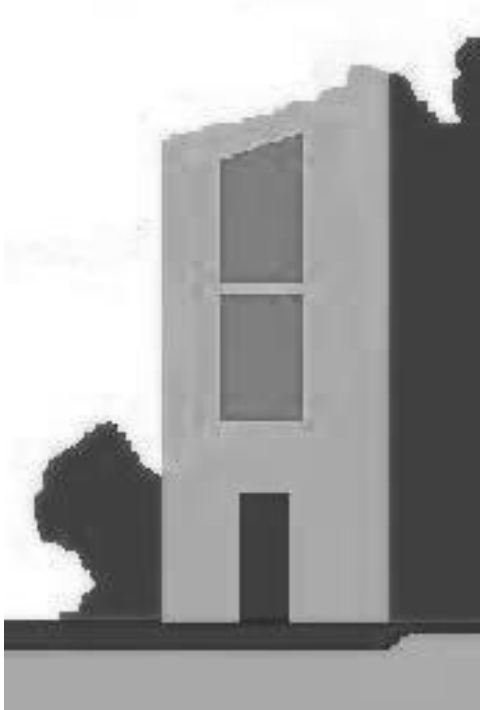


# **PONTELAND TOWN COUNCIL**



## **STANDING ORDERS**

### **AMENDED VERSION MARCH 2021**

**(Approved by Council on 10<sup>th</sup> March 2021).**

**Previous amendment March 2020**


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# 1 Meetings

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	●

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda or any other matter which is within the council's jurisdiction.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not normally exceed (15) minutes but may be varied at the Chairman's discretion. Such period shall normally be immediately prior to the meeting.

- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only and shall not speak for more than 2 minutes, save that a supplementary query may be raised in respect of a verbal answer if given but the member of the public shall not speak for more than 1 minute in respect of this query.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. All questions shall be submitted to the Council in writing by 12 midday on the sixth day before the date on which the Council is to meet, e.g. the Thursday before a Wednesday meeting.
- h In accordance with standing order 1(g) above, the Mayor may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j A person including a councillor shall raise their hand when requesting to speak.
- k Any person including a councillor speaking at a meeting shall address their comments to the Mayor.
- l Only one person including a councillor is permitted to speak at a time. If more than one person including a councillor wishes to speak, the Mayor shall direct the order of speaking.
-  m The public may record and transmit electronically the proceedings of a

meeting of the Council and of any of its committees. No recording may be made of the public who are in attendance at the meeting, or of matters that occur in the meeting place immediately prior to or following the meeting without the Council's prior consent.

- n** In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in his absence be done by, to or before the Deputy Mayor (if any).
- p** The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- q** Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.
- r** The Mayor may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. (*See also standing orders 2 (i) and (j) below.*)
- s** Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item

of business on the agenda.

- t** **The minutes of a meeting shall record the names of councillors present** as well as apologies if any which shall be approved by the Council.
- u** **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- v** **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a councillor at a meeting shall be recorded in the minutes.** (*See also standing orders 7 and 8 below.*)
- w** **No business may be transacted at a Council meeting or Committee or Working Party unless at least one third of the whole number of members of the Council or Committee or Working Party are present and in no case shall the quorum of a meeting be less than 3.**
- x** **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- y** Meetings shall not exceed a period of 2 hours. Such period shall exclude any periods of public participation.

## **2 Ordinary Council meetings**

*See also standing order 1 above*

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e The election of the Mayor and Deputy Mayor shall be the first business completed at the annual meeting of the Council.**
- f The Mayor, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g The Deputy Mayor, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.**
- h In an election year, if the current Mayor has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.**

- i In an election year, if the current Mayor has been re-elected as a member of the Council, they shall preside at the meeting until a new Mayor has been elected. They may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.**
  
- j Following the election of the Mayor and Deputy Mayor (if any) at the annual meeting of the Council, the order of business shall be as follows unless the council agrees to defer items iii to xvii to later in the Council year.**
  - i. In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements to committees, working groups, sub working groups, employees and other local authorities.
  - iv. Review of the terms of references for committees, working groups and advisory groups. Such review shall be delegated to a working party and their report will be reviewed at a subsequent meeting.
  - v. Receipt of nominations to existing committees, working groups and advisory groups.
  - vi. Appointment of any new committees, working groups and advisory groups, confirmation of the existing terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them and selection thereof.
  - vii. Review and adoption of existing standing orders, financial regulations and policies.
  - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - ix. Review and selection of representation on or work with external bodies and arrangements for reporting back.
  - x. In a year of Council elections, if a Council's period of eligibility to



exercise the power of well-being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

