

IVYBRIDGE TOWN COUNCIL

# STANDING ORDERS 2021 DRAFT



Based on NALC model standing orders 2020

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## Standing Orders

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# 1. Rules of debate at meetings

- a. Members shall address the Chairperson. If two or more Members wish to speak, the Chairperson shall call upon one of them to speak first.
- b. Whenever the Chairperson speaks during a debate all other Members will be silent.
- c. Minutes of the proceedings of a Council or of a Committee meeting must be drawn up and entered in a book provided for the purpose, and must be signed at the next Council meeting or meeting of the Committee by the Chairperson presiding at the meeting (or, if received electronically, will confirm that they are deemed signed). No discussion will take place upon the Minutes except on their accuracy.
- d. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairperson of the meeting.
- e. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- f. A Member when seconding a resolution amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.
- g. A motion on the agenda that is not moved by its proposer may be treated by the Chairperson of the meeting as withdrawn.
- h. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder at the meeting.
- i. An amendment is a proposal to remove words and insert others or to insert or add words. It shall not negate the motion.
- j. 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.
- k. A Member may move an amendment to their 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.
- l. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairperson of the meeting.
- m. Subject to standing order 1. n. (below), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairperson of the meeting.

- n. One or more amendments may be discussed together if the Chairperson of the meeting considers this expedient but each amendment shall be voted upon separately.
- o. A Member may not move more than one amendment to an original or substantive motion.
- p. The mover of an amendment has no right of reply at the end of the debate on it.
- q. 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 the debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- r. Unless permitted by the Chairperson of the meeting, a Member may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Member;
  - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply
- s. During the debate of a motion, a Member may interrupt only on a point of order or a personal explanation through the Chairperson and the Member who was interrupted shall stop speaking. A Member raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- t. A point of order shall be decided by the Chairperson of the meeting and their decision shall be final.
- u. 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 requirements.
- v. Before an original or substantive motion is put to the vote, the Chairperson 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 their right of reply.

- w. Excluding motions moved under standing order 1. u. (above), the contributions or speeches by a Member shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chairperson of the meeting.
- x. Immediately after an un-recorded vote is taken at a meeting, if any Member so requires, there must be recorded in the minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question, or whether he abstained from voting.

## **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 Chairperson of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any Member or the Chairperson of the meeting may move that the person(s) 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. (above) is ignored, the Chairperson 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

*FCm* Full Council meetings

*Cm* Committee meetings

*S-cm* Sub-Committee meetings

- a. (FCm) 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 in accordance with the published calendar of meetings and shall commence at 7pm, and shall be terminated by 9pm. Subject to a proviso that by a majority decision of Members present, such closure can be extended to 10pm on the same day.
- b. **(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.**
- c. **(FCm) The minimum three days clear 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 a bank holiday or a day appointed for public thanksgiving or mourning.**
- d. **(Cm) The minimum three 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.**
- e. **(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.**
- f. There will be an Annual Town Meeting held on a date and in a format agreed by Council to which Members of the public and other interested parties will be invited.
- g. During the public participation session, 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.
- h. The period of time designated for public participation at a meeting in accordance with standing order 3.g. (above) shall not exceed fifteen minutes unless directed by the Chairperson of the meeting.
- i. Subject to standing order 3.g. (above) a Member of the public may not speak for more than three minutes.

- j. In accordance with standing order 3.g. (above), a question shall not require a response at the meeting nor start a debate on the question. The Chairperson of the meeting may direct that a written or oral response be given.
- k. A person will raise their hand when requesting to speak.
- l. A person who speaks at a meeting shall direct their comments to the Chairperson of the meeting.
- m. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairperson of the meeting shall direct the order of speaking.
- n. 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.
- 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. **(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.**
- q. **(FCm) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in their absence be done by, to or before the Deputy Mayor.**
- r. **(FCm) The Mayor, if present, shall preside at the meeting. If the Mayor is absent from a meeting, the Deputy Mayor shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a Member as chosen by the Members present at the meeting shall preside at the meeting.**
- s. **(Cm & S-cm) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Members or Members with *FCm* voting rights present and voting.**
- t. **(FCm, Cm & S-cm) The Chairperson 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 their casting vote whether or not they gave an original vote.**
- u. Voting on a motion shall be by show of hands. At the request of a Member, the voting on any motion shall be recorded so as to show whether each Member present voted for

or against that motion, or abstained from voting. Such a request shall be made before moving on to the next item on the agenda.

- v. 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 Members present and absent;
  - iii. interests that have been declared by Members and non-Members with voting rights;
  - iv. whether a Member or non-Member with voting rights left the meeting when matters in which they held interests were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made;
  - vii. the grant of dispensations (if any) to Members and non-Members with voting rights.
  
