



# Wadebridge Town Council

The Town Hall, The Platt, Wadebridge, Cornwall PL27 7AQ

# Standing Orders

**Adopted**

**on**

**10 September 2014**

Revised at Full Council 09/03/16

Minute Ref: 227/16 (v)

# 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 during the agenda item - Public Participation or at the invitation of the Chairman
- e Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 5 minutes.
- f 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.
- g In accordance with standing order 1(f) above, the Chairman 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.
- h A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- i A person shall raise his hand when requesting to speak
- j Any person speaking at a meeting shall address his comments to the Chairman.
- k Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

- l 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.
- m Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- n The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- o Subject to model standing order 1 (w) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- p The Chairman 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 also standing orders 2 (i) and (j) below.*)
- q 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 his vote for or against that question. Such a request shall be made before the agenda item is discussed and a vote taken
- r The minutes of a meeting shall record the names of councillors present and absent.
- s The code of conduct adopted by the Council shall apply to councillors and member of the public co opted to serve on Committees and Sub Committees of the Council in respect of the entire meeting.
- t All interests arising from the code of conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest. (*See also Standing Orders 7 and 8 below.*)
- u No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- v 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.
- w Meetings of the Council shall be held at The Town Hall at 19:00 unless the Council otherwise decides at a previous meeting.
- x Meetings shall not exceed a period of 3 hours.

## 2 Filming and Recording of Meetings

- a. Whilst a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:
  - i. film, photograph or make an audio recording of a meeting;
  - ii. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii. report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b. Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.
- c. An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d. Disruptive behaviour
  - i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
  - ii. If person(s) disregard the request of the chairman of the meeting to moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii. If a resolution under standing order 31 d ii) 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.
- e. Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

## 3 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 Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting 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** Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
- 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, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Receipt of nominations to existing committees.
  - vi. To appoint members to working groups
  - vii. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
  - viii. Review and adoption of appropriate standing orders and financial regulations.
  - ix. Review of representation on or work with external bodies and arrangements for reporting back.
  - x. In a year of 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 1998.
  - xvi. Establishing or reviewing the Council's policy for dealing with the

- press/media
- xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

## 4 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.
- i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting unless Councillors have elected to receive their papers electronically providing the Council has first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.**
  - ii. **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 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) by displaying the agenda on the Town Hall notice board.**
  - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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.
  - 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 1998, in accordance with and subject to the Council's procedures relating to the same.
  - x. Receive and send general correspondence and notices 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 17(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 in an appropriate manner for such purpose.
- xv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xvi. Make all reasonable efforts to meet with the Chairman of Full Council and Committee Chairmen before Full Council/Committee meetings to discuss the agenda prior to each meeting

## **5 Delegation of Urgent & Routine Matters**

- a. The Town Clerk shall have delegated authority to act in respect of any function of the Council on a matter which requires urgent attention - namely matters relating to Health & Safety, staffing or matters with a potential danger to the public - and for whatever reason needs to be determined on behalf of the Council prior to the next available meeting. This authority is only to be exercised in consultation with the Chairman and Vice Chairman of the Council. In the absence of the Chairman and Vice Chairman, or in the event that the Chairman and Vice Chairman being an interested party, she/he will be substituted by two Councillors
- b. The Town Clerk has delegated authority to act in respect of any function of a Committee on a matter which requires urgent attention (as detailed above) and for whatever reason needs to be determined on behalf of the Council prior to the next available meeting. This authority is only to be exercised in consultation with the Chairman of the Council and Vice Chairman and /or Chairman of the respective Committee and one Councillor and is dependent on the Committee having the delegated powers to decide on the issue in question.
- c. Any matter dealt with under this authority is to be reported for information to the next available meeting of the Council or committee
- d. The authority within this standing order is subject to the following exceptions -
  - Nothing contrary to agreed Council policy
  - Issuing a precept
  - Determining borrowing limits
  - Approving a lottery scheme
  - Considering an auditor's report

## **6 Proposals requiring written notice**

- a. In accordance with standing order 3(b)(ii) above, no proposal 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 5

