

JULY 2018

L09-18 | 2018 model standing orders - amendment

NALC published new model standing orders in April 2018. This briefing sets out the changes we have made to the documents and why we have made them.

Model standing order 17

A minor mistake was made in respect of model standing order 17(d) (ii) which states:

“to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval”

The correct wording for standing order 17(d)(ii) is:

“to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.”

Model standing order 21 and 15 (b) (ix)

Further to the government’s decision to exempt local councils from the definition of “public authority” for the purposes of the General Data Protection Regulation the previous reference to “shall appoint a Data Protection Officer” in model standing order 21 (a) has been changed to “may appoint a Data Protection Officer”. Model standing order 15 (b) (ix) has also been changed to conform to the new position.

(England only) model standing order 18

Model standing order 18 (c) has been changed to include the words “unless it proposes to use an existing list of approved suppliers (framework agreement)” and now reads:

“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)”.

This change has been made further to requests that we clarify the wording of the standing order. Legal Topic Note 87 contains detailed guidance on advertising on the contracts finder website.

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