- w. **(FCm, Cm & S-cm) A Member or a non-Member with voting rights who has a disclosable pecuniary 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 their right to participate and vote on that matter.**
  
- x. **(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.**
  
- y. If, after the expiration of 15 minutes after the hour at which any meeting of the Council is appointed to be held, the Town Clerk, after counting the number of Members present, will announce that a quorum is not present and no meeting shall take place. If during the meeting the number of Members 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 Chairperson may fix.
  
- z. **(FCm, Cm & S-cm) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed.**
  
- aa. A meeting shall not exceed a period of two hours save as permitted by Standing Order 3(a)
  
- ab. (FCm, Cm & S-cm) If the Chairperson believes that discussions at a meeting are getting out of hand they will move away from the table and the discussions will cease.

#### **4. Committees and sub-Committees**

- a. The Chairperson and vice-Chairperson of a Committee or SubCommittee is elected for one year but may be re-elected for one further year. The Policy and Resources Committee will be chaired by the Mayor, or in their absence by the Deputy Mayor, and



will include the Committee Chairpersons, a Member representing the internal audit function and the remaining places made up of past mayors, selected by the Mayor. There must not be more than seven Members on the Committee.

- b. **Unless the Council determines otherwise, a Committee may appoint a sub-Committee whose terms of reference and Members shall be determined by the Committee.** Note: The terms of reference set will be constrained to within the Committee's own terms of reference.
- c. **The Members of a Committee may include non-Members unless it is a Committee which regulates and controls the finances of the Council.**
- d. **Unless the Council determines otherwise, all the Members of an advisory Committee and a sub-Committee of the advisory Committee may be non-Councillors.**
- e. 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 Committee up until the date of the next annual meeting of full 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 (above), appoint and determine the terms of office of Members of such a Committee;
  - v. may, subject to standing orders 4.b and c (above), 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 days before the meeting that they are unable to stand;
  - vi. shall permit a Committee other than a standing Committee to appoint its own Chairperson at the first meeting of the Committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a Committee and a sub-Committee which will be no less than three;
  - viii. shall determine if the public may participate at a meeting of a Committee;
  - ix. The Committee may by resolution exclude the public from a meeting, whether during the whole or part of the proceedings, whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.
  - x. may dissolve a Committee or a sub-Committee.
  - xi. The Mayor and Deputy Mayor shall be ex officio Members of all Committees, but if both are present at a Committee meeting, only the Mayor is entitled to vote.
  - xii. Any Member may attend any Committee or sub-Committee meeting, excluding Personnel Committee meetings and Complaints Sub-Committee meetings, but

Members may not take part in the meeting unless they are a Member of that Committee or there is a public participation session.

## **5. Ordinary Council meetings**

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Members elected take office.**
- b. In a year which is not an election year, the annual meeting of a Council shall take place on such a 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 eight other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e. The first business conducted at the annual meeting of the Council shall be the election of the Town Mayor and Deputy Town Mayor.**
- f. The Town Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g. The Deputy Town Mayor, unless they resign or become disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the Council.**
- h. In an election year, if the current Town Mayor has not been re-elected as a Member of the Council, they shall preside at the meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.**
- i. In an election year, if the current Town Mayor has been re-elected as a Member of the Council, they shall preside at the meeting until a new Town Mayor has been elected. They may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.**
- j. Following the election of the Town Mayor and Deputy Town Mayor at the annual meeting of the Council, the business of the annual meeting shall include:**
  - i. In an election year, delivery by the Mayor and Members 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 their 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;

The numbers below, iv to xxi, as and when agreed by Council.

- 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 (above);
- 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 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 procedures;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislations (See also section 12).
- xviii. Review of the Council's procedures for press/media; and
- xix. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council;
- xx. Review the Council's employment policies and procedures;
- xxi. Review of the Council's expenditure incurred under s137 of the Local Government Act 1972 or the General Power of Competence

## **6. 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 will be:

- a. To receive reports from the police and any other external agencies and any questions from Members and Members of the public in respect of those reports.
- b. To receive the County and District Councillors' reports and any questions from Members and Members of the public on those reports.
- c. To consider any other points raised in a public participation session within a time limit of 15 minutes, which may be extended at the discretion of the Chairperson.
- d. To receive any apologies for absence.

- e. To receive any declarations of interest in accordance with the Members' Code of Conduct.
- f. To confirm the minutes of the previous meeting of the Town Council and for the Chairperson to sign them.
- g. To receive the minutes of Committee, sub-Committee and reports from working groups.
- h. To receive any officers' reports and invite Members to raise any questions on them.
- i. To consider any motions raised by Members considered by the Proper Officer as proper motions.
- j. To consider any other items which are included on the agenda as within the scope of the Council.
- k. To exclude Members of the public, press and District and County Councillors where confidential matters not to be disclosed to the public are to be discussed. In doing so the Chairperson will read out the following statement: 'In view of the confidential nature of the business to be transacted it is advisable that the public and Members of the press be invited to withdraw.'

