

**TRING TOWN COUNCIL**

**STANDING ORDERS  
&  
CHAIRMANSHIP**

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Town Clerk

## PREFACE

This booklet contains two major sections. Part I is intended as guide for those presiding at meetings of Local Councils and a source to refer to when there is a procedural difficulty during a meeting. Part II provides a complete model set of Standing Orders incorporating various new requirements, such as those to be observed under the new Code of Conduct. 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.

If the words “Local Councils” are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

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 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”.)*

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## PART I - CHAIRMANSHIP

(NOTE: In this part, the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee," where any function has been delegated. The Standing Orders in Part II may be applied or modified accordingly.)

### BASIC PRINCIPLES

1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions that they can understand.
2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action, is such an instruction.
3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to *reach, without unreasonable delay, an intelligible and lawful decision for the right reasons*. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-
  - (a) protect the Council against *outside interference*;
  - (b) ensure that everything to be discussed is *lawful*;
  - (c) ensure that the Council is invited to deal with *clear issues*;
  - (d) ensure that as far as possible *information is complete*;
  - (e) permit every point of view to have a *fair hearing*;
  - (f) ensure that opinions expressed are *relevant* to the matter in hand;
  - (g) ensure that business is transacted with *reasonable speed*;
  - (h) ensure as far as possible that proceedings are *friendly and free form personalities*;
  - (i) co-operate with the officers and Councillors.

### THE AUTHORITY OF THE CHAIR

#### *Origin*

4. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

#### *Nature and Limitations*

5. Whether or not the Council has passed any Standing Order s, the Chairman's procedural authority is derived from the Council as a whole and an individual Councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a Councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.

6. The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

#### PRELIMINARY

7. Before any meeting, the Chairman should study the items on the agenda with either the Clerk or any other officers, and should in effect ask in respect of each item the following questions:-

What does it mean?

Is it lawful?

Do we know enough about it?

Has any member special knowledge of this problem?

Is there any member who may have a prejudicial interest?

#### OUTSIDE INTERFERENCE

##### *Public Disturbances*

8. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but maybe necessary.
9. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.

##### *Personal and Prejudicial Interests*

10. The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial (England) or requires withdrawal (Wales), the member should withdraw from the meeting and take no further part in the relevant proceedings or seek to influence those proceedings. The Chairman should before a meeting consider whether any member (including himself) may have any such interest,

and may draw the individual member's attention to the possibility before it starts. However, ultimately, it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board (England) or the Commission (Wales).

#### *Rulings on notices*

11. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

#### *Quorum*

12. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest (England) or a personal interest requiring withdrawal (Wales) should consider making an application for dispensation to their standards committee where appropriate.

#### *Ultra Vires Proposals*

13. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The section 137 power (*contained in the Local Government Act 1972*) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

### A CLEAR ISSUE

14. *Every* decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:-

- (a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;

- (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

#### *The Affirmative Form*

15. The most exact method of putting a question to the vote is by the use of the following formula:-

“The resolution is as follows: -

(e.g.) *‘That the Clerk’s salary be raised to £5,000 a year.’*

The motion is that this resolution be agreed to.”

(Note: A *resolution* is a proposal of the action intended to be taken: for example “That the Council buy a mower”. A *motion* is the procedural formula by which the Council disposes of business: for example “The motion is that the resolution be amended by \_\_\_\_\_” or “The motion is that the Council do now adjourn”.)

#### *Separating the Issues*

16. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail subsidiary to the principal issue.

17. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other; for instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:-

“If the Council is to spend its money would it prefer a swimming pool or a playing field?”

In more formal language the issue is put to the vote by substantive resolution and amendment: -

“The resolution is that the swimming pool be provided. To this the following amendment has been moved: -

*leave out the words ‘swimming pool’ and substitute the words ‘new playing field.’*

The motion is that this amendment be agreed to.”

18. A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, in the example, if the amendment

is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting *the resolution as amended to the vote*. (See also paragraph 35 below.)

## METHOD OF VOTING

19. The rules on the manner in which decisions are taken are peremptory and admit no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

## COMPLETENESS OF INFORMATION

20. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the Clerk to supply. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the Clerk to obtain the answers by a specified date.

## IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own, if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.
22. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

## RELEVANCE

### *General Rule*

23. A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly,

because the relevance of what is being said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for “barracking from the chair” it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to “clear the air”. Too harsh suppression can breed ill will and a sense of grievance.

### *Personalities*

24. The Chairman should do his best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the Chairman, should only be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.

### *Methods of Enforcement*

25. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

### *Revival of Decided Issues*

26. The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to “hark back” to a previous agenda item should be firmly ruled out of order as irrelevant to the matter *now* under discussion, even if the member who raises it was not present when the item was considered.

### *Minutes*

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

### *Other Problems*

28.
  - (a) If any substantial issue arises on a matter dealt with in the Minutes, it is better to have a separate agenda item than to discuss it under “Matters Arising”. That heading should be used only for reports of progress and not for new or additional decisions.

- (b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every Councillor the Clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example “Mrs Smith of \_\_\_\_\_ has written asking the Council to get the pile of rubbish removed from outside 48 \_\_\_\_\_ Lane”.

## REASONABLE DESPATCH

### *Intervals*

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

### *Obstruction at Meetings*

30. Deliberate obstruction is rare, but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (*For points of order see paragraph 33 below.*)

### *Repetition*

31. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.

### *References*

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

## SOME PROCEDURAL POINTS

### *Points of Order*

33. Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the Clerk) must give a ruling the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion. (See Standing Order 31(a) below.)

### *Procedural Resolutions*

34. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

### *Closure Motions*

35. The following are the respective effects of closure resolutions:-

- (a) On the passing of a resolution to proceed to *next business* proceedings on the business in hand come to a stop and no decision upon it can be taken.
- (b) On the passing of a resolution that the *question be now put* the mover is usually entitled to reply before the matter is put to the vote. By custom the Chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
- (c) A resolution to *adjourn a discussion or a meeting* stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.

### *Amendments*

- 36.
- (a) An amendment, which in substance negates the principle resolution, should not be allowed because it is confusing and unnecessary.

- (b) An amendment should always be put to the vote before the resolution that it seeks to amend. (See also paragraph 18 above.)

### *Any Other Business*

37. The summons to a meeting of a Local Council must by law *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract. There is no practical objection to exchanges of information under “A.O.B.” or the giving of a preliminary notification of important business for next time.

### *“Urgent” Business*

38. The law makes no provision for dealing with “urgent” business. If it is “urgent” only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely “urgent”, that is it was too late for the agenda *and* it will be too late for action if left till the next ordinary meeting an additional meeting should be called *or* the Council should have a regular arrangement for the reference of such matters either to a committee or to the Clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

## USE OF CHAIRMAN’S VOTES

39. Save on one occasion the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, and it is obviously undesirable and undignified for him to wait and then say “the voting is 5 to 4 against; I therefore vote in favour which makes it even.”
40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution *not* carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

## PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is opinion that such exclusion is reasonable and in the public interest. Where the

public and Press have been excluded the *decisions* made in the closed session must be minuted: a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion *must* be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

#### MALADMINISTRATION

42. Parish and Community Councils are not subject to the jurisdiction of the Local Ombudsman. There is, therefore, no outside body that can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly. The National Association has therefore published *Legal Topic Note 56 – Code of Practice in Handling Complaints*, which recommends a standard and formal procedure to all Councils. In light of the Local Government Act 2000, Councils are recommended to agree, with their Standards Committee, a form of complaint procedure for matters falling outside the jurisdiction of the Standards Board.

#### PUBLIC PARTICIPATION

43. The public cannot, of course, take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.

#### LENGTH OF MEETINGS

44. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break. Some organisations embody this idea in a Standing Order. This has not been done here, but Councillors may well find it advantageous to establish a custom.

## Part II Standing Order for Tring Town Council

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## **Preamble**

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” which shall form part of these Standing Orders.

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”.

## 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) 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) 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.**
- d) Members of the public and press shall be admitted to all meetings of the Council, its committees and sub-committees. See Standing Order 31(a) 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) Subject to Standing Order 1(l), 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.

- l) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- m) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one)
- n) 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 or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- b) **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- 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 freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- j) Liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- k) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- l) assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- m) Arrange for legal deeds to be executed;

- n) 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;
- o) Record electronically every planning application notified to the Council and the Council's response to the local planning authority;
- p) 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;
- q) Manage access to information about the Council via the publication scheme;
- r) Retain custody of the seal of the Council which shall not be used without a resolution to that effect;
- s) Consider dispensation requests (see Standing Order 8 below)
- t) 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. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.