- clear days before the next meeting - excluding the day of the meeting and the day of submission.
- b The Proper Officer may, before including a proposal in the agenda received in accordance with standing order 5(a) above, correct obvious grammatical or typographical errors in the wording of the proposal.
  - c If the Proper Officer considers the wording of a proposal received in accordance with standing order 5(a) above is not clear in meaning, the proposal shall be rejected until the mover of the proposal resubmits it in writing to the Proper Officer in clear and certain language at least 5 clear days before the meeting - excluding the day of the meeting and the day of submission.
  - d If the wording or nature of a proposed proposal 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 proposal shall be included or rejected in the agenda.
  - e Having consulted the Chairman or councillors pursuant to standing order 5(d) above, the decision of the Proper Officer as to whether or not to include the proposal in the agenda shall be final.
  - f Every proposal 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 in a book for that purpose, which shall be open to inspection by all councillors.
  - g Every proposal 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.

## **7 Proposals not requiring written notice**

- a Proposals 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 a matter to a committee or an employee.
  - x. To appoint a committee or any councillors thereto.
  - xi. To receive nominations to a committee.
  - xii. To dissolve a committee.
  - xiii. To note the minutes of a meeting of a committee
  - xiv. To consider a report and/or recommendations made by a committee or an employee.
  - 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 17(a) and (b) below.)
  - xvii. To amend a proposal relevant to the original or substantive proposal

- under consideration which shall not have the effect of nullifying it.
- xviii. To extend the time limit for speeches.
  - xix. To exclude the press and public for all or part of a meeting by passing a resolution under the Public Bodies (Admissions to meetings ) Act 1960 - that in view of the confidential (nature of the business) to be transacted it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw. The reason for the exclusion shall state clearly either personnel, litigation or contractual and any decision made shall be made known in the public session
  - xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxi. To give the consent of the Council if such consent is required by standing orders.
  - xxii. To suspend any standing order except those which are mandatory by law.**
  - xxiii. To adjourn the meeting.
  - xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxv. To answer questions from councillors.
- b If a proposal falls within the terms of reference of a committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 8 Rules of debate

- a No discussion shall take place upon the Minutes except as to their accuracy. Corrections to the minutes shall be made in pencil and minuted by resolution and must be initialled by the Chairman.
- b A councillor or member of the public co opted to serve on Council committees and sub committees who has a non registerable interest defined under 3.5A of the Council's Code of Conduct, may be invitation of the Chairman, remain in the room to address the Council to provide any information as they reasonably consider might inform the debate before leaving the room.
- c The period of time for addressing the Council under 7b shall not exceed five minutes and will be at the discretion of the Chairman.
- d Proposals included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- e Subject to standing orders 5(a)–(e) above, a proposal shall not be considered unless it has been proposed and seconded.
- f Subject to standing order 5(b) above, a proposal included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- g A proposal to amend an original or substantive proposal shall be considered as a counter proposal which shall be voted on before the original proposal and become the substantive proposal. If the counter proposal is successful the original proposal will be taken as failed - if the counter proposal fails the original proposal will be voted on.
- h A Councillor may move amendments to his own proposal. If a proposal

- has already been seconded, an amendment to it shall be with the consent of the seconder.
- i Any amendment to a proposal shall be either:
    - i. to leave out words;
    - ii. to add words;
    - iii. to leave out words and add other words.
  - j A proposed or carried amendment to a proposal shall not have the effect of rescinding the original or substantive proposal under consideration.
  - k Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a proposal shall be moved until the previous amendment has been disposed of.
  - l Subject to Standing Order 7(j) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
  - m Pursuant to standing order 7(j) above, the number of amendments to an original or substantive proposal, which may be moved by a councillor, is limited to one.
  - n If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
  - o If an amendment is carried, the original proposal, as amended, shall take the place of the original proposal and shall become the substantive proposal upon which any further amendment may be moved.
  - p The mover of a proposal or the mover of an amendment shall have a right of reply, not exceeding 5 minutes unless the Chairman consents to an extension.
  - q Where a series of amendments to an original proposal are carried, the mover of the original proposal shall have a right of reply in respect of the substantive proposal at the very end of debate and immediately before it is put to the vote.
  - r During the debate of a proposal, 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.
  - s A point of order shall be decided by the Chairman and his decision shall be final and shall not be discussed
  - t With the consent of the seconder and/or of the meeting, a proposal or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said proposal or amendment unless permission for the withdrawal of the proposal or amendment has been refused.
  - u Subject to standing order 7(q) above, when a councillor's proposal is under debate no other proposal shall be moved except:
    - i. to amend the proposal;
    - ii. to proceed to the next business;
    - iii. to adjourn the debate;
    - iv. to put the proposal to a vote;
    - v. to ask a person to be silent or for him to leave the meeting;
    - vi. to refer a proposal to a 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.