## **7. Extraordinary meetings of the Council and Committees and sub-Committees**

- a. **The Town Mayor may convene an extraordinary meeting of the Council at any time.**
- b. **If the Town Mayor does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Members, any two Members may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Members.**
- c. The Chairperson of a Committee or sub-Committee may convene an extraordinary meeting of the Committee or the sub-Committee at any time.
- d. If the Chairperson of a Committee or a sub-Committee does not or refuses to 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 and the sub-Committee may convene an extraordinary meeting of a Committee and a sub-Committee.

## **8. Previous resolutions**

- a. A resolution shall not be reversed within six months except by a special motion which requires written notice by at least nine Members to be given to the Proper Officer in accordance with standing order 9 (below), or by a motion moved in pursuance of the recommendation of a Committee or a sub-Committee.

- b. When a special motion or any other motion moved pursuant to standing order 8.a. (above) has been disposed of, no similar motion may be moved within a further six months.

## **9. 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 the number of votes may be settled by the casting vote exercisable by the Chairperson of the meeting.

## **10. 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 affect's 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 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 10.b. (above), 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 10.b. (above), is not clear in its meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least seven clear days before the meeting.
- e. If the wording or subject matter of a proposed motion is considered improper, the Proper Officer shall consult with the Chairperson of the forthcoming meeting, or as the case may be, the Members 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 resolution 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 provided the Chairperson if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was raised.

## **11. 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 approve the accuracy of the minutes of the previous meeting;
  - iii. to dispose of business, if any, remaining from the last meeting;
  - iv. to authorise the sealing of documents;
  - v. to authorise the payment of monies;
  - vi. to move to a vote;
  - vii. to defer consideration of a motion
  - viii. to refer a motion to a particular Committee or sub-Committee;
  - ix. to appoint a person to preside at a meeting;
  - x. to approve the absence of Members;
  - xi. to change the order of business on an agenda;
  - xii. to proceed to the next business on the agenda;
  - xiii. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
  - xiv. to close or adjourn a debate;
  - xv. to require a written report;
  - xvi. to answer questions from Members;
  - xvii. to appoint a Committee, sub-Committee or working group and their Members;
  - xviii. to dissolve a Committee, sub-Committee or working group;
  - xix. to note the minutes of a meeting of a Committee, sub-Committee or working group;
  - xx. to refer by formal delegation a matter to a Committee, sub-Committee, working group or an employee;
  - xxi. to consider a report and/or recommendations made by a Committee, sub-Committee or working group;
  - xxii. to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
  - xxiii. to extend the time limits for speaking;
  - xxiv. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
  - xxv. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;

- xxvi. to not hear further from a Member or Member of the public;
  - xxvii. to exclude a Member or Member of the public for disorderly conduct;
  - xxviii. to temporarily suspend the meeting
  - xxix. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xxx. to adjourn a meeting;
  - xxxi. to close a meeting;
- b. A motion may vary the order of business on the grounds of urgency under 11.xi. (above):
- i. May be proposed by the Chairperson or put by any Member and if proposed by the Chairperson 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 for 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 or working group, or employee provided that the Chairperson may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 12. Management of information

The Council will take account of the GDPR provisions.

- a. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information without legal justification.**
- b. **Members, staff, the Council's contractors and agents shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- c. **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 proper and electronic form. Such arrangements shall include who has access to personal data and encryption of personal data.**
- d. **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 what period (eg the Limitation Act 1980).**

### 13. Draft minutes

- a. If the draft minutes of a preceding meeting have been served on Members with the agenda to attend the meeting at which they are due to be approved for accuracy they will 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 11.a.i.(above).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairperson 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 Chairperson of the meeting does not believe that the minutes of the ( ) held on ( ) 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. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### 14. Code of conduct and dispensations

All Members and non-Members with voting rights shall observe the code of conduct adopted by the Council.

- a. Unless he has been granted a dispensation, a Member or non-Member with voting rights shall withdraw from a meeting when it is considered 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.
- b. Unless he has been granted a dispensation, a Member or non-Member 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 an interest.
- c. **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.



- d. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- e. 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 14.d. and f. (above), dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h. A dispensation may be granted in accordance with standing order 14.e.(above) if having regard to all relevant circumstances the following applies:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. granting the dispensation is in the interests of persons living in the Council's area or**
  - iii. It is otherwise appropriate to grant the dispensation**

## **15. Canvassing of and recommendations by Members**

- a. Canvassing of Members or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The 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 Member 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 15.a. and 15.b. (above) shall apply to tenders as if the person making the tender were a candidate for an appointment. See also Section 11. Contracts in the Financial Regulations.