## **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 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 20(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(b):
  - i. **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council..**

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 Standing Order 9(f)&(g) above.

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.

- ii. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall**

**preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**

- iii. **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
  - iv. **Delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - v. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - vi. To appoint committees and sub-committees.
  - vii. To appoint representatives to outside bodies.
  - 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;
  - x. 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;
- 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 Standing Order 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: "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."
  - vi. 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.
  - vii. To deal with business expressly required by statute to be done.
  - viii. To dispose of business, if any, remaining from the last meeting.
  - ix. To receive such communications as the person presiding may wish to lay before the Council.
  - x. To receive and consider reports and minutes of committees.
  - xi. To receive and consider reports from officers of the Council.
  - xii. To receive and consider resolutions or recommendations in the order in which they have been notified.
  - xiii. To authorise the sealing of documents.
  - xiv. If necessary, to authorise the signing of orders for payment.
  - xv. 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 Standing Order 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) 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 the 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 motion 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) A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d) If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reverse his/her speech until a later period of the debate
- 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 (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
  - iv. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
  - v. 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.
  - vi. 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.
  - vii. A councillor may not move more than one amendment to an original or substantive motion. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- g) Discussion:
- i. Whenever the Chairman speaks during a debate all other members shall be silent.
  - ii. The contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.
  - iii. A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.
  - iv. Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
  - v. 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
  - vi. 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.
- vii. When a motion is under debate, no other motion shall be moved except (see Standing Order 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

h) Right of Reply:

- i. The mover of a resolution shall have a right to reply, not exceeding 3 minutes, immediately before the resolution is put to the vote.
  - ii. If an amendment is proposed, the mover of the amendment shall be entitled to reply, not exceeding 3 minutes, immediately before the amendment is put to the vote.
  - iii. 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.
- i) Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

## **15. 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 (see Standing Order 11(b)) 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.

## **16. 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.

## **17. 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 (see Standing Order No. 38)

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 28.)

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).

## **Committees and Sub Committees**

### **18. 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;**
- d) Shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
- e) Shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- f) Shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- g) Shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- h) May subject to the provisions of Standing Order 17 above at any time dissolve or alter the membership of committee.
- i) Any persons appointed under (c) above shall not have voting rights, except the management of land, harbours, tourism and festivals.
- j) 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.
- k) The Chairman and Vice-Chairman, *ex-officio*, shall be voting members of every committee.
- l) 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.
- m) Every committee may appoint sub-committees for purposes to be specified by the committee.
- n) 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.
- o) 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.

- p) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

### **19. 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.

### **20. Voting in Committees**

- a) 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.
- b) Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
- c) 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.

### **21. 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**

### **22. 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.

### **23. 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 22(c)&(d) and 23 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **24. 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

## **25. 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.

## **26. 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 25 above and Standing Order 31 below, report this to the Council.
- b) Where the notification in Standing Order 26(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 26(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**

### **27. 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.

## **28. 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 30(d) 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) Subject to Standing Order 28(g), 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**
- g) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

- h) 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.

## **29. Responsibilities To Provide Information**

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

## **30. Responsibilities Under Data Protection Legislation**

(Below is not an exclusive list).

*See also Standing Order 31.*

- a) The Council may appoint a Data Protection Officer.
- b) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c) The Council shall have a written policy in place for responding to and managing a personal data breach.
- d) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f) The Council shall maintain a written record of its processing activities.

## **31. Management Of Information**

- a) **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b) **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

### **32. 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.

### **33. 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**

### **34. 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)**

### **35. 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.
  - vi. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- d) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- e) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in Standing Order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- i) A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

### **36. 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 Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e) The year-end accounting statements shall be prepared in accordance with proper practices and 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 Councillor at least 14 days prior to anticipated approval by the Council. 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.

### **37. 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**

### **38. 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 28 & 31 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**

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

*See also Standing Orders 6(m) & (r) above*

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) **Subject to Standing Order 39(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**

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

- a) 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.
- b) 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.

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

The Proper Officer shall provide a copy of the Council's Standing Order s 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.

### **42. Rulings on Standing Orders**

The decision of the Chairman of a meeting as to the application of Standing Order s at the meeting shall be final.