERS

Payhembury Parish Council have adopted the model standing orders in bold verbatim. Non-bold model standing orders have been adopted or amended as appropriate to reflect the working practices of the council; in particular, but not limited to, references to committees and sub-committees.

Payhembury Parish Council do not have any committees or sub-committees and therefore all statements relevant to these have been removed. Should committees or sub-committees be set up in the future the relevant statements in sections 3, 4, 5, 6, 7, 10, 12, 13, 15 and 18 of the NALC model standing orders shall be followed until such time as these standing orders are updated and re-adopted. As there are no committees or sub-committees there are also no non-councillors with or without voting rights and therefore references to non-councillors have also been removed.

### "PROPER OFFICER"

Under the section 112 of the Local Government Act (LGA) 1972, a parish or town (local) council shall appoint such officers as necessary for the proper discharge of their functions. In short, it shall appoint a "proper officer". The proper officer is very often referred to as "the clerk (to the council)" but can be known by other terms, such as Chief Executive.

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### 1. RULES OF DEBATE AT MEETINGS

- a Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b A point of order shall be decided by the Chairman of the meeting and their decision shall be final.
- c Before moving to a vote, the Chairman of the meeting shall be satisfied that the subject has been sufficiently debated.
- d The Council may only make decisions on items clearly specified on the agenda; if agreed by the Chairman, any urgent items which are not on the agenda may be discussed, but no decision may be made at that 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 Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any councillor or the Chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The proposal, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the Chairman 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,** in the form of 'That in the view of the confidential nature of the business about to be transacted it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw'.

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- 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 15 minutes unless directed by the Chairman of the meeting.
- f Subject to standing order 3(e), a member of the public shall not speak for more than 3 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 Chairman of the meeting may direct that a written or oral response be given.
- h A person shall raise their hand when requesting to speak.
- i A person who speaks at a meeting shall direct their comments to the Chairman of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- k **Subject to standing order 3(m), 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.** In addition:
  - i. The recording of proceedings should not be edited in a way that could lead to misinterpretation of the proceedings or infringe on the core values of the council. This includes refraining from editing an image or views expressed in a way that may ridicule or show lack of respect towards those being filmed or recorded.
  - ii. The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principals or is deemed to be recording in a disruptive manner.
  - iii. While those attending meetings are deemed to have consented to the recording or filming, those exercising the rights to film and record must respect the rights of others attending under the General Data Protection Regulation (GDPR) 2018. This will include the particular rights of children or vulnerable adults attending the meeting.
  - iv. The Council will display requirements as to filming or recording at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
  - v. The Council may itself photograph, film or record at its meeting and can retain, use or dispose of such material as it sees appropriate.
- 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.**

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- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.**
- o **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council 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. This shall be the first matter on the agenda.**
- 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 chairman 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 Chairman 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 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:  
vi. the time and place of the meeting;  
vii. the names of councillors who are present and the names of councillors who are absent;  
viii. interests that have been declared by councillors;  
ix. the grant of dispensations (if any) to councillors;  
x. whether a councillor left the meeting when matters that they held interests in were being considered;  
xi. if there was a public participation session; and  
xii. 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 and in no case shall the quorum of a meeting be less than three.**
- 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.

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### 4. COMMITTEES AND SUB-COMMITTEES

Payhembury Parish Council does not have any committees or sub-committees. If a committee or sub-committee is formed in the future then section 4 (Committees and sub-committees) of the NALC Model Standing Orders shall be followed and the relevant statements in sections 3, 5, 6, 7, 10, 12, 13, 15 and 18 shall be taken into consideration until such time as the Payhembury Parish Council Standing Orders have been updated and re-adopted.

### 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 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 Chairman and Vice-Chairman (if there is one) 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 there is one, 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 annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- 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 annual 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 shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman and Vice-Chairman of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date.**

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**In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Review of delegation arrangements to staff and other local authorities;
- iv. Review and adoption of appropriate standing orders and financial regulations;
- v. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- vi. 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;
- vii. Review of inventory of land and other assets including buildings and office equipment;
- viii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- ix. Review of the Council's and/or staff subscriptions to other bodies;
- x. Review of the Council's complaints procedure;
- xi. 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*);
- xii. Review of the Council's policy for dealing with the press/media;
- xiii. Review of the Council's employment policies and procedures;
- xiv. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

### 6. EXTRAORDINARY MEETINGS OF THE COUNCIL

- 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 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.**

### 7. PREVIOUS RESOLUTIONS

- a Decisions of the Council will not be revised within 4 months, except where a special item is placed on the agenda bearing the names of two Councillors and in accordance with standing order 9, and is considered and approved by the Council.
- b Items pursuant to standing order 7(a) that have not been approved may not be considered again 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 Chairman of the meeting.