- v In respect of standing order 7(u)(iv) above, the Chairman shall first be satisfied that the proposal has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the proposal under debate to exercise or waive his right of reply and shall put the proposal 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.

## 9 Code of conduct (England)

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

*A revised statutory code of conduct is expected to come into force in 2012*

- a **All councillors and members of the public co opted to serve on Council committees and sub committees shall observe the code of conduct adopted by the Council.**
- b All councillors and members of the public co opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Clerk and the Monitoring Officer of any changes within 28 days.
- c All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- d Councillors and members of the public co opted to serve on Council committees and sub committees who have registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed.
- e Councillors and members of the public co opted to serve on Council committees and sub committees who have declared a non Registerable Interest, in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed.
- f All gifts and hospitality offered or received that could be seen by the public as likely to influence your judgement in these matters must be recorded in the Register of Interests maintained by the Proper Officer of the Council.

## 10 Dispensations

- a A councillor or a member of the public co opted to serve on a committee or sub committee who has declared a Disclosable Pecuniary Interest or Non Registerable Interest in any item of business being transacted at a meeting may submit a written request for a dispensation before the start of the meeting
- b Consideration of written requests for dispensations shall be a standing item on all agendas of meetings of the council, its committees and sub committees.
- c The Council will not award dispensations to councillors or co opted members of committees attending any informal meeting of the Council, its committees and sub committees where no record of the proceedings is made.
- d This standing order shall apply to all meetings of the Council, its committees and sub committees.
- e The Clerk shall have delegated power to award dispensations in accordance with the Council's Dispensation Policy.
- f Dispensations awarded by the Clerk under the Council's scheme of delegation shall stand until the next meeting of the full Council where they

will be noted and recorded in the Minutes.

## **11 Questions**

- a Questions not related to items of business on the agenda for a meeting shall be referred to the next meeting or to a Committee or employee for response
- b Every question shall be put and answered without discussion.

## **12 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 proposal to correct an inaccuracy in the minutes shall be raised in accordance with standing order 6(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, 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 majority of the ( ) 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, any previous draft minutes or recordings of the meeting shall be destroyed.

## **13 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 Chairman, there has been a breach of standing order 11(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the proposal, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 11(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **14 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 proposal, the written notice whereof bears the names of at least 8 members of the Council
- b When a special proposal or any other proposal moved pursuant to standing order 12(a) above has been disposed of, no similar proposal may be moved within a further 6 months.

## 15 **Nominations for Mayor and Deputy mayor**

All nominations for Mayor and Deputy Mayor must be communicated in writing to the Town Clerk on an official nomination form by noon on the 1 April preceding the meeting at which the vote will be conducted in accordance with the Mayor Making protocol.

## 16 **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 may be settled by the Chairman's casting vote.
- b At the request of a majority of councillors a ballot will be taken for voting on any appointments. The Proper Officer will distribute named ballot sheets to all members present, the member will indicate their choice of candidate and the Proper Officer will collect and count the ballot papers and report back to Council with the result. All ballot slips will be destroyed immediately after the ballot result has been announced.
- c A ballot will always be used when voting for Mayor & Deputy Mayor in accordance with the Mayor Making protocol.

