

# **TRING TOWN COUNCIL**

# **STANDING ORDERS**

**Reviewed & Approved 13<sup>th</sup> March 2017 by Finance and Policy  
Committee  
(Minute 18663)**

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Town Clerk**

## PREFACE

This document provides a complete set of Standing Orders guiding the Council's business. Even if Standing Orders have not been formally adopted, a Chairman can use them as a basis for rulings on procedures if there is a dispute.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

It is, of course, recognised that local Councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

## TOWN MAYORS

The Chairman of a Town Council is entitled to use the title "Town Mayor". The title confers no additional powers on the Chairman, and in particular, has no implications for his/her conduct in meetings.

*(In the following pages the word "Chairman" includes "Town Mayor" and the word "Vice-Chairman" includes "Deputy Town Mayor". In addition, where appropriate use of the word "he" is to include the meaning "she".)*

These Standing Orders are subject to current legislation, regulations and orders and are to be read and interpreted with reference to the accompanying document "Chairmanship and Procedures".

Should the Council see fit to establish any Committees, it will draw up Terms of Reference, which shall also be read and interpreted with reference to the document "Chairmanship and Procedures".

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## STANDING ORDERS

### Meetings

#### 1. Meetings

- a) Meetings of the Council and of any committees and sub-committees it may establish, shall be held in each year on such dates and times and at such place as the Council may direct.
- b) A minimum of three clear days' notice of a meeting shall be given. 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) Smoking is not permitted at any meeting of the Council.
- d) Members of the public and press shall be admitted to all meetings of the Council, its committees and sub-committees. See SO.33a) with regard to temporary exclusion of the public and press.
- 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 1(e) above shall not exceed 20 minutes unless directed by the Chairman of the meeting.
- g) Subject to standing order 1(e) above, the time a member of the public can speak for will be determined by the Chairman.
- h) A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- i) Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- j) In accordance with standing order 1(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- k) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting

## **2. The Statutory Annual Meeting**

- a) In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the Councillors elected take office and
- b) In a year which is not an election year the Annual Council Meeting shall be held on such day in May as the Council may direct.

## **3. Ordinary Meetings**

In addition to the statutory Annual Council Meeting, at least three other statutory meetings shall be held in each year, on such dates and times, and at such place as the Council may direct.

## **4. Extraordinary meetings of the Council and committees and sub-committees**

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time**
- b) **If the Chairman of the Council does not or refuses to 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 must be signed by the two Councillors.**

## **5. Chairman of the Meeting**

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

## **6. Proper Officer**

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.

The Proper Officer shall:

- a) At least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.
- b) Give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an

extraordinary meeting of the Council convened by Councillors is signed by them);

- c) Subject to standing order 11 below, include on the agenda all motions in the order received unless a Councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- d) Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- e) Facilitate inspection of the minute book by local government electors;
- f) Receive and retain copies of byelaws made by other local authorities;
- g) Retain acceptance of office forms from Councillors;
- h) Retain a copy of every Councillor's register of interests;
- i) Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- j) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- k) Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- l) Arrange for legal deeds to be executed;
- m) 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;
- n) Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- o) Refer a planning application received by the Council to the Chairman of the Planning Committee within two working days of receipt, to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning committee;
- p) Manage access to information about the Council via the publication scheme; and
- q) Retain custody of the seal of the Council which shall not be used without a resolution to that effect.
- r) To keep proper records for all Council meetings. 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 present and absent;
  - iii. interests that have been declared by Councillors and non-Councillors with voting rights;

- iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session; and
- vi. the resolutions made.

## **7. Quorum of the Council**

- a) Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
- b) If there is no quorum or if during a meeting the number of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and any business not transacted shall be transacted at the next meeting, or on such other day as the Chairman may fix.
- c) For a quorum relating to a committee or sub-committee, please refer to Standing Order 22(j).

## **8. Code of Conduct, Declarations of Interest and Dispensations**

- 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 Office, 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 8(d) and (f) above, dispensation 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 8(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 a dispensation.

## **9. Voting**

- a) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.
- b) 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.
- c) Members shall vote by a show of hands or, if at least two members so request, by signed ballot.
- d) If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- e) Subject to (f) and (g) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- f) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- g) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## **10. Order of Business**

- a) At each Annual Council Meeting the order of business shall be as set out below, and then follow the order set out in the Standing Order 10(c):
- i. To elect a Chairman of the Council (This must always be the first item).  
The Chairman 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. See also SO.9(f)&(g) above.
  - ii. To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - iii. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - iv. To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
  - v. To appoint a Vice-Chairman of the Council.  
The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.
  - vi. To appoint representatives to outside bodies.
  - vii. To appoint committees and sub-committees.
  - viii. To inspect any deeds and trust investments in the custody of the Council as required
  - ix. To set out a schedule of meetings for the year;
- b) At every meeting other than the Annual Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent, and to receive such declarations of acceptance of office (if any), and undertaking to observe the Council's code of conduct, as are required by law to be made or, if not then received, to decide when they shall be received.

