

Graffham Parish Council Standing Orders

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1. Meetings Generally

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|--------------------------------------|---|
| 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 **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- ● c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda during the item on the agenda allocated for this purpose or at other times agreed by the Chairman.
- e A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- f A record of a public participation session at a meeting shall be included in the minutes of that meeting.

g Any person speaking at a meeting shall address his comments to the Chairman.

h 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.

i (This refers to l, page9 and m, p 0).

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.

A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

j 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.

k 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 (if there is one).

l 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.

m Subject to a meeting being quorate all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.

n The Chairman 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 also standing orders 2 (h) and (i) below.)

- o **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.** Such a request shall be made before moving on to the next item of business on the agenda.

- p **The minutes of a meeting shall record the names of councillors present and absent.**

- q **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

- r **A councillor or a non-councillor with voting rights 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**

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 4 below)*

- s **No business may be transacted at a meeting unless at least a quorum of three members of the Council are present.**

- t **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.

2. Ordinary Council meetings (SSALC section 4 p13)

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 the 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 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 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**

(if there is one) 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. 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.

3. Proper Officer (SSALC section 15, p 21)

- a The Council's Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Council's Proper Officer shall
 - i. **At least three clear days before a meeting of the council a committee or a sub-committee,**
 - **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 that 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).**
 - **Refer to standing order 1b above for the meeting of clear days.**
 - 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 declarations of acceptance of office from councillors.**
 - v. **Receive and retain copies of byelaws made by other local authorities.**

4. Code of conduct (England)

- a All councillors shall observe the code of conduct adopted by the Council on 14 January 2013 (minute 9) which was based on the Chichester District Council Code of Conduct October 2012.**
- b 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. (SSALC 13.d, p19)**
- c A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final. (SSALC 13 3 p 19)**
- d A dispensation may be granted in accordance with standing order 4, c, 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. (This section all SSALC 13 h, p 20)**
- e. (See SSALC section 14, p 20)**

Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights 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.

5. 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.
- 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** (This applies to all meetings and all committees) SSALC section 12, e, p18

6. 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 6(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 6(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.

7. 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.

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8. 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.**

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9. Execution and sealing of legal deeds

- 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 9(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.**

10. Committees and Sub-Committees (SSALC Section 4, p 12)

See also standing order 1

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may, appoint standing committees or 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. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may in accordance with standing orders, dissolve a committee at any time.

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11. Sub-committees

See also standing order 1 and 10 above

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.

12. Extraordinary meetings (SSALC section 6, p 15)

See also standing order 1 above

- 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 7 days of having been requested to do so by two councillors, any 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.**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by five councillors, those five councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by five councillors.

13. Advisory committees

See also standing order 1 and 10 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

14. Accounts and Accounting Statements (SSALC section 17, p 22)

- 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 Council’s financial regulations, which shall be reviewed at least annually.
- c The Responsible Financial Officer shall supply to each councillor at each parish council meeting a statement summarising the Council’s receipts and payments since the last meeting and a bank reconciliation showing the bank balance held at such time.

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.

- c On a regular basis, at least once in each quarter and at each financial year end, a member other than the Chairman shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign reconciliations and a copy of original bank statements as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and be noted by the Council.
(NOT INCLUDED SSALC Section 18, c, f, g. which relate to contracts over £25k, or £181k, or supplies of gas, heat, electricity or exploration of gas etc for contracts over £363k and over)

15. Estimates/precepts (Budget)

The Council shall approve written estimates (budget) for the coming financial year at its meeting before the end of January.

16. Inspection of documents

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, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by all.

17. Confidential business

- a Councillors 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 17(a) above may be removed from a committee or a sub-committee by a resolution of the Council

18. General Power of Competence (England)

- 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 understanding order 18 (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 of which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 18 (b) above**

19. Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

20. Responsibilities to Provide Information. (This was called Freedom of Information Act 2000. (Refers to SSALC section 20, p26)

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b If gross annual income or expenditure (whichever is higher) does not exceed £25,000: The Council shall publish information in accordance with the requirements of the Smaller Authorities ((Transparency Requirements) (England) Regulations 2015)**
- c Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Councillor with delegated responsibility for Freedom of Information Policy. The said Councillor, acting in conjunction with the Chairman, shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. Responsibilities under Data Protection Legislation (SSALC section 21. P 26)

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

22 Relations with the press/media

- a 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.

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23 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
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County shall be sent to the ward councillor(s) representing the area of the Council

24 Financial matters

- a The Council will comply with its financial regulations as adopted from time to time.

25. 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 and thereon to the Monitoring Officer if required.
- 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 of the Council) 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 24(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 24(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Council 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 25 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.
- H. Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights 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 (SSALC 14d. p. 20).

26. Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

27. Standing orders to be given to Councillors

- a The Proper Officer shall provide a copy, which may be electronic, 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.

28. Other duties/responsibilities as Trustees

Graffham Parish Council is responsible as trustee for:

- a) Katherine Maud Guillod Trust (each individual councillor is a trustee). It is administered in separate meetings normally held immediately after Parish Council meetings.
- b) Graffham Recreation Ground/Charitable Trust (The Parish Council is the Managing Trustee)

As Trustee the Parish Council/Councillors are ultimately responsible for the proper running of these trusts.

29. Management of Information (SSALC section 11, p 17)

- a. The Council shall have in place and keep under review, technical and organisational measure to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b. The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained of 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.
- e. (SSALC section 12 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. This is applicable for: Full council meetings, committee meetings and sub-committee meetings.

30. Other Information

- a **The Parish Council as Managing Trustee holds the lease on the Graffham Recreation Ground and as lessee is responsible for its management.**
- b **The Parish Council as trustee has delegated the management of the Graffham Recreation Ground to a management committee but has 3 representatives on this Committee.**
- c **The Parish Council has one representative on the Empire Hall committee.**

31. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and 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 referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the

deadline for submission of tenders has passed;

- vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**