

# KIDSGROVE TOWN COUNCIL

## STANDING ORDERS

**Adopted by Council: 25<sup>th</sup> May 2023**

**Review Date: Annually**

### INTRODUCTION

These Standing Orders are based on model standing orders of 2018 by the National Association of Local Councils (NALC) and supersedes all previous versions

Standing orders are the written rules of a local Council and are essential to regulate the proceedings of a meeting. The Council also use these standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders are not the same as the policies of a Council but may refer to them.

Local Councils operate within a wide statutory framework and these Standing Orders reference many statutory requirements to which Councils are subject. The statutory requirements to which a Council is subject apply whether or not they are incorporated in a Council's standing orders.

Standing Orders are one of the Council's principal governing policy documents providing procedural guidance for Members and Officers.

Standing orders that are in **bold type** contain legal and statutory requirements, such standing orders may not be suspended. Standing orders not in bold are designed to help Councils operate effectively but they do not contain statutory requirements.

The word "Councillor" is used in the standing orders and, unless the context suggests otherwise, includes a non-Councillor with or without voting rights.

### 1. RULES OF DEBATE AT MEETINGS

Applies to Meetings of Council, Committees and Sub-Committees.

- a Motions requiring notice on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting.
- h A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.

- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A Councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:-
- i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a Committee or Sub-Committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chair of the meeting.

- u If, at the Chair's discretion, urgent business is added to the Agenda, the item may be discussed **but no formal decision may be made**. The Town Clerk does have delegated authority to deal with urgent matters in consultation with specified Members.

## 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 Chair of the meeting shall request such person(s) to moderate or improve their conduct. Such conduct may breach the Councillors' Code of Conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or be 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) is ignored, the Chair 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

Full Council meetings ●

Committee meetings ●

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 **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d All items of business will be set out on the agenda for all meetings and sent out with the summons to Councillors. Members of Council or Members of Committee may make a request to the Town Clerk to include relevant items on agendas if relevant to the respective terms of reference. The Town Clerk will where possible include the requested item, however his/her decision is final. If the Town Clerk declines the request he will notify the Councillor of his decision and explain the reason for it.
- e **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.**
- f 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.
- g The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the Chair of the meeting. The Chair may permit other interactions should that become necessary at other points on the agenda.
- h Subject to standing order 3(g), a member of the public shall not speak for more than three minutes unless directed by the Chair of the meeting. The Chair may at anytime instruct the speaker to end their input to the meeting.
- i During public participation at Planning Committee, equal opportunity shall be given to persons supporting applications and to persons opposing.
- j In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that an oral or written response be given.

- k A person (Councillor or member of public) shall raise his/her hand when requesting to speak (and at Council only●, stand when speaking,except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.
- l A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- m Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- n **Subject to standing order 3(o), 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.** The Chair should have regard if filming takes place, that Members of the public may not wish to be filmed. This right must be taken up without disturbing the meeting.
- o **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- p **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.**
- q **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in his absence be done by, to or before the Deputy Mayor.**
- r **The Mayor, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy Mayor if present, shall preside. If both the Mayor and Deputy Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- s **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.**
- t **The Chair 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 Mayor at the annual meeting of the Council.*
- u **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, (or abstained from voting).** Such a request shall be made before moving on to the next item of business on the agenda.
- v The minutes of a meeting of Council, Committee or Sub-Committee shall record all resolutions made and in the case of Committees and sub Committees, all recommendations to Council, and shall also include an accurate record of the following:-
  - i. the time and place of the meeting;
  - ii. the names of Councillors who are present and the names of Councillors who are absent. As it is a duty of Councillors to attend meetings, it is expected that Councillors give a valid reason for their absence. If such an absence is approved by resolution, this should also be recorded in the minutes.
  - iii. interests that have been declared by Councillors and non-Councillors with voting rights;

- iv. the grant of dispensations (if any) to Councillors and non-Councillors with voting rights;
- v. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session, an appropriate record of such.

● w **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.**

● x **No business may be transacted at a meeting unless at least one-third of the whole number of Members of the Council are present therefore making the meeting quorate. In no case shall quorum of a meeting be less than three. (any Councillor who is disqualified from an item of business because he/she has declared a disclosable pecuniary or other relevant interest, does not count towards the quorum for that item).**

*See standing order 4d(vii) for the quorum of a Committee or Sub-Committee meeting.*

● y **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.

z A meeting shall not exceed a period of two hours, unless the Council or Committee vote to continue beyond this period.

#### **4. COMMITTEES AND SUB-COMMITTEES**

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 (Finance and Governance Committee).**

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 and any delegation to the Committee;
- ii. shall determine the number and time of the ordinary meetings of a standing Committee up until the date of the next annual meeting of the Council;
- iii. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of Members of such a Committee;
- v. shall, after it has appointed the Members of a standing Committee, appoint the Chair of the standing Committee;
- vi. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee which, in both cases, shall be no less than one-third of the Committee and Sub-Committee and in no case less than three;
- vii. shall determine if the public may participate at a meeting of a Committee;

- viii. shall determine if the public and press are permitted to attend the meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee;
- ix. shall determine if the public may participate at a meeting of a Sub-Committee that they are permitted to attend; and
- x. may dissolve a Committee or a Sub-Committee.
- xi. A member who has proposed a resolution which has been referred to any Committee of which he/she is not a member, may explain his resolution to the Committee but shall not vote.
- xii. Any Council member is entitled to be present as a spectator at the meetings of any Committee or Sub-Committee of which he/she is not a member, except if a resolution has been passed to exclude the press and public. The Council member may speak on an item on the Agenda with the permission of the Chair, but may not join in the debate or vote.

