

IVYBRIDGE TOWN COUNCIL

STANDING ORDERS 2023



Based on NALC model standing orders 2018 (updated April 2022)

CONTENTS

| | page |
|--|------|
| Rules of debate at meetings | 3 |
| Disorderly conduct at meetings | 4 |
| Meetings generally | 5 |
| Committees and sub-committees | 8 |
| Advisory committees/working groups | 9 |
| Ordinary council meetings | 9 |
| Business to be transacted at ordinary meetings | 11 |
| Annual Town Meeting | 11 |
| Extraordinary meetings of the council, committees and sub-committees | 12 |
| Previous resolutions | 12 |
| Voting on appointments | 12 |
| Motions for a meeting that require written notice to be given | 13 |
| Motions at a meeting that do not require written notice | 13 |
| Management of information | 14 |
| Draft minutes | 15 |
| Code of Conduct and dispensations | 15 |
| Code of Conduct complaints | 16 |
| Proper Officer | 16 |
| Responsible Financial Officer | 18 |
| Accounts and accounting statements | 18 |
| Financial controls and procurement | 19 |
| Handling staff matters | 20 |
| Responsibilities to provide information | 20 |
| Responsibilities under data protection legislation | 21 |
| Relations with the press/media | 21 |
| Execution and sealing of legal deeds | 21 |
| Communicating with district and county councillors | 21 |
| Restrictions on councillor activities | 22 |
| Canvassing of and recommendations by members | 22 |
| Delegated authority | 22 |
| Standing Orders generally | 23 |

The Chairman (or Vice-Chairman) or Chairperson (Vice-Chairperson) shall hereinafter be known as Chair (or Vice-Chair)

| | |
|------------|-------------------------------|
| FCm | Full Council meetings |
| Cm | Committee meetings |
| SCm | Sub-Committee meetings |

1 RULES OF DEBATE AT MEETINGS

- a Motions 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- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- 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.

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.
- 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

- a **(FCm) 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 **(FCm) 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 **(Cm) 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 **(FCm & Cm) 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.**
- e 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.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen (15) minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three (3) minutes.
- h 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 a written or oral response be given.
- i Those wishing to speak are asked to notify their wish to speak to the Clerk before the meeting, and the order of speaking shall be in the order in which requests to speak are received.
- j Notice of questions/statements need not be submitting in writing, but questions of which notice has been given are likely to receive a more detailed reply.
- k Questions/comments should relate to matters over which the council has powers or duties or which affect the town and should be relevant to the responsibilities of the council/committee at which asked.
- l No more than three speakers will be allowed to speak on any one subject and groups of speakers for or against an issue will be encouraged to appoint a spokesperson.

- m Where request to speak are made at the meeting, the chair shall direct the order of speaking.
 - n A person shall raise their hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
 - o A person who speaks at a meeting shall direct their comments to the chair of the meeting.
 - p Only one person is permitted to speak at a time.
 - q **(FCm & Cm) Subject to standing order 3(r), 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.**
 - r **(FCm & Cm) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - s **(FCm & Cm) 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.**
 - t **(FCm) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
 - u **(FCm) The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
 - v **(FCm, Cm & SCm) 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.**
 - w **(FCm, Cm & SCm) 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 6(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- x **(FCm) 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 their vote for or against that**

question, or whether they abstained. Such a request shall be made before moving on to the next item of business on the agenda.

- y 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 who are present and the names of councillors who are absent;
 - 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; and
 - vii. the resolutions made.
- z **(FCm, Cm & SCm) 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.**
- aa **(FCm) No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.
- bb If, after the expiration of 15 minutes after the hour at which any meeting of the council or committee is to be held, the Town Clerk, after counting the number of councillors present, will announce that a quorum is not present and no meeting shall take place. If during the meeting, the number of councillors present and not debarred by reason of pecuniary interest falls below the quorum, the business not transacted shall be transacted at the next meeting, or on such other day as the Chair may fix.
- cc **(FCm, Cm & SCm) 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.
- dd A meeting shall not exceed a period of two (2) hours. Agreement by resolution may extend the meeting to enable completion of current or important agenda items, and a finish time is to be determined. Any business not concluded after this time shall be deferred to another meeting.
- ee Council meetings must be held on such days and at such times as may be fixed by the council. Unless agreed otherwise, meetings of the council shall

be held in accordance with the published calendar of meetings and shall commence at 7pm and shall be terminated by 9pm. Extra meetings may be called by the Town Clerk as and when required.