- xi. Review of inventory of land and assets including buildings and office equipment.
- xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii. Review of the Council's and/or employees' memberships of other bodies.
- xiv. Establishing or reviewing the Council's complaints procedure.
- xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 2018.
- xvi. Establishing or reviewing the Council's policy for dealing with the media and social media.
- xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead

**k. COVID-19 Modification of meetings<sup>[1]</sup>**

- i. Persons attending a council meeting do not need to be in the same place. "Place" means more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- ii. A member in remote attendance attends the meeting at any time if the member is able at that time:
  - a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
  - b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
  - c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

- iii. Voting at remote meetings will be carried out by a show of hands, by a roll call of councillors' names and asking them to state their vote or by another method of voting, should a platform allow it.
- iv. The method of remote access for the press and public will be advertised on the meeting's agenda.
- v. Notice of a meeting must be placed on the Council's website<sup>[2]</sup> or in a prominent physical place to meet advertising standards contained in Schedule 12 of the Local Government Act 1972.
- vi. The Council will take account of social distancing requirements before deciding to put notices in physical spaces.
- vii. There is no requirement for the Parish Council to hold its annual meeting.

<sup>[1]</sup> The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; In force between the dates of 4 April 2020 – May 2021

<sup>[2]</sup> National Association of Local Councils, Legal Briefing Note, 3 April 2020.

### 3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.

**Give public notice of the time, date, venue and agenda at least 3**

**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).** The period for working groups and advisory groups shall be at the Clerk's discretion.

- i. **If a councillor confirms their consent to receive the council summons by electronic means the Proper Officer can submit the agenda in that form provided that the e-mail and summons contain the electronic signature and title of the Proper Officer.**
- ii. Subject to standing orders 4(a)–(e) below, include in 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.
- iii. **Convene a meeting of full Council for the election of a new Mayor occasioned by a casual vacancy in their office, in accordance with standing order [3(b)i] OR [3(b)ii] above.**
- iv. Make available for inspection the minutes of meetings.
- v. **Receive and retain copies of byelaws made by other local authorities.**
- vi. **Receive and retain declarations of acceptance of office from councillors.**
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection, and a copy will be available on the Council's website as well as on the County Council's website.
- viii. Keep proper records required before and after meetings.
- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the Council's procedures relating to the same.
- x. Receive and send general correspondence, notices, letters and e-mails on behalf of the Council except where there is a resolution to the contrary.

- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also standing orders 14(a) and (b).*)
- xiii. Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority. These records are contained in the minutes of the Planning Committee.
- xv. Refer a planning application received by the Council to the Mayor or in their absence the Deputy Mayor or in their absence Chairman (if any) of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee.
- xvi. Prepare and issue the agenda for the meetings of the Council, Committees, Sub Committees, working groups, sub working groups and advisory groups after consulting the Mayor or Chairman of each and such councillors as are deemed appropriate by the Proper Officer and issue 3 clear days before the meeting excluding Sundays and public holidays. This does not apply to special panels, working groups, advisory groups and special interest groups where the period shall be at the discretion of the Proper Officer. This duty may be delegated to other officers if the Proper Officer so determines.
- xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4 Motions requiring written notice**

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 14 clear days before the next meeting together with a written report

relating to such motion.

- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 in clear and certain language at least 14 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e Having consulted the Mayor or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be retained on file, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection which shall be retained on file and which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents. If any motion or resolution shall not so relate it shall be rejected by the Clerk.

## 5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
- i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation for consideration or resolution a matter to a committee, sub-committee, working group, sub working group, advisory group or an employee.
  - x. To appoint a committee or sub-committee or working group or advisory group or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee or working group or advisory group.
  - xii. To dissolve a committee or sub-committee or working group or advisory group.
  - xiii. To note the minutes of a meeting of a committee or sub-committee or working group.
  - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or a working group or an advisory group or a councillor or an employee of the Council.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds [signed by two councillors] and witnessed.  
*(See standing orders 14(a) and (b) below.)*
  - xvii. To authorise the payment of monies up to £50,000.

- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.

**xxiii. To suspend any standing order except those which are mandatory by law.**

- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors and members of the public.
- xxvii. To receive the Mayor's report, County councillors' report and such other matters that do not require a decision at the Clerk's discretion.

- b If a motion falls within the terms of reference of a committee or sub-committee or working group or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or working group or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **6 Rules of debate**

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Mayor's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.

- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Mayor, be produced in writing and handed to the Mayor who shall determine the order in which they are considered.
- e A councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
  - iv. to defer consideration of the proposal.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Mayor. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Mayor considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the



order directed by the Mayor.

- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Mayor and their decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under

debate no other motion shall be moved except:

- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for them to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Mayor shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Mayor shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **7 Code of conduct (England)**

*See also standing orders 1(d)–(i) above*

- a All councillors shall observe the code of conduct adopted by the Council.**
- b** All councillors shall undertake training in the code of conduct within 12 months of the delivery of their declaration of acceptance of office.
- c** Councillors with a disclosable pecuniary interest in relation to any item of business being transacted at a meeting shall not participate in a discussion or vote on the matter. At the discretion of the Council they may be asked by resolution to leave the meeting.

- d Councillors with a disclosable Interest other than pecuniary in relation to any item of business being transacted at a meeting may speak on the matter but shall not vote.
- e Where a matter arises which relates to a financial Interest of a friend, relative or close associate, the member shall disclose the nature of interest and not vote on the matter. Such member may speak on the matter at the discretion of the Council.
- f On a written request made to the Council's Proper Officer the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has a disclosable interest If the Council considers it to be appropriate.

## **8 Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided 10 clear days notice of the question has been given to the Proper Officer.
- b Every question shall be put and answered without discussion.

## **9 Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be

confirmed by resolution and shall be signed by the Mayor and stand as an accurate record of the meeting to which the minutes relate. If the Mayor does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Mayor 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 majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”

- d* Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10 Disorderly conduct**

- a* No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b* If, in the opinion of the Mayor, there has been a breach of standing order 10(a) above, the Mayor shall express that opinion and thereafter any councillor (including the Mayor) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c* If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Mayor may take such further steps as may reasonably be necessary to enforce it and/or the chairman may adjourn the meeting.

## **11 Rescission of previous resolutions**

- a* A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 4 councillors of the Council, or

by a motion moved in pursuance of the report or recommendation of a committee which motion has been supported by at least 4 councillors.

- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 12 Voting on appointments

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie shall be settled by the Mayor's casting vote.

## 13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee, named councillors or to an employee.**

## 14 Execution and sealing of legal deeds

*See also standing order 5(a)(xvi) above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

b

**In accordance with a resolution made under standing order 14(a)**

above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

## **15 Committees, Working Groups and Advisory Groups**

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint committees, working groups and advisory groups and may at any other time appoint such other committees, working groups and advisory groups as it considers to be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit them to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such committees and groups (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer before the meeting that they are unable to attend;
  - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
  - vi. may in accordance with standing orders, dissolve a committee or group at any time.

## **16 Sub-committees and sub working groups**

*See also standing order 1 above*

- a Unless there is a Council resolution to the contrary, every committee and group may appoint a sub-committee whose terms of reference and members shall be determined by resolution of that committee but these shall not exceed the powers granted by the full Council in the terms of reference.

## 17 Extraordinary meetings

*See also standing order 1 above*

- a **The Mayor may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c The Chairman of a committee (or a sub-committee) or group (or a sub group) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) or group (or sub group) does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by 4 councillors, those 4 councillors may convene an extraordinary meeting of such committee or a sub-committee or group or sub-group. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 4 councillors.

## **18 Advisory committees or groups**

*See also standing order 1 above*

- a The Council may appoint advisory committees or advisory groups comprising a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
- c The Council shall determine the Terms of Reference of such committee or group.

## **19 Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to the Council each month a statement summarising the Council's receipts and payments for each month and the balances held at the end of each month. This statement shall include a comparison with the budget or amended budget for the financial year. The Responsible Financial Officer shall submit as soon as practicable after 31<sup>st</sup> March, after 30<sup>th</sup> June, after 30<sup>th</sup> September and after 31<sup>st</sup> December a statement showing all approved changes during that quarter and any estimated changes in the provision made under each budget heading including the relevant revision to the budget contingencies.