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

- a All items to be included on meeting agendas 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 Items shall be submitted to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The decision of the Proper Officer as to whether or not to include the item on the agenda shall be final.
- d Subject to Standing Order 10, no proposals may be moved at a meeting unless it is on the agenda.

### 10. PROPOSALS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following proposals 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 an agenda item;
  - iv. to appoint a person to preside at a meeting;
  - v. to change the order of business on the agenda;
  - vi. to proceed to the next business on the agenda;
  - vii. to require a written report;
  - viii. to extend the time limits for speaking;
  - ix. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - x. to not hear further from a councillor or a member of the public;
  - xi. to exclude a councillor or member of the public for disorderly conduct;
  - xii. to temporarily suspend the meeting;
  - xiii. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xiv. to adjourn the meeting; or
  - xv. 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.**

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- 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 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.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A proposal to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(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 Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate. Corrections shall be initialled by the Chairman.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they 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 Payhembury Parish Council held on [date] in respect of (xxx) were a correct record but their 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 12(e) and standing order 20(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.

### 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(t).*

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- a Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and the Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Proper Officer, or of a Councillor who has been specifically designated by the Council for that purpose.
- b All councillors shall observe the code of conduct adopted by the Council.
- 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 a disclosable pecuniary interest or 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 a meeting of the Council 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(c) and (e), a dispensation request shall be considered at the beginning of the meeting of the Council for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(d) 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 District 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 Chairman of Council of this fact, and the Chairman

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shall 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 District Council that a councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

### 15. PROPER OFFICER

- a The Council will appoint a Proper Officer (also known as the Clerk to the Council) which will be on an employed basis, unless the Proper Officer is a member of Council acting in an unpaid capacity.
- b An employed Proper Officer will have a contract of employment and is covered by full employment legislation including, but not limited to, employment rights, discrimination in employment, unfair dismissal and similar matters.
- c The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council**
    - **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**
    - **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. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iii. **facilitate inspection of the minute book by local government electors;**
  - iv. **receive and retain copies of byelaws made by other local authorities;**
  - v. hold acceptance of office forms from councillors;
  - vi. hold a copy of every councillor's register of interests;
  - vii. 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;
  - viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - ix. 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);
  - x. arrange for legal deeds to be executed (*see also standing order 23*);

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- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xii. record every planning application notified to the Council and the Council's response to the local planning authority;
- xiii. refer a planning application received by the Council to all Councillors in accordance with the Council's Planning policy;
- xiv. manage access to information about the Council via the publication scheme;
- xv. deal with emergence business in consultation with the Chairman and one other Councillor if it is not appropriate to convene a special meeting. Actions will be reported promptly to the Council.

### 16. RESPONSIBLE FINANCIAL OFFICER

- a The Proper Officer is appointed as the Responsible Financial Officer for Payhembury Parish Council.

### 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 The Responsible Financial Officer shall supply regular updates of income and expenditure throughout the year and detail actual figures against estimates. Significant underspends or overspends shall be brought to the attention of the Council and action taken to address discrepancies. Underspent revenue will be identified and earmarked to reserves by a Council resolution.
- d 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, or income and expenditure) for the year to 31st March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 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.

### 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

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and/or orders of payments; and

- 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/or in any other manner that is appropriate;
- 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 Payhembury Parish Council is subject to standing order 11.

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- b Subject to the Council's policy regarding absences from work, the Council's member of staff shall notify the Chairman or, if they are not available, the Vice-Chairman of absence occasioned by illness or other reason.
- c The Chairman, or in their absence the Vice-Chairman, shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Parish Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's member of staff shall contact the Chairman, or in their absence the Vice-Chairman, in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Parish Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Proper Officer relates to the Chairman or Vice-Chairman, this shall be communicated to another member of the Parish Council, which shall be reported back and progressed by resolution of the Parish 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. **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

### 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also standing order 11.*

- a **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- b **The Council shall have a written policy in place for responding to and 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 taken.**

# Payhembury Parish Council

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- 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.

### 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 AND SEALING OF LEGAL DEEDS

*See also standing orders 15(a)(xii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution. **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 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.

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

### 26. 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. Such a suspension shall not be taken lightly, shall be time-limited and shall be included in the minutes.
- b The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final. In cases of doubt, the Council will seek the advice of the Devon Association of Local Councils.
- c These and any other standing orders shall be reviewed annually.