After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency (see SO.10(c) below), will follow the order set out below:

- i. To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- ii. 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.
- iii. 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 12.i below.

- iv. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- v. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- vi. "The Chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record, but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- vii. 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.
- viii. To deal with business expressly required by statute to be done.
- ix. To dispose of business, if any, remaining from the last meeting.
- x. To receive such communications as the person presiding may wish to lay before the Council.
- xi. To answer questions from Councillors.
- xii. To receive and consider reports and minutes of committees.
- xiii. To receive and consider reports from officers of the Council.
- xiv. To receive and consider resolutions or recommendations in the order in which they have been notified.
- xv. To authorise the sealing of documents.
- xvi. If necessary, to authorise the signing of orders for payment.
- xvii. To consider any other business specified in the agenda.

- c) Urgent Business - a motion to vary the order of business on the ground of urgency:
  - i. May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
  - ii. Shall be put to the vote without discussion.

**11. 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 which it is tabled for 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 9 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 11(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 SO.11(b) above is not clear in 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 5 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 Chairman 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) Subject to SO.11(e) above, 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 in a book for that purpose and numbered in the order in which they are received.
- h) Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.
- i) If the subject matter of a motion comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

- j) Every motion or recommendation shall be relevant to some subject over which the Council has power or duties, or which affects its area.

## **12.Motions moved without notice**

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 amend a motion
- iv. To give leave to withdraw a resolution or amendment
- v. to defer consideration of a motion
- vi. to refer a motion to a particular committee or sub-committee
- vii. to appoint a person to preside at a meeting
- viii. to change the order of business on the agenda
- ix. to proceed to the next business on the agenda
- x. to require a written report
- xi. to appoint a committee or sub-committee and their members
- xii. to extend the time limits for speaking
- xiii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
- xiv. to not hear further from a Councillor or a member of the public
- xv. to exclude a Councillor or member of the public for disorderly conduct
- xvi. to temporarily suspend the meeting
- xvii. to suspend a particular standing order (unless it reflects mandatory statutory requirements)
- xviii. to adjourn the meeting
- xix. to close a meeting.

## **13. Questions**

- a) A member may ask the Chairman of the Council or the Committee, or the Clerk any question concerning current agenda item.
- b) Every question shall be put and answered without discussion.
- c) The person to whom a question has been put may decline to answer.

## **14. Rules of Debate**

- a) Motions on the agenda shall be considered in the order in which they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chairman, be put in writing and handed to him before it is further discussed or put to the meeting.
- c) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes. A new matter may not be introduced in a right of reply.
- d) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- e) Discussion:
  - i. Whenever the Chairman speaks during a debate all other members shall be silent.
  - ii. A member shall direct his speech to:
    - a) the question under discussion
    - b) or to a personal explanation
    - c) or to a question of order
  - iii. No speech shall exceed 5 minutes except by consent of the Council.
  - iv. A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
  - v. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
  - vi. Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
    - a) to speak on an amendment moved by another Councillor
    - b) to move or speak on another amendment if the motion has been amended since he last spoke
    - c) to make a point of order (see vii below)
    - d) to give a personal explanation (see vii below)
    - e) in exercising a right of reply
  - vii. During the debate of a motion, a Councillor may interrupt only on a point of order or to give a personal explanation and the Councillor who was interrupted shall stop speaking:

- a) 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/she is concerned by
  - b) A personal explanation shall be confined to some material part of a former speech by him or her which may have been misunderstood
  - c) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- viii. When a motion is under debate, no other motion shall be moved except (see SO.12 'Motions moved without notice'):
- a) to amend the motion
  - b) to proceed to the next business
  - c) to adjourn the debate
  - d) to put the motion to a vote
  - e) to ask a person to be no longer heard or to leave the meeting
  - f) to refer a motion to a committee or sub-committee for consideration
  - g) to exclude the public and press
  - h) to adjourn the meeting
  - i) to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements
- f) Amendments
- i. An amendment will be to:
    - a) leave out words
    - b) insert or add words
    - c) be a combination of the above
  - ii. An amendment shall not negate the motion being discussed.
  - iii. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
  - iv. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
  - v. Only one amendment shall be moved and debated at a time, unless the Chairman of the meeting considers it expedient to discuss two or more amendments together. However each amendment shall be voted upon separately.

- vi. A member may, with the consent of his/her seconder, move amendments to his/her own motion
- vii. A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- g) Closure - at the end of any speech a member may, without comment, move: "that the question be now put"

### **15. Right of Reply**

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### **16. Alteration of Resolution**

A member may, with the consent of his or her seconder, move amendments to his or her own resolution.