## 16. Code of conduct complaints

See also separate complaints policy

**Upon notification by the District Council that a Member or non-Member with voting rights has breached the Council's code of conduct, the District Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

## 17. 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 and a sub-Committee:**
    - **serve on Members by delivery or post at their residences or by email authenticated in such a manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided that the Member has consented to service by email); and**
    - **provide in a conspicuous place, a public notice of the time, place and agenda of the meeting (provided that the public notice with addenda of an extraordinary meeting of the Council convened by Members is signed by them).**
  - ii. subject to standing order 10. (above), include on the agenda all motions in the order received unless a Member has given written notice at least seven days before the meeting of their withdrawal of it;
  - iii. **convene a meeting of full Council for the election of a new Town Mayor, occasioned by a casual vacancy in their 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. retain acceptance of office forms from Members;
  - vii. retain a copy of every Member'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. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - x. manage the organisation, storage of, access to 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 (eg The Limitation Act 1980);

- xi. arrange for legal deeds to be executed;
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the Chairperson, or in their absence the vice-Chairperson, 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;
- xv. manage access to information about the Council via the publication scheme;
- xvi. retain custody of the seal of the Council which shall not be used without a resolution to that effect;
- xvii. action or undertake activity or responsibilities instructed by resolution or contained in standing orders; and
- xviii. liaise, as appropriate with the Council's Data Protection Officer (if there is one).

## **18. Responsible Finance Officer**

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

## **19. 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 should be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations;
- c. The Responsible Finance Officer shall supply to each Member of the policy and resources Committee and any other Member who so request, including by electronic means, the most up to date figures available for the meeting of:
  - i. The Council's receipts and payments
  - ii. The aggregate figures for the year to date
  - iii. The balance held at the end of month being reported

and which will include a comparison with the budget for the financial year and highlight any actual or potential overspends;

- d. As soon as possible after the financial year end at 31 March, The Responsible Finance Officer shall provide:

- i. each Member of the policy and resources Committee and any other Member who so request with a statement summarising the Council's receipts and payments for the last month and the year to date information; and
  - ii. to the full 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 the proper practices and applying the form of accounts determined by the Council (income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Member 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 Council for consideration and formal approval before 30 June.

## 20. Financial controls and procurement

See separate procurement policy and section 11, Financial Regulations.

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Finance 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 Members and local electors of the Council's accounts and/or orders of payment; 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 will 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 statutory thresholds 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 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 Members or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one Member 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. In a procurement exercise the Council will comply with the Public Contracts Regulations 2015 or any replacement or update of them, in accordance with the Council's Procurement Policy and Financial Regulations.

## **21. Handling staff matters**

- a. A matter personal to a Member of staff that is being considered by a meeting of the personnel Committee or the Appeals sub-Committee is subject to standing order 12. (above).
- b. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- c. The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- d. Only persons with line management responsibilities shall have access to staff records.

- e. Access and means of access by keys and/or computer passwords to records of employment referred to in 21.c. and d. (above) shall be provided only to the Proper Officer and anyone deputised by the Proper Officer.

## **22. Requests for information**

- a. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 and the provisions of General Data Protection Regulations.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairperson of the Policy and Resources Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **23. Responsibilities under data protection legislation**

See also section 12

- 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; and**
- f. **The Council shall maintain a written record of its processing activities.**

## **24. Relations with the press/media**

See also section 5.

- a. Requests from the press or other media for an oral or written comment or statement from the Council, its Members or staff shall be handled in accordance with the Council's media policy in respect of dealing with the press and/or other media.

## **25. Execution and sealing of legal deeds**

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to standing order 25.a. (above), 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 Members who shall sign the deed as witnesses.**

## **26. 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 Councillors of the District and County Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward Councillor(s) representing the area of the Council.

## **27. Restrictions on Member activities**

- a. Unless authorised by resolution, no Member 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.

## **28. Standing orders generally**

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda of 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 requirements, shall be proposed by a special motion, the written notice of at least seven Councillors to be given to the Proper Officer in accordance with standing order 10. (above).

- c. The Proper Officer shall provide a copy of the Council's standing orders to a Member as soon as possible after he has delivered their acceptance of office form.
- d. The decision of the Chairperson of a meeting as to the application of standing orders at the meeting shall be final.

## **29. Delegated authority**

- a. Delegated authority and decision making authority may only be delegated to a Committee, sub-Committee or Proper Officer.
- b. Chairmen of Committees or Members 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 Town Mayor or Chairperson of the relevant Committee, reporting back to the relevant Committee or Council as soon as possible.
- d. The Proper Officer must produce a record of any decision which would otherwise have been made by a Council, a Committee or a 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:

- i. The date the decision was taken
- ii. a record of the decision taken along with the reasons for the decision
- iii. 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.

July 2019

Standing Orders 11.07.19

Amended 30.09.20

Consultation

January 2021 following working group meeting 26/1/2021 and 17/02/2021