## **5. ORDINARY COUNCIL MEETINGS AND ANNUAL COUNCIL MEETING**

- 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 7pm.**
- 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 Mayor and Deputy Mayor of the Council.** This will be followed by the appointment of Leader of Council.
- f **The Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- g **The Deputy Mayor of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Mayor has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Mayor has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Mayor has been elected. He may exercise an original vote in respect of the election of the new Mayor and shall give a casting vote in the case of an equality of votes.**
- j Declarations by Councillors of any interests they may have in items on the agenda, clearly stating the kind of interest as set out in the Councillor Code of Conduct.
- k Following the declaration of interests at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Mayor (Chair 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 Mayor 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. Receipt of the minutes of the last meeting of a Committee;
  - iv. Consideration of the recommendations made by a Committee;

- v. Review of delegation arrangements to Committees, Sub-Committees, staff and other local authorities or confirmation that such a review has taken place within the previous year;
- vi. Review of the terms of reference for Committees or confirmation that such a review has taken place within the previous year;
- vii. Appointment of Members, chairmen and vice-chairmen and substitutes to existing Committees in accordance with the Committees Terms of Reference;
- viii. Appointment of any new Committees in accordance with standing order 4 and appointment of its Members, Chair and Vice-Chair;
- ix. Review of appropriate standing orders, standing orders in relation to contracts and financial regulations, or confirmation that such a review has taken place within the previous year;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. 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;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure or confirmation that such a review has been undertaken in the previous year;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation or confirmation that such a review has been undertaken in the previous year. (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media or confirmation that such a review has been undertaken in the previous year;
- xix. Review of the Council's employment policies and procedures or confirmation that such a review has been undertaken in the previous year;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence unless this is to be undertaken at a meeting of Council to review year end accounts and annual governance statement.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- xxii. To consider motions with notice in the order in which they have been notified, unless the Mayor rules otherwise.
- xxiii. To receive and consider reports from Officers of the Council.
- xxiv. To consider reports from Councillors representing the authority on outside bodies and from Ward Councillors.
- xxv. **To authorise the approval of payments** unless considered as part of a Report from Finance and Governance Committee.

xxvi. To receive a Performance Management Report.

- l Councillors may ask questions on any agenda item at a Council at the time that item is to be considered.
- m The order of business at any ordinary meeting will be similar but exclude 5ki and v-xxi, unless these items are the subject of an officer's report.

## **6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The Mayor may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor 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.**
- c The Chair of a Committee or a Sub-Committee may convene an extraordinary meeting of the Committee or the Sub-Committee at any time.
- d If the Chair of a Committee or a Sub-Committee does not call an extraordinary meeting within seven days of having been requested to do so by two Members of the Committee or the Sub-Committee, any two Members of the Committee or the Sub-Committee may convene an extraordinary meeting of the Committee or a Sub-Committee.

## **7. PREVIOUS RESOLUTIONS**

- a A resolution (whether affirmative or negative) shall not be reversed within six months except either by a special motion, which requires written notice by at least four Councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a Committee or a Sub-Committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved 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 Chair of the meeting.

## **9. 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 for which it is tabled 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 No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least five clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least three clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair 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.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.



- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

#### **10. 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 defer consideration of a motion;
  - iv. to refer a motion to a particular Committee or Sub-Committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a Committee or Sub-Committee and their Members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a member of the public;
  - xiii. to exclude a Councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);**
  - xvi. to adjourn the meeting; or
  - xvii. 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.**
- 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

- Full Council meetings ●
  - Committee meetings ●
  - Sub-Committee meetings ●
- 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 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 Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
  - d If the Chair 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 Chair 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 meeting and the minutes are confirmed as an accurate record of the proceedings.”*
  - e ● The Council will publish draft minutes for all meetings on its website not later than two weeks 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 and removed from the website.

## 13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(w).

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b All Councillors **must, in accordance with the Code of Conduct currently adopted by the Council, register in Newcastle under Lyme Council's Register of Councillors' Interests, details of their Disclosable Pecuniary Interests** and other interests stated in the Code, **by completing the appropriate form and delivering this to the Town Clerk, who will forward it to the Monitoring Officer.**
- c **Councillors must keep their registered interests up to date by completing the appropriate form and delivering this to the Town Clerk, who will forward it to the Monitoring Officer.** The Town Clerk will send out forms prior to the Annual Town Council meeting each year, to give Members the opportunity to update their interests in the Register.
- d Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he had the interest.
- e Unless he/she has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the Council's code of conduct. He/she may return to the meeting after it has considered the matter in which he had the interest.
- f **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.
- g A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or by the Proper Officer in accordance with the Council's scheme of delegation and that decision is final.