### **17. Rescission of Previous Resolution**

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special **motion**, the written notice whereof bears the names of at least 4 members of the Council, or by a **motion** moved in pursuance of the report or recommendation of a committee.
- b) When a special **motion** or any other **motion** moved under the provisions of paragraph (a) of this Order has been disposed of, no similar **motion** may be moved within a further six months.

### **18. Disorderly Conduct of Members**

- a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

## **19. Resolutions on Particular Subjects**

### a) Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on 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 Chairman of the meeting**

### b) Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 33.)

### c) Resolutions on Expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

## **20. Expenditure**

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members and the Clerk.

## **21. Sealing of Documents**

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) The Council's Common seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of a member who shall sign the document as witness.

## **Committees and Sub Committees**

### **22. Committees and Sub Committees**

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- a) Shall determine their terms of reference
- b) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- c) May appoint persons other than members of the Council to any Committee except to a Committee which regulates or controls the finances of the Council; and
- d) May subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committee.
- e) Any persons appointed under (c) above shall not have voting rights, except the management of land, harbours, tourism and festivals.
- f) To safeguard a quorum and to ensure an adequate spread of representation, the following Scheme of Substitution shall apply:

Any Member, for the time being, of the Council's Standing Committees or Sub-committees may be substituted (in respect of one or more meetings of the Committee or Sub-committee) in accordance with the following provisions:

- i. The Member to be substituted may only be substituted by another named Member of the Council who has been specifically named as such in the approved list of members of Standing Committees and Sub-committees.
- ii. Substitution shall be permitted when a Councillor is ill, or away on business or holiday; but shall not be used habitually in order to change the make-up of a Committee or Sub-committee.
- iii. Members of Committees sitting ex officio shall not, by reason of their status, be allowed substitutes.
- iv. Each Councillor shall be responsible for arranging their own substitute's attendance.
- v. Any Councillor arranging a substitution shall inform the Clerk of the meeting of the arrangement before the start of the meeting in question.
- vi. A record shall be kept in the Minutes of the Meeting of any substitutions made in accordance with this Standing Order; and the record shall, as such, be open to inspection by the public.
- vii. Any substitution effected in accordance with this Standing Order shall be reported to the next meeting of the Council, by means of

the Minutes of the Committee or Sub-committee concerned.

- viii. A maximum of three Members shall be named as substitutes for each Standing Committee or Sub-committee; two from the Majority Party and one from the Minority Party.
- g) The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.
- h) The Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- i) Every committee may appoint sub-committees for purposes to be specified by the committee.
- j) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be 3 voting members.
- k) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

### **23. Extraordinary Meetings**

- a) **The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.**
- b) **If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee (or the sub-committee), any 2 members of the committee (and the sub-committee) may convene an extraordinary meeting of a committee (and a sub-committee).**
- c) The summons shall set out the business to be considered at the extraordinary meeting and no other business shall be transacted at that meeting.

### **24. Voting in Committees**

- d) Members of committees and sub-committees entitled to vote shall vote by show of hands or, if at least two members so request, by signed ballot.
- e) Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
- f) A Member of the Council who has proposed a resolution, which has been referred to any committee of which he/she is not a member, may explain his resolution to the committee but shall not vote.

## **25. Working Parties**

- a) The Council may create working parties, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each working party of the terms of reference of the working party.
- c) A working party may make recommendations and give notice thereof to the Council.
- d) The membership of a working party must include at least 1 Member of the Council.

## **Matters of Conduct**

### **27. Interests**

- a) If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 19<sup>th</sup> November 2012 Minute 16612 then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- b) The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- c) If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, (a) & (b) above shall apply as appropriate.
- d) The Clerk shall make known the purpose of (c) to every candidate.

### **28. Canvassing of and Recommendations By Members**

- a) Canvassing of Members of the Council 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 purport of this sub-paragraph of this Standing Order to every candidate.
- b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability,

experience or character for submission to the Council with an application for appointment.

- c) Standing Order Nos. 27(c)&(d) and 28 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **29. Unauthorised Activities**

Unless authorised by a resolution, no member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:

- i. Inspect any lands or premises which the Council has a right or duty to inspect;
- ii. Or issue orders, instructions or directions

### **30. Confidential Business**

- a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **31. Code of Conduct on Complaints**

- a) Upon notification by the District Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to Standing Order 30 above, report this to the Council.
- b) Where the notification in Standing Order 31(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 31(d) below
- c) The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d) Upon notification by the District Council that a Councillor or non-Councillor with voting rights has breached the Council's code of

conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

- e) Complaints of maladministration allegedly committed by any officer shall be referred to the Staffing and Employment Committee.

