

**///NALC**



# **SWANAGE TOWN COUNCIL**

# **STANDING ORDERS**

Adopted on: 25<sup>th</sup> February 2019

## Notes:

1. It is implicit in these standing orders that the masculine shall include the feminine.
2. Standing orders that are in bold type contain statutory requirements and cannot be amended.

<b>Index Of Standing Orders</b>		<b>Page</b>
<b>1.</b>	Meetings generally	4
<b>2.</b>	Public Participation Time	5
<b>3.</b>	Rules of debate at meetings	6
<b>4.</b>	Disorderly conduct at meetings	8
<b>5.</b>	Committees and sub-committees	8
<b>6.</b>	Working parties	10
<b>7.</b>	Ordinary Council meetings	10
<b>8.</b>	Extraordinary meetings of the Council and committees and sub-committees	11
<b>9.</b>	Previous Resolutions	12
<b>10.</b>	Appointments	12
<b>11.</b>	Motions for a meeting that require written notice to the Proper Officer	13
<b>12.</b>	Motions at a meeting that do not require written notice	14
<b>13.</b>	Handling confidential or sensitive information	14
<b>14.</b>	Draft minutes	15
<b>15.</b>	Code of Conduct and Dispensations	15
<b>16.</b>	Code of Conduct complaints	16
<b>17.</b>	Proper Officer	17
<b>18.</b>	Responsible Financial Officer	18
<b>19.</b>	Accounts and Accounting Statements	18
<b>20.</b>	Financial controls and procurement	18
<b>21.</b>	Handling staff matters	20
<b>22.</b>	Requests for information	20
<b>23.</b>	Execution and sealing of Legal Deeds	20
<b>24.</b>	Communicating with District and County (or Unitary) Councillors	21
<b>25.</b>	Restrictions on Councillor activities	21
<b>26.</b>	Complaints	21
<b>27.</b>	Standing Orders generally	21

# 1. Meetings generally

- 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. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c. 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 the reason(s) for the public's exclusion.
- d. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- e. Filming, audio-recording, taking photographs and the use of social media are permitted, in compliance with the Town Council's adopted Policy and protocol.
- f. 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 any).
- g. 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.
- h. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- i. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting.
- j. The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

*See Standing Orders 7(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.*

- k. Voting on a question shall be by a show of hands or, if at least two Members so request, by signed ballot. 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 his vote for or against that question. Such a request must be made prior to the vote being taken.

- I. 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. apologies provided to the Proper Officer prior to the start of the meeting;
  - iv. interests that have been declared by Councillors and non-councillors with
  - v. voting rights;
  - vi. whether a Councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vii. if there was a public participation session; and
  - viii. the Resolutions made.
  
- m. **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.**
  
- n. **No business may be transacted at a meeting unless at least one-third of the whole number of Members of the Council (i.e. 4) are present.**  
*See Standing Order 5(i) below for the quorum of a committee or sub-committee meeting.*
  
- o. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
  
- p. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
  
- q. A meeting shall not exceed a period of 2 hours, except at the discretion of the Chairman.

## 2. Public Participation Time

- a. Each Council Meeting shall be preceded by a period of Public Participation Time during which members of the public may make representations, ask questions and give evidence. Matters must relate to one of the following categories, and those wishing to speak will be called in the following order:
  - business on the agenda of the meeting;
  - matters where the Town Council has powers or duties;
  - other matters which directly affect the parish of Swanage.
  
- b. The Chairman will not allow any participation which is of a personal nature or relates to individual issues, nor in respect of complaints which must be dealt with through the Council's adopted Complaints Procedure.

- c. The Chairman will not allow a question to be repeated at future meetings of the Town Council, or its Committees, until such time as there has been a material change in circumstances in relation to the issue raised. Nor will evidence be allowed to be re-stated or any other form of representation be made on a recurrent basis.
- d. The period of time designated for public participation in accordance with Standing Order 2(a) above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- e. Subject to Standing Order 2(d) above, a member of the public shall not speak for more than 3 minutes.
- f. In accordance with Standing Order 2(a) 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.
- g. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). A person speaking must give their name and parish of residence. The Chairman of the meeting may at any time permit a person to be seated when speaking.
- h. A person who speaks in Public Participation Time 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. Where more than one person wishes to speak on the same issue the Chairman will expect participants not to repeat comments made by earlier speakers. The Chairman may also ask for a single representative to speak on behalf of those with similar concerns.
- j. No person shall behave offensively or improperly. If this Standing Order is ignored, the Chairman of the meeting shall direct such person(s) to moderate or improve their conduct.
- k. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, the Chairman may request that the person be no longer heard or excluded from the meeting room.
- l. If a request by the Chairman under Standing Order 2(k) above is ignored, the Chairman may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the public participation session.