- ff Committee meetings may be held in accordance with the published calendar of meetings, but may be subject to change by agreement of the Town Clerk and committee Chair. Extra meetings may be called by the Town Clerk as and when required.
- gg If the Chair believes that discussions at a meeting are getting out of hand, they will stand or move away from the table, and discussions must immediately cease.

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.**
- 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. 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. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer seven (7) days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
 - viii. 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 three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. 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;

- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.
- e The Policy and Resources Committee will be chaired by the Council Chair, or in their absence the Council Vice-Chair, and will include the committee Chairs, a councillor representing the internal audit function and the remaining places made up of past Chairs, to be determined annually by full Council. There must be no more than seven (7) members on the committee.
 - f The Chair and Vice-Chair of Council ex-officio shall be members of every committee.
 - g The Chair and Vice-Chair of the committee shall be members of every sub-committee appointed by it, unless they signify that they do not wish to serve.
 - h A non-member of a committee may attend any meeting of a committee or sub-committee, excluding Personnel Committee meetings but not join the meeting table, unless, at the discretion of the Chair, they are invited to join the table and/or to speak but not vote.

5 ADVISORY COMMITTEES/WORKING GROUPS

- a The council may appoint advisory committees (or working parties/groups) comprised of a number of councillors and non-councillors, whose names shall be recorded.
- b The Proper Officer shall inform the members of each advisory committee of the terms of reference of the committee, and of the council's standing orders, which they are required to follow.
- c An advisory committee (or working party/group) shall make recommendations and give notice thereof to the council. It does not have any decision making or spending powers.

6 ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
Ivybridge Town Council meetings shall commence 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 Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair 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-Chair of the Council, if there is one, 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 Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the 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 Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. 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;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - 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;
 - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 14,*

23 and 24);

- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

7 BUSINESS TO BE TRANSACTED AT ORDINARY COUNCIL MEETINGS

At every ordinary meeting of the town council, which is not an annual meeting, the order of business shall be:

- a to receive apologies and approve absence from council members
- b to receive any declarations of interests or requests for dispensations from councillors
- c public participation section, as per standing orders 3(e)
- d to receive reports from the police and any other external agencies
- e to receive reports from County and District Councillors, on matters pertaining to Ivybridge
- f to confirm the minutes of the previous meeting of the town council
- g to note the minutes of committee and sub-committee meetings
- h to consider any motions raised by councillors considered by the Proper Officer as proper motions
- i to consider any other items which are included on the agenda as within the scope of the council

Following these set items, additional agenda items may include:

- j to consider recommendations from committees and working groups/advisory groups
- k to receive reports from Officers, for information only
- l to exclude members of the public, press, District and County Councillors where confidential matters not to be disclosed to the public are to be discussed, as per standing order 3(d). In doing so, the Chair will read out the following statement 'In view of the confidential nature of the business to be transacted, the public and members of the press are asked to withdraw'.

8 ANNUAL TOWN MEETING

- a Proceedings shall not begin before 6pm
- b The Chair of the Council shall preside. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are absent, the meeting shall appoint a Chair from council membership present before it proceeds to any other business

- c A Council Officer shall record the proceedings of the Annual Town Meeting. If no Officer is available, the person presiding the meeting shall record the proceedings, or appoint another to do so.
- d As soon as the Chair has been filled and provision made for recording the proceedings, the minutes of the previous meeting shall be taken as read, and if correct, signed by the person presiding at the meeting
- e The format of the meeting may include reports from the local police, report on council's finances, report from the Chair on council activities, address from invited speakers, open public forum.

9 EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- 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 (7) days of having been requested to do so by two (2) members of the committee or the sub-committee, any two (2) members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

10 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 one third of councillors - of council membership or of a committee membership, whichever is relevant (to be given to the Proper Officer in accordance with standing order 12), 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 10(a) has been disposed of, no similar motion may be moved for a further six months.