## **Openness**

### **32. Inspection of Documents**

- a) A member may for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b) All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

### **33. Admission of The Public and Press to Meetings**

- a) The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution:

“That under Section 1 of the Public Bodies (Admission to Meetings) Act 1960 the public and press be excluded during the items in Part II of the agenda for this meeting, because it is likely that publicity would prejudice the public interest by reason of the confidential nature of the business or for other special reasons stated in the resolution, arising from the nature of the business or proceedings”.

- b) At all meetings of the Council, the Chairman may at his/her discretion, and at a convenient time in the transaction of business, allow any members of the public to address the meeting in relation to the business to be transacted. Such sessions form part of the Council meeting in law and shall be duly minuted.
- c) The Code of Conduct which was adopted by the Council on 19<sup>th</sup> November 2012 Minute 16612 shall apply to members of the Council in respect of the entire meeting. Where, however, members of the Council exercise their rights pursuant SO 33d) below, members of the public **shall** be allowed to attend the meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted.
- d) At all meetings of the Council, the Chairman may permit members of the Council (including co-opted members as defined by s.49 (7) Local Government Act 2000) who have a prejudicial interest in relation to any item of business to be transacted at that meeting to (a) make representations, (b) answer questions or (c) give evidence relating to the business to be transacted. Such sessions form part of the Council

meeting in law and shall be duly minuted. The Code of Conduct shall apply to members of the Council in respect of the entire meeting.

- e) The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.
- f) Audio or video recording or taking photographs of the meeting is permitted in accordance with the Protocol on the recording and filming of Council and Committee Meetings.
- g) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

#### **34. 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.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Finance & Policy committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

#### **35. Relations with the Press/Media**

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.

#### **36. Liaison with County and Borough Councillors**

- a) A summons and Agenda for each meeting shall be sent to the County and Borough Councillors for the appropriate division or ward.
- b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or Borough Council shall be transmitted to the County Councillor for the division or to the Borough Councillor for the ward as the case may require.

### **Planning**

#### **37. Planning Applications**

- a) The Clerk shall, as soon as it is received, record for the purpose the following particulars of every planning application notified to the Council:
  - i. the date on which it was received

- ii. the name of the applicant
  - iii. the place to which it relates.
- b) The Clerk shall refer every planning application to the Council or the Planning Committee

## **Finance (see also the Financial Regulations)**

### **38. Financial Controls & Procurement**

- a) **The Council shall appoint an appropriate person to the role of Responsible Financial Officer.**
- b) The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- c) 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. procurement policies, subject to (e) below, including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- d) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- e) **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in (f) below.**
- f) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the

- execution of works shall be drawn up;
- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- g) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- h) **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **39. Accounts and Financial Statement**

- a) "Proper practices" in standing orders refer to the most recent version of 'Governance and Accountability for Smaller Authorities in England'
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise the times below and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends:
  - i. the Council's receipts and payments for each quarter;
  - ii. the Council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported
- d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e) The yearend accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual 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.

#### **40. Estimates / Precepts**

- a) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 31<sup>st</sup> October.

### **Staffing Matters**

#### **41. Handling staff matters**

- a) A matter personal to a member of staff that is being considered by a meeting of Council or the Staffing & Employment Committee is subject to standing order 30 above.
- b) Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of Staffing & Employment Committee or, if he/she is not available, the vice-Chairman of Staffing & Employment Committee of absence occasioned by illness or other reason and that person shall report such absence to the Staffing & Employment Committee at its next meeting.
- c) The Chairman of the Staffing & Employment Committee or in his/her absence, the vice-Chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Staffing & Employment Committee.
- d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Staffing & Employment Committee or in his absence, the vice-Chairman of the Staffing & Employment Committee in respect of an informal or formal grievance matter, and

this matter shall be reported back and progressed by resolution of the Staffing & Employment Committee.

- e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Chairman or vice-Chairman of the Staffing & Employment Committee, this shall be communicated to another member of the, which shall be reported back and progressed by resolution of the Staffing & Employment Committee.
- f) 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.
- g) 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.
- h) Only persons with line management responsibilities shall have access to staff records referred to in (f) and (g) above if so justified.
- i) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders (f) and (g) above shall be provided only to Town Clerk and the Chairman of the Council.

## **Use of the Seal**

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

*See also standing orders 16(l) & (q) above*

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) **Subject to standing order 22(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 Councillors who shall sign the deed as witnesses.**

## **Standing Orders Generally**

### **43. Variation, Revocation and Suspension of Standing Orders**

Any or every part of the Standing Orders, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to any specific item of business.

A motion – proposed in accordance with Standing Order 11 above - permanently to add, vary or revoke a Standing Order, except one that incorporates mandatory statutory requirements, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

#### **44. Standing Orders to be Given to Members**

The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form and written undertaking to observe the Code of Conduct adopted by the Council.

#### **45. Rulings on Standing Orders**

The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.