## 17 **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, or to an employee.**

## 18 **Execution and sealing of legal deeds**

*See also standing order 6(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 **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.**

## 19 **Committees, Sub Committees and Working groups**

*See also standing order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than

- the next annual meeting;
  - iv. may in accordance with standing orders, dissolve a committee at any time.
  - v. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
  - vi. Any Council members, shall unless the Council otherwise orders, be entitled to be present as an observer at the meetings of any committee, working group of which he/she is not a member and may be invited to speak at the discretion of the chair.
- b The following committees may be appointed - additional committees may be formed by resolution of the Council -
  - i. *Finance and General Purposes shall be at least 9 members to include the Chairmen of the committees with a quorum of 5;*
  - ii. *Parks and Cemeteries shall be at least 7 members with a quorum of 5.*
  - iii. *Town Hall shall at least 7 members with a quorum of 5*
  - iv. *Planning shall be at least 7 members with a quorum of 5*
  - v. *Car Parks and Traffic shall be at least 7 members with a quorum of 5*
  - vi. *Staffing Committee shall be at least 6 members with a quorum of 3*
  - vii. *Communications Committee shall be at least 6 members with a quorum of 3*
- c The Mayor & Deputy will not be ex officio members of any committee.
- d The first item of business at the first committee meeting after the Annual Town Council meeting will be the election of Chairman and Vice Chairman.

## 20 Extraordinary meetings

*See also standing order 1 above*

- 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 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) 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) does not or refuses to call an extraordinary meeting within 5 days of having been requested by to do so by 3 councillors, those 3 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 3 councillors.

## 21 Advisory committees/Working groups

*See also standing order 1 above*

- a The Council may appoint advisory committees comprised of a number of

- councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
  - c In the event of a working group being formed by way of resolution of Full Council or a committee the terms of reference of such a group shall be clearly defined within the resolution. The tasks to be carried out shall be identified by reference to timescale and an end date to review the work must be clearly defined. Working groups may include non-members who have relevant knowledge, experience or expertise. Working groups may make recommendations and give notice thereof to the Council.

## **22 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 F & GP committee as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (income and expenditure) for a year to 31 March shall be presented to each councillor 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 Council for formal approval before 30 June.

## **23 Estimates/precepts**

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of December.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than 31 October.

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

- a Members shall be permitted to canvas for appointment to the position of Mayor, Deputy Mayor or Chairman of committees providing the method of canvassing is not perceived to be aggressive or intimidating,
- b Canvassing of members, directly or indirectly, for any contracts for services or tender may disqualify the candidate for such appointment.
- c A member of the Council may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment at b above.
- d Any concern with regard to canvassing should be reported to the Principal Officer.

## **25 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 his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

- b The minutes of the Council are available on the Town Council's website and from the Town Hall for any member of the public to view. Photocopies can be made available on request and may be the subject of an appropriate fee.
- c In all cases, a member of the public with a right to do so may inspect or take copies of any document under the control of the Council on request identifying the documents in question in accordance with the Freedom of Information Act. Photocopies can be made available on request and may be the subject of an appropriate fee.

## **26 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.

## **27 Confidential business**

- a Councillors 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 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **28 Power of Competence**

- a **Before exercising the power of competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 27 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 27(b) above.**

## **29 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR if relevant the Staffing committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Issues relating to grievances or disciplinary matters should be referred to the Council's policies on these matters.

- c 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.
- d 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.
- e Only persons with line management responsibilities shall have access to employee records.
- f Access and means of access by keys and/or computer passwords to records of employment shall be provided only to post holder and the Chairman of the Council, the Staffing committee and the line manager

### **30 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 Chairman of the Council who shall have the power to do anything 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)(ix) above.

### **31 Relations with the press/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 Councillors shall not provide oral or written statements or written articles to the press or other media on any matter that has been passed by resolution of the Council unless otherwise authorised to do so nor shall they comment on any matter that may bring the Council into disrepute.

### **32 Liaison 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 councillor of the Unitary Council representing its electoral ward.

### **33 Financial matters**

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 Financial Regulations (subject to

standing order 33(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three appropriate firms. Contracts with an estimated value of £25,000 or more must satisfy the requirements of the 2015 Regulations which include use of the Contracts Finder Website.
- c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

- f. If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Order 32 and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
- k. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contract Regulations 2006 including thresholds should be followed.

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

- a. Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Staffing committee 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. References in Standing Order 33 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.
- e. The Staffing committee 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.

### **35 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 proposal 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 proposed by a special motion, the written notice whereof bears the names of at least 7 Councillors.

### **36 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 his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final with the Proper Officer's recommendations being taken into consideration.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.