### **3. Rules of debate at meetings**

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

- c. A motion on the agenda that is not moved by its proposer may be treated by the 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. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the amended original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- h. A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- j. Subject to Standing Order 3(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k. One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A Councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.

- 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 other irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory requirements.
- s. 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.
- t. Excluding motions moved under Standing Order 3(r) above, 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.
- u. A Member may remain seated when speaking unless requested to stand by the Chairman.

## 4. Disorderly conduct at meetings

- a. No person, including Councillors, shall obstruct the transaction of business at a meeting or behave offensively or improperly or **in such a manner as to bring the Council into disrepute**. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a Resolution made under Standing Order 4(b) above is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 5. Committees and sub-committees

- a. **Standing Orders 1 c, d, i, j, k, l, n and p shall apply to meetings of committees as they do to full Council meetings.**
- b. **Standing Orders 1 i, j, l and n shall apply to meetings of sub-committees as they do to full Council and committee meetings.**
- c. The Council shall not appoint any member of a committee or sub-committee so as to hold office later than the next Annual Meeting.
- d. **The minimum three clear days' public notice for a meeting of a committee or sub-committee does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- e. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.** This will include determining whether members of the public may attend meetings of the sub-committee.
- f. The Chairman and Vice Chairman of the committee shall be members of every sub-committee appointed by it, unless they signify that they do not wish to serve.
- g. Each sub-committee shall appoint its own Chairman at its first meeting in each council year.
- h. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- i. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors with voting rights present and voting.**
- j. Except where ordered by the Council in respect of a committee or by the relevant committee in respect of a sub-committee, the quorum of a committee or sub-committee shall be three voting members.
- k. The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee;
  - v. shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee;
  - vi. shall determine if the public and press are permitted to attend the meetings of a sub-committee; and

- vii. may dissolve a committee.
- l. The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- m. The Proper Officer shall inform the members of each advisory committee of the terms of reference of the committee.
- n. An advisory committee may make recommendations and give notice thereof to the Council.
- o. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- p. Any Councillor shall be entitled to attend any meetings of any committee or sub-committee of which he is not a member, with the exception of the confidential business of the Personnel Committee. He may not vote, but may speak at the invitation of the Chairman.

## 6. Working parties

- a. The Council or any standing committee may appoint such working parties as it considers necessary to provide detailed consideration to any matter within its remit.
- b. Any such working party shall formulate a recommendation to the Council or committee, but cannot make a decision on behalf of the Council, unless specifically delegated to do so.
- c. The Council shall not appoint any member of a working party so as to hold office later than the next Annual Meeting.
- d. The Council may appoint persons other than Members of the Council to any working party.
- e. The Council may subject to the provisions of Standing Order 9 at any time dissolve or alter the membership of a working group or committee.

## 7. Ordinary Council meetings

- a. **In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the new 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 6.00 p.m.**

- 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 first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice Chairman (if any) of the Council.
- f. 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.
- g. 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.
- h. 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 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 must give a casting vote in the case of an equality of votes.
- i. 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 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 must give a casting vote in the case of an equality of votes.
- j. The business of the Annual Meeting shall include:
  - i. The election of the Chairman of the Council, to be known as Town Mayor.
  - ii. To receive the Chairman's Declaration of Acceptance of Office form, or, if not then received, to decide when it shall be received.
  - iii. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - iv. In an election year, delivery by the Councillors of their Acceptance of Office forms unless the Council resolves for this to be done at a later date;
  - v. To elect a Vice Chairman of the Council, to be known as Deputy Town Mayor.
  - vi. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - vii. Receipt of the minutes of the last meeting of a committee;
  - viii. Consideration of the recommendations made by a committee;
  - ix. Appointment of members to existing committees;
  - x. Appointment of any new committees in accordance with Standing Order 5 above;
  - xi. Appointment of representatives to outside bodies;

- xii. Review of the Council's subscriptions to other bodies;
- xiii. Determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of full Council.

## **8. 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.**
- c. The Chairman of a committee or a sub-committee may convene an Extraordinary Meeting of the committee or the sub-committee at any time.
- d. If the Chairman of a committee or sub-committee does not or refuses to call an Extraordinary Meeting, such a meeting can be summoned on the requisition in writing of not less than a quarter of the members of the committee or sub-committee. The summons shall set out the business to be considered at the Extraordinary Meeting and no other business shall be transacted at that meeting.

## **9. Previous Resolutions**

- a. A Resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 Councillors to be given to the Proper Officer in accordance with Standing Order 11 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to Standing Order 9(a) above has been disposed of, no similar motion may be moved within a further six months.