11 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.

12 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 seven (7) 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 12(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 12(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 seven (7) 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.
- i If the subject matter of a motion comes within the province of a committee or sub-committee, or within the delegated powers of an employee of the council it shall, upon being moved and seconded, stand referred without discussion to such committee, sub-committee or employee as the council may determine, provided that the Chair, if they consider it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

13 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, sub-committee or employee;
 - v. to refer by formal delegation a matter to a committee, sub-committee working group or an employee;
 - vi. to appoint a person to preside at a meeting;

- vii. to change the order of business on the agenda;
 - viii. to proceed to the next business on the agenda;
 - ix. to require a written report;
 - x. to appoint a committee or sub-committee and their members;
 - xi. to extend the time limits for speaking;
 - xii. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xiii. to not hear further from a councillor or a member of the public;
 - xiv. to exclude a councillor or member of the public for disorderly conduct;
 - xv. to temporarily suspend the meeting;
 - xvi. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvii. to adjourn the meeting; or
 - xviii. to close the meeting.
- b A motion may vary the order of business on the grounds of urgency under 12(vii):
- i. may be proposed by the Chair or put by any councillor and if proposed by the Chair may be put to the vote without being seconded and,
 - ii. shall be put to the vote without discussion.
 - iii. if a motion falls within the terms of reference of a committee, sub-committee or working group, or within the delegated powers conferred on an employee, a referral of the same may be made to such committee, sub-committee, working group, or employee provided that the Chair may direct for it to be dealt with it at the present meeting for reasons of urgency or expediency.

14 MANAGEMENT OF INFORMATION

See also standing order 23.

- 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.**

15 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 moved in accordance with standing order 13(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 **(FCm, Cm & SCm) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 15(e) and standing order 23(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.

16 CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(z).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he 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 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 or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another 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 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 or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 16(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.
- h A dispensation may be granted in accordance with standing order 16(e) 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**

17 CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District or Unitary Council's Monitoring Officer 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 14, report this to the Council.

18 PROPER OFFICER

- a The 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 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 seven (7) days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, 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;
- 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 (if there is one);
- 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 26);
- 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 the Vice-Chair of the Planning and Infrastructure 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 committee;
- xvi. action or undertake activity or responsibilities instructed by resolution or contained in standing orders;
- xvii. manage access to information about the Council via the publication scheme; and
- xviii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 26).
- xix. in the event of urgent action being required between regular meetings, the Town Clerk or

Proper Officer to take decisions and that wherever possible these decisions to be taken in consultation with the Chair of the Council and/or the Chair of the relevant committee, provided that all matters dealt with or decided, and all action taken under this order shall be reported to the next ordinary meeting of the Council, committee or sub-committee concerned. Urgent action to be defined as:

- i. action that will not admit of delay;
- ii. on health and safety grounds, where not to take action would put the staff or members of the public at risk and leave the council open to prosecution for negligence;
- iii. to protect the property owned by the council. To authorise immediate repairs in order to secure council property, or where to delay a repair would cause greater damage and therefore great expense to occur;
- iv. to take action to stop or prevent the council from acting illegally, or taking such action as to prevent bringing the council into disrepute.

19 RESPONSIBLE FINANCIAL OFFICER

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

20 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 member of the Policy and Resources Committee and any other councillor who so requests, including by electronic means, the most up to date figures available for the meeting of:
 - i. the Council's receipts and payments (or income and expenditure);
 - 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 month 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 member of the Policy and Resources Committee and any other councillor who so requests, with a statement summarising the Council's receipts and payments (or income and expenditure) for the last month and the year to date for information; and
 - ii. 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.
- e The year-end accounting statements shall be prepared in accordance with proper practices and

apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors before the end of the following month of May. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

21 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 21(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 or 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, or provided to the Proper Officer by electronic means, to remain unopened until after the deadline for submission of tenders has passed;
 - 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.**

22 HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of the Personnel Committee is subject to standing order 14.
- b Any persons responsible for all or part of the management of staff shall treat as the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- c Only persons with line management responsibilities shall have access to staff records referred to in standing order 22(b).
- d Access and means of access by keys and/or computer passwords to records of employment referred to in 22(b) and (c) shall be provided only to the Proper Officer and anyone deputised by the Proper Officer.