A Financial Statement prepared on the required accounting basis (receipts and payments, or income and expenditure) for a year to 31<sup>st</sup> March shall be presented to the Council before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to the Council for formal approval before 30<sup>th</sup> June.



## **20 Estimates/precepts**

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January or other such date that may be required by the precepting authority.

Any committee or councillor desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the end of October, if possible.

## **21 Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or group, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22 Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of their official duties

(but not otherwise), inspect any document in the possession of the Council or a committee or group. The minutes of meetings of the Council, its committees or groups shall be available for inspection by councillors.

## **23 Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. Issue orders, instructions or directions.

## **24 Confidential business**

- a Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or group by a resolution of the Council.

## **25 General Power of Competence**

- (d) **The General Power of Competence (GPC) was introduced by the Localism Act 2011 and took effect in February 2012. In simple terms, it gives councils the power to do anything an individual can do provided it is not prohibited by other legislation. It applies to all principal councils (district, county and unitary councils etc). It also applies to eligible<sup>1</sup> parish and town councils. It replaces the wellbeing powers in England that were provided under the Local Government Act 2000**

**The prescribed criteria which a local council is required to fulfil in order to become an eligible parish council are set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012. It confirms that a local council is eligible to use the general power of competence if:-**

- it has a qualified clerk;**
- a minimum of two-thirds of the total number of councillors have been elected; and**
- it has resolved at a meeting of the council and each subsequent relevant annual meeting (that is, an annual meeting that takes place in a year of ordinary elections of parish councillors) that it meets these conditions.**

## **26 Matters affecting council employees**

- a If any meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
  
- b Subject to the Council's terms and conditions regarding absences from work, the Council's most senior employee shall notify the Mayor of any absence occasioned by illness or urgency and the Mayor shall report such absence to the Council.
  
- c The Mayor shall upon a resolution conduct a review of the performance and/or appraisal any employee and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution of the Council.
  
- 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 Mayor or in his absence, the Deputy Mayor in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.

- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the Mayor, this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the council. The Council will set up an ad hoc Grievance Committee as and when required.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Clerk and the Mayor.

## **27 Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Mayor. The Mayor shall have the power to do everything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

## **28 Relations with the press/media and social media**

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.
- c Members should take heed of the Code of Conduct and the Guidance note regarding the use of social media when using this method of communication.

## **29 Liaison with County Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the County Council representing its electoral wards.

## **30 Financial matters**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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;
  - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.
- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below and in accordance with the Public Contracts Regulations 2015.**
- c Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper or community magazine and in accordance with the Public Contracts Regulations 2015.
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least two members of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee or Group.
- d Neither the Council, nor any Committee or Group, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £181,302 (or other threshold specified by the Public Contracts Directive 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 also comply with EU procurement rules.

## **31 Allegations of breaches of the code of conduct**

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Mayor.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Mayor) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.

- iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Mayor or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Council shall have the power to:
  - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

## **32 Variation, revocation and suspension of standing orders**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall be carried by a simple majority.
- c These standing orders shall be reviewed at least once per year. The Clerk shall monitor changes in legislation or proper practice and advise the



Council of any requirement for a consequential change to these standing orders.

### **33 Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of their declaration of acceptance of office and details of amendments when approved if and when they occur.
- b The Mayor's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with standing orders.

### **34 Annual Town Meeting of Local Government Electors**

- 1. The meeting shall be held on the second Wednesday in April of each year.
- 2. Proceedings shall not begin before 6.00 p.m.
- 3. The Mayor shall preside over the meeting.
- 4. If the Mayor is absent, the Deputy Mayor will preside.
- 5. If the Mayor and Deputy Mayor are absent, the meeting shall appoint a Chairman from among other councillors present at the meeting before it proceeds to any other business.
- 6. The Clerk shall take a record of the proceedings of the meeting.
- 7. If the Clerk is absent, the person presiding at the meeting may take a record of the proceedings or may appoint another to do so.

8. As soon as the Chair has been filled, and provision made for taking records of the proceedings, the minutes of the previous meeting shall be read, considered and signed by the person presiding at the meeting.
9. After the minutes have been signed, the order of business at the Annual Town Meeting shall be as follows:
  - a) To receive the Mayor's report.
  - b) Presentation of Meritorious Service Award.
  - c) Public questions.