## **10. Appointments**

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

- b. If a candidate for any appointment under the Council is to his knowledge related to any Member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, the relevant sections of Standing Order 15 shall apply as appropriate.
- c. The Proper Officer shall make known the purpose of Standing Order 10(b) to every candidate.
- d. 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 Proper Officer shall make known the purport of this subparagraph of this Standing Order to every candidate.
- e. 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.
- f. Standing Orders 10(d) and (e) shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **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 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 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. Subject to Standing Order 11(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h. Motions rejected shall also be recorded in that book with an explanation by the Proper Officer for their rejection.
- i. The Proper Officer shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he intends to move at some later meeting or withdraws it.
- j. If a Resolution or Recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- k. If the subject matter of a Resolution 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.

## **12. Motions at a meeting that do not require written notice**

- a. The following motions may be moved at a meeting without written notice to the Proper Officer;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to adopt the report or recommendation from a committee, sub-committee, Officer, or professional advisor and any Resolutions consequential upon that adoption;
  - iii. to determine the response to any correspondence or consultation document placed on the agenda by the Proper Officer;
  - iv. to move to a vote;
  - 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; or
- xix. to close a meeting.

## **13. Handling confidential or sensitive information**

- a. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c. Any Member in breach of the provisions of paragraph (b) of this Standing Order may be removed from any committee or sub-committee of the Council by the Council.

## **14. Draft minutes**

- a. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 12(a)(i) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by Resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. 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.”

- e. Upon a Resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 15. Code of Conduct and dispensations

*See also Standing Order 1(m) above.*

- a. All Councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b. If a Member has a disclosable interest as defined by the Code of Conduct which is not included in his Register of Interests then he shall declare such interest as soon as it becomes apparent.
- 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 a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- d. 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.
- e. **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.
- f. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- g. 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.
- h. Subject to Standing Orders 15(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.
- i. **A dispensation may be granted in accordance with Standing Order 15(f) 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.**

## **16. Code of Conduct complaints**

- a. Upon notification by the District or Unitary 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 13 above, report this to the Council.
- b. Where the notification in Standing Order 16(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 16(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 or Unitary 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.**

## **17. Proper Officer**

- a. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
  - i. at least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a signed summons, by delivery at their residence or by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an Extraordinary Meeting of the Council convened by Councillors is signed by them);**
- iii. subject to Standing Order 11 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least three clear days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain Acceptance of Office forms from Councillors;
- vii. retain a copy of every Councillor's Register of Interests;
- viii. receive and retain plans and documents;
- ix. sign notices or other documents on behalf of the Council;
- x. keep proper records of all Council meetings
- xi. arrange for Legal Deeds to be executed.

## 18. Responsible Financial Officer

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

## 19. Accounts and Accounting Statements

- a. "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (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:
  - 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 and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full Council the Accounting Statements for the year in the form of Section 1 of the Annual Return, as required by proper practices, for consideration and approval.
- e. The year-end Accounting Statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft Annual Return shall be presented to each Councillor before the end of the following month of May. The Annual Return of the Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to Council for consideration and formal approval before 30 June.

## 20. Financial controls and procurement

- a. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. policies (subject to Standing Order 20(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.
- b. Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in Standing Order 20(d) below.**
- d. Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;

- iii. the invitation to tender shall be advertised in a local newspaper 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.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## 21. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Personnel Committee is subject to Standing Order 13 above.
- b. The Chairman of the Personnel Committee, together with the Town Mayor and Deputy Mayor, will conduct a review of the performance and annual appraisal of the work of the Proper Officer. Any resultant action plan shall be reported to the next meeting of the Personnel Committee.
- c. All grievance matters will be dealt with in accordance with the Council's disciplinary and grievance policy.
- d. 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.
- e. 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.
- f. Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 21(d) and (e) above if so justified.
- g. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 21(d) and (e) above shall be provided only to relevant Council Officers.

## 22. Requests for information

- a. Requests for information held by the Council shall be handled in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998.

## 23. Execution and sealing of Legal Deeds

*See also Standing Order 17(b)(xi) above.*

- a. A Legal Deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. **Subject to Standing Order 23(a) above, the Town Mayor and Deputy Mayor, or any other two such designated Councillors, may sign, on behalf of the Council, any Deed required by law.**

## 24. Communicating with District and County (or Unitary) Councillors

- a. An invitation to attend a meeting of the Council shall be sent, together with the Agenda, to the Ward Councillor(s) of the District and County (or Unitary) Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the District and County (or Unitary) Council shall be sent to the Ward Councillor(s) representing the area of the Council.

## 25. Restrictions on Councillor activities

- a. Unless authorised by a Resolution, no Councillor shall on behalf of the Council:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## 26. Complaints

- a. The Council shall deal with complaints committed by the Council or by any Officer or Member in accordance with its adopted Complaints Procedure.

## 27. Standing Orders generally

- a. All or part of a Standing Order, except one that incorporates mandatory statutory requirements (shown in bold type), may be suspended by Resolution in relation to the consideration of an item on the agenda for a meeting.

- b.** A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least four Councillors to be given to the Proper Officer in accordance with Standing Order 11 above.
- c.** The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he has delivered his Acceptance of Office form.
- d.** The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.