
WINKLEIGH PARISH COUNCIL

STANDING ORDERS

Effective 25th July 2018



WINKLEIGH PARISH COUNCIL STANDING ORDERS POLICY

This procedure is a document that sets out Winkleigh Parish Councils approved and agreed practices. Any deviation must be by resolution of the full Council.

DOCUMENT NO:	WPCP/1		
Lead author(s):	Melanie Bickell, Alice Turner		
Developed by:	Winkleigh Parish Council		
Approved by:	Winkleigh Parish Council Meeting		
Minutes Reference:	77.19 RR069/05/19		
Approval date:	23/05/2018		
Ratified	15/05/2019		
Review date:	May 2020 (APCM)		
Version no:	3		
Version Control And Revisions:			
Version	Point	Description of Change	Date
2	5a and 5b 7b 8a(xi) 20a	Previous Resolutions Motions on agenda Move to Part II Inclusion of County Cllr	22/02/17
3	16a vi & 16c	to include “ unless under LGA 1972 s135, the Council exempt any contract from any such provision when the Council are satisfied that the exemption is justified by special circumstances ”	25/07/2018
			/
			/

THIS IS A CONTROLLED DOCUMENT

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

STANDING ORDERS

1. 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 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) above 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.
- d. No member shall at a meeting persistently disregard the ruling of the Chairman, 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.

2. 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 of not less than 3 clear days for notice of a meeting does not include the day on which the notice was issued, the day of the meeting, a Saturday and 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 because of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda either during the public period or with the Chairman's consent.
- e. The period designated for public participation at a meeting in accordance with standing order 2(d) above shall not exceed 20 minutes unless directed by the Chairman of the meeting.
- f. Subject to standing order 2(e) above, a member of the public shall not speak for more than 3 minutes.
- g. In accordance with standing order 2(f) above 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 stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated when speaking.
- i. A person who speaks at a meeting shall direct his 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 the speaking.
- k. The Openness of **Local Government Regulations 2014** gives rights to the press and members of the public to use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of the council.
- l. 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.
- m. Subject to standing orders which indicated 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.
- n. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- o. The Winkleigh Parish Council Quorum shall be 4 Councillors. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.
- p. 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 he gave an original vote
See standing orders 3(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- q. Unless standing orders provide otherwise, voting on a question shall be by a show of hands following a proposal and a seconder. 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 the question. Such a request shall be made before moving on to the next item of business on the agenda.
- r. 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. If there was a public participation session; and
 - vi. The resolutions made.
- s. A councillor who has a disclosable pecuniary interest, personal interest or prejudicial interest, (See Appendix A) in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the council.
- t. No business may be transacted at a meeting unless at least one third of the whole members of the council are present and in no case, shall the quorum of a meeting be less than four.
- u. 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.
- v. A meeting shall not exceed a period of 3 hours unless by resolution of the council.
- w. 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. 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.
- x. Late items of business will only be discussed at the discretion of the Chairman.
- y. By 1st April of each year, the council shall review the pay and conditions of service of the Proper Officer and carry out an annual appraisal.

3. ORDINARY COUNCIL MEETINGS

- a. In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b. In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c. If no other time is fixed, the annual meeting of the council shall take place at 6pm.
- d. In addition to the annual meeting of the council, scheduled meetings of the Parish Council will be held on the fourth Wednesday of each month with the exception of August and December.
- e. The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman 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, 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 business of the annual meeting 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. 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 resolved 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 Proper Officer if applicable;
 - iv. Appointment of members to existing internal groups;
 - v. Appointment of any new groups;
 - vi. Review and adoption of appropriate standing orders and financial regulations;
 - vii. Review of arrangements with external bodies and arrangements for reporting back;
 - viii. 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;
 - ix. Review of inventory of land and assets including buildings and office equipment;
 - x. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xi. Review of the Council's subscriptions to other bodies;
 - xii. Review of the Council's complaints procedure;
 - xiii. Review of the Council's procedures for handling requests made under the **Freedom of Information Act 2000 and the Data Protection Act 1998;****
 - xiv. Review of the Council's policy for dealing with the press/media; and
 - xv. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.

4. 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 or refuses to 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 must be signed by the two councillors.

5. 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 7 below or if new information has been presented to the council which is deemed, by a majority vote by the Council, to have a significant effect on the resolution made.
- b. When a motion moved pursuant to standing order 5(a) above has been disposed of, no similar motion may be moved within a further six months.

6. 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.

7. 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 which it is tabled for 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 days before the meeting
- b. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 7(b) above correct obvious grammatical or typographical errors in the wording of the motion.
- c. If the Proper Officer considers the wording of a motion received in accordance with standing order 7(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 clear days before the meeting.
- d. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- e. Subject to standing order 7(e) above, 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 in a book for that purpose and numbered in the order that they are received.
- g. Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

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

- a. The following motions may be moved at a meeting without written notice to the Proper Officer'
 - i. To correct an inaccuracy in the draft minutes of a meeting;
 - ii. To move to a vote;
 - iii. To move to proposals on new planning applications
 - iv. To move to proposal on approval of payments
 - v. Motions specifically addressing an agenda item
 - vi. To defer consideration of a motion;
 - vii. To refer a motion to a particular internal or external group;
 - 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 or external group and their members;
 - xiii. To extend the time limits for speaking;
 - xiv. 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;
 - xv. To not hear further from a councillor or a member of the public;
 - xvi. To exclude a councillor or member of the public for disorderly conduct;
 - xvii. To temporarily suspend the meeting;
 - xviii. To suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xix. To adjourn the meeting; or
 - xx. To close a meeting.

9. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

- a. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

10. 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 motion to correct an inaccuracy in the draft minutes shall be move in accordance with standing order 8(a)(i) above.
- 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.
- 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 this view was not upheld by the meeting 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, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

11.CODE OF CONDUCT AND DISPENSATIONS

- a. All councillors shall observe the code of conduct adopted by the council.
- b. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a personal or prejudicial interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he 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 resolution of the full council in accordance with guidance from 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, personal or prejudicial 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 for which the dispensation is sought; and
 - iv. An explanation as to why the dispensation is sought.
- g. Subject to standing orders 11(d) and (f) above, dispensations requests 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 11(e) above if having regard to all relevant circumstances the following applies:
 - i. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or
 - ii. Granting the dispensation is in the interests of persons living in the council's area; or
 - iii. It is otherwise appropriate to grant a dispensation.

12.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 9 above report this to the council.
- b. Where the notification in standing order 12(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another 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 12(d) below.
- c. The council may:
 - i. Provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - 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.

13. PROPER OFFICER

- a. The Proper Officer shall be the clerk.
- b. The Proper Officer shall:
 - i. At least three clear days before a meeting of the council, serve on councillors, by online delivery or post at their residences, a signed summons confirming the time, place and the agenda.
See standing order 2(b) above for the meaning of clear days for a meeting of a 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 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 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;
 - v. Facilitate inspection of the minute book by local government electors;
 - vi. Receive and retain copies of byelaws made by other local authorities;
 - vii. Retain acceptance of office forms from councillors;
 - viii. Retain a copy of every councillor's register of interests;
 - ix. Assist with responding to requests made under **the Freedom of Information Act 2000 and Data Protection Act 1998**, in accordance with and subject to the council's policies and procedures relating to the same;
 - 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, storage of access to and destruction of information held by the council in paper and electronic form;
 - xii. Arrange for legal deeds to be executed;
See also standing order 19 below.
 - xiii. Arrange or manage the prompt authorisation approval and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
 - xiv. Record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
 - xv. Refer a planning application received by the council to the 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. A member may for any purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a group and if copies are available shall, on request, be supplied for the like purpose with a copy.

14. RESPONSIBLE FINANCIAL OFFICER

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

15. 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 full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

16. FINANCIAL CONTROLS AND PROCUREMENT

- a. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. The keeping of accounting records and systems of internal controls;
 - ii. The assessment and management of financial risks faced by the council;
 - iii. The work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor which shall be required at least annually;
 - iv. The inspection and copying by councillors and local electors of the council's accounts and/or orders of payment; and
 - v. Procurement policies (subject to standing order 16(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £1000 does not require to go to quote or tender and can be approved by the Council.
 - vi. Where the expenditure is expected to be in excess of £1000 but below £2000, 3 quotes/estimates will be obtained for full council consideration, unless under **LGA 1972 s135**, the Council exempt any contract from any such provision when the Council are satisfied that the exemption is justified by special circumstances.
 - vii. Up to a maximum of £200 can be spent on emergency matters by the Clerk at the discretion of the Chairman and this matter to be discussed and ratified at the next scheduled meeting of the Parish Council. (Refer to **Financial Regulations 4.1 (2016)**)
- b. Financial regulations shall be reviewed regularly at least annually for fitness of purpose.
- c. Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £2000 shall be procured on the basis of a formal tender as summarised in standing order 16(d) below unless under **LGA 1972 s135**, the Council exempt any contract from any such provision when the Council are satisfied that the exemption is justified by special circumstances.
- 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 work 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 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 (provided by the Clerk of each tendering firm) addressed to the Proper Officer or electronically for the sole attention of the Proper Officer;
 - v. Tenders shall be opened by the Proper Officer at the next parish 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. Where the value of a contract is likely to exceed £138,893, the council must consider whether the **Public Contracts Regulations 2006 (SI No. 5, as amended)** and the **Utilities Contracts Regulations 2006 (SI No. 6, as amended)** apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

17. 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 9 above.
- b. The Chairman or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer/Responsible Financial Officer/Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the full council.
- c. The council in respect of receiving a formal or informal grievance matter from the Proper Officer/Responsible Financial Officer/Clerk, shall report back by resolution of the council.
- d. If an informal or formal grievance matter raised by the Proper Officer/Responsible Financial Officer/Clerk, relates to the Chairman or Vice-Chairman of the Council this shall be communicated to another member of the council which shall be reported back and progressed by resolution.
- e. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matter as confidential and secure.
- 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. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 17(e) and (f) above.
- h. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 17(e) and (f) above shall be provided only to the post holder and/or the chairman of the Council.

18. REQUESTS FOR INFORMATION

- a. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the **Freedom of Information Act 2000** and the **Data Protection Act 1998**.

19. EXECUTION OF LEGAL DEEDS

See also standing orders 13(b) (xii) and (xvii) above

- a. A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b. Subject to standing order 19(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

20. COMMUNICATING WITH DISTRICT/COUNTY COUNCILLORS

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

21. RESTRICTION ON COUNCILLOR ACTIVITIES

- a. Unless authorised by a resolution, 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.

22. STANDING ORDERS GENERALLY

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. notice by at least 3 councillors to be given to the Proper Office in accordance with standing order 7 above. A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory requirements, shall be proposed by a special motion
- c. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

APPENDIX A**What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex A). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- Participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public. In certain circumstances you can request a dispensation from these prohibitions

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) –

- the landlord is your council or authority; and
- the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –

- that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- either –

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.