23 RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 24.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**
- c. 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 and the provisions of General Data Protection Regulations.

24 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 14.

- 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.**

25 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.

26 EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 18(b)(xii) and (xviii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 26(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

27 COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Ward Councillor(s) of the District and County Council representing the area of the Council.
- b Ward Councillors of Ivybridge shall be requested to report to the council on any matters discussed at the District or County Council that are relevant to Ivybridge. They should be prepared to answer any questions of fact concerning such business put to them by councillors at the end of their report, although such answers may be deferred to the next meeting if such information is not immediately available. These questions will be minuted.
- c Guidelines to be followed:
 - i. The Ward Members may wish to collaborate over who reports and on what with a view to eradicating duplication and unnecessary attendance
 - ii. Reports should be brief, informative and objective.
 - iii. Written reports, supplied before agenda is issued, is preferred.
 - iv. Matters only of relevance to Ivybridge should be included in the report, which may encompass peripheral matters, general District or County Council matters.
 - v. Party political comments will not be allowed.
 - vi. Questions of fact should be answered immediately where possible. Where this is not possible, as in the need to gather information, the answer should be made at the next council meeting.

- vii. Town councillors should only ask questions of fact concerning District or County authority business. Party political comments will not be allowed.
- viii. The Chair of the meeting is expected to intervene when items ii, iv and vi are contravened.

28 RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

29 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- a. Canvassing of councillors or of any committee, directly or indirectly, for any appointment under 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 shall not solicit for any person any paid appointment under the council or recommend any person for such appointment or promotion; but, nevertheless, a councillor may give a written testimonial of a candidate's ability, experience or character for submission to the council with an application for an appointment.
- c. Standing orders 29(a) and (b) shall apply to tenders as if the person making the tender were a candidate for an appointment. See also Financial Regulations

30 DELEGATED AUTHORITY

- a. Delegated authority and decision making authority may only be delegated to a committee, sub-committee or Proper Officer, and according to council's Scheme of Delegation.
- b. Chair of Council, Chairs of committees or councillors are not authorised to take executive action on behalf of the council.
- c. Where urgent action is required, the Proper Officer shall have delegated authority after consultation with the Council Chair or Chair of the relevant committee, reporting back to the relevant committee or council as soon as possible. See standing order 18(b)(xix).
- d. The Proper Officer must produce a record of any decision which would otherwise have been made by council, a committee or sub-committee but has been delegated to the officer under a specific authorisation, or under a general authorisation to:
 - i. grant a permission or licence
 - ii. affect the rights of an individual, or
 - iii. award a contract or incur expenditure which materially affects the council's financial position

The written record must include:

- iv. the date the decision was taken
- v. a record of the decision taken along with the reasons for the decision
- vi. details of alternative options, if any, considered and rejected

The written record will be presented to Policy and Resources Committee.

- e. The written record, together with background papers, must as soon as is reasonably practicable after the record is made, be available for inspection by members of the public. However such

disclosure will not apply if the council believes the information to be of a confidential or exempt nature.

31 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 seven (7) councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after they have signed their acceptance of office form.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

Alternative formats

Disability Discrimination Act 1995 and Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. Copies of this document in large print (A3 format) or larger font size, or any tables contained within this document in a screen reader accessible format can be made available on request from the council office or by telephoning 01752 893815 or by emailing the Town Clerk's office townhall@ivybridge.gov.uk

| Version | Date | Comment |
|---------|--------------|---|
| V1 | 11.07.19 | |
| V2 | 30.09.20 | Amended |
| V3 | January 2021 | Working group meetings 26/1/21 and 17/2/21 |
| V3 | 06.03.23 | Amended following council meeting |
| V4 | March 24 | RECOMMENDED FOR ADOPTION BY POLICY & RESOURCES CMTE |