- h 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.
- i Subject to standing orders 13(d) and (f), a dispensation request 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 OR at the beginning of the meeting of the Council.
- j A dispensation may be granted in accordance with standing order 13(g) 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 Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights 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 Chair of Council of this fact, and the Chair shall nominate another staff 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 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 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.**

#### **15. PROPER OFFICER**

- a The Proper Officer shall be the Town Clerk or other staff member nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The 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 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 and standing order 3(c) for the meaning of clear days for a meeting of a Committee;*

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a Councillor has given written notice at least five days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Mayor, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold acceptance of office forms from Councillors and the Mayor;
  - vii. hold a copy of every Councillor's register of interests;
  - viii. 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;
  - ix. liaise, as appropriate, with the Council's Data Protection Officer;
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - xi. 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);
  - xii. arrange for legal deeds to be executed;  
*(see also standing order 23);*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its 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 Chair or in his absence Vice-Chair of the Planning Committee 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 Planning Committee;
  - xvi. manage access to information about the Council via the publication scheme; and
- c The Town Clerk and other Officers of the Council shall have the authority and duties given to them under the Council's Scheme of Delegation and will report decisions taken under such delegation to each Council meeting.

## **16. RESPONSIBLE FINANCIAL OFFICER**

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

## **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 to each Councillor as soon as practicable after 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December in each year a statement to summarise:-
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) 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<sup>st</sup> March, the Responsible Financial Officer shall provide:
  - i. each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. 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.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (income and expenditure) for the year to 31<sup>st</sup> March. A completed draft annual governance and accountability return shall be presented to all Councillors at least five 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<sup>th</sup> 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 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 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.**
- 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 be in accordance with the Council's adopted Standing Orders for Contracts.
- e. **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.**

- f. **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 an Officer that is being considered by a meeting of Council or the Personnel Committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's Town Clerk shall notify the Chair of the Personnel Committee or if he/she is not available, the Vice-Chair of absence occasioned by illness or other reason and that person shall report such absence to Personnel Committee at its next meeting.
- c The Chair of Personnel Committee shall ensure a review of the performance and annual appraisal of the work of The Town Clerk is conducted in accordance with the terms of reference/delegation of the Committee and procedures and policy of the Council. The reviews and appraisal shall be confirmed in writing
- d Grievance matters will be dealt with in accordance with the policy set out in the Council's Employee Handbook and Personnel Policies.
- e 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.
- f In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(e).

#### **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 information guide, and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

#### **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

*See also standing order 11.*

- a **The Council shall 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 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(b)(xii) and (xvii).*

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

- a Unless duly authorised by Council 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.

## **25. 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.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 4 Councillors to be given to the Proper Officer in accordance with standing order 9. Standing Order 26b will not apply where the proposed amendment is a response to a written report on a review of Standing Orders circulated in advance with the agenda of the meeting.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

## **26. CONSTITUTION**

- a The Council shall maintain and periodically update a Constitution to advise Members and the public how the Council conducts its business and how decisions are made.
- b The contents of the Constitution will be determined by Council but will always contain Standing Orders, Standing Orders for Contracts, Financial Regulations, Members' Code of Conduct and the Publication Scheme.
- c A up to date copy of the Constitution will be displayed on the Council's website.

## **27. PETITIONS**

- a At any meeting, any Member may present a petition, signed by persons other than Members of the Council, which is relevant to some matter for which the Council has a responsibility or which affects the Town.
- b A Member wishing to present a petition shall give notice of his/her intention to do so to the Town Clerk at least twenty-four hours before the beginning of the meeting at which it is to be presented. The presentation of a petition will last for no more than three minutes.
- c No discussion will take place on any petition, but any Member may move that a matter raised by a petition be referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

## **28. HONORARY TITLES**

- a The Council may introduce the award of honorary titles by resolution, in accordance with current legislation.

## **29. TRAINING AND DEVELOPMENT**

- a The Council will maintain a Training and Development Policy for Members and Officers. They will determine and execute an annual training plan for Members.

## **30. PRAYERS AT COUNCIL**

- a If the Council has adopted the General Power of Competence, it may if it wishes include prayers as part of the Council meeting.

- b If the Council is not eligible to adopt the General Power of competence and it wishes to hold prayers, prayers may take place before commencement of the meeting, but Members cannot be summoned to attend.

**31. COMPLAINTS AGAINST THE COUNCIL OR AN OFFICER**

- a The Council shall deal with complaints made against it in accordance with its Complaints and Compliments Policy adopted by the Council, except for those complaints which should be properly directed to the Monitoring Officer or to any other regulatory body listed in the Complaints Procedure for consideration. (see also Standing Order 14 regarding Code of Conduct complaints)

**32. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- a Canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment as an employee of the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
- b A member of the Council or of any Committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment, providing they are not part of the selection process.
- c Standing Order Nos. 33a and 33b shall apply to tenders as if the person making the tender were a candidate for an appointment.
- d If a candidate for any appointment under the Council is to his knowledge related to any member or the holder of any office of the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate Committee any such disclosure.