

## SANDWICH TOWN COUNCIL

### STANDING ORDERS

Adopted by the Council on 20<sup>th</sup> January 2014

*Please note that throughout this document the terms “he”, “him” or “his” are used interchangeably with “she”, “her” or “her / hers”. Similarly the use of the terms Chairman and Vice-Chairman implies nothing regarding the gender of the incumbents.*

*Text in bold reflects mandatory statutory requirements.*

#### **1. 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. (i) **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.**  
  
(ii) **The minimum three clear days public notice of a meeting 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.**
- 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. (i) Public participation is permitted so long as written / emailed notice, or notice in person, of the desire to exercise the right to speak and of the topic to be addressed is received by the Proper Officer by 4pm on the Friday before the meeting. Notification to the Chairman or any other councillor(s), whether written, emailed, verbal or in person, will not suffice for this purpose. Electors will be heard in strict order of notification for a maximum of three minutes each. A total of fifteen minutes’ time allowance for the purpose of public participation is to be permitted.  
  
(ii) The general procedure outlined in standing order 1.d (i) above for requests by members of the public to speak at Council meetings does not preclude advance invitation, by the Proper Officer on behalf of the Council, for a member of the public to speak, answer questions or give evidence in relation to an issue already scheduled for a forthcoming agenda. Wherever possible, however, such participation will take place through the medium of a pre-meeting of the Council.

- e. In accordance with standing order 1(d) above, a question asked or issue raised by a member of the public during a public participation session at a meeting shall not require a response nor debate at the meeting in session.
- f. In accordance with standing 1(e) 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.
- g. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- h. A person, whether a councillor or member of the public, shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- i. Any person, whether a councillor or member of the public, speaking at a meeting shall address his comments to the Chairman.
- j. Only one person, whether a councillor or member of the public, is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- k. Smoking is not permitted at any meeting of the council.
- l. **(i) Persons may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of the Council or its Committees but otherwise may:**
  - (a) Film, photograph or make an audio recording of a meeting**
  - (b) Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later**
  - (c) Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.****(ii) Arrangements are subject to the Council Policy for Public Filming, Recording or Otherwise Reporting at Council and Committee Meetings.**
- m. **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.**
- n. **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.**
- o. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, 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. The person presiding at the meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

- p. **Subject to a meeting being quorate and to standing order 1(x) below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon.**
- q. **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 also standing orders 2 (i) and (j) below).
- r. **(i) Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- (ii) Once a vote has been taken (and, if requested, votes recorded as per standing order 1.r (i)) and the item of business resolved, the Council shall move onto the next item of business without further discussion or debate.
- (iii) In the event that abstentions (but not votes against) outnumber votes supporting a motion, that motion will be considered to have passed.
- s. The minutes of a meeting shall record the names of councillors present and absent. If prior to a meeting, a councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given. Minutes shall also record:
- the time and place of the meeting;
  - interests that have been declared by councillors and non-councillors with voting rights (see standing order 1.v below);
  - whether a councillor or non-councillor with voting rights left the meeting when matters that he held interests in were being considered;
  - if there was a public participation session (see standing order 1.g above), and
  - the resolutions made at the meeting.
- t. The Code of Conduct adopted by the Council shall apply to councillors and non-councillors with voting rights in respect of any meeting in its entirety.
- u. **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.**
- v. **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 three.** Six members shall therefore constitute a quorum at meetings of Sandwich Town Council.

- w. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Any outstanding business on the agenda for that meeting shall be transacted at a following meeting.
- x. Except where ordered by the Council, in the case of a Committee, the quorum of a Committee shall be three of its voting members.
- y. Meetings shall not exceed a period of 3 hours.

## **2. 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 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. Additional meetings (Bank Holidays permitting) will normally be held on:-
  - (a) The first and third Monday of every month
  - (b) Or at such other times as the Council may determine
- f. **The election of the Chairman and Vice-Chairman of the Council shall be the first business conducted at the annual meeting of the Council.**
- g. **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.**
- h. **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.**
- i. **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.**

- j. **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 next 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.**
- k. Following the election of the Chairman and Vice-Chairman at the annual meeting of the Council, the business of the annual meeting shall include:
  - (i) **In an election year, delivery by the Chairman of the Council and councillors of their declarations of acceptance of office forms unless the Council resolves for this to be done at a later date.**
  - (ii) **In a year which is not an election year, delivery by the Chairman of the Council of his declaration of acceptance of office form, unless the Council resolves for this to be done at a later date.**

### **3. Proper Officer and Responsible Finance 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) **At least three clear days before a meeting of the Council or of a committee, serve on councillors by delivery or post at their residences, a signed summons confirming the time, place and the agenda. This summons, confirming the time, place and agenda for the meeting, may be served by email providing that any such email contains the electronic signature and title of the Proper Officer.**
  - (ii) **Give public notice of the time, date, place and agenda at least three 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).**
  - (iii) Subject to standing orders 4(a)-(f) below, include in the agenda all motions in the order received unless a councillor has given written notice at least one day before the meeting confirming his withdrawal of it. In such cases, the agenda already having been issued, the Chairman will notify the Council / committee at the meeting that the motion has been withdrawn.
  - (iv) Make the minutes of meetings available for inspection by local government electors.
  - (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) 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.

(ix) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

(x) Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form.

(xi) Arrange for legal deeds to be witnessed, sealed and executed using the Council's common seal, as per standing order 14 below.

(xii) Retain custody of the seal of the Council which shall not be used without a resolution to that effect.

(xiii) Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

(xiv) Record every planning application notified to the Council and the Council's response to the local planning authority in an electronic format suitable for such purpose.

(xv) Action or undertake activity or responsibilities instructed by resolution of the Council or contained in standing orders.

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

#### **4. Motions for a meeting requiring written notice to be given to the Proper Officer**

- a. In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda. The mover must give written notice of the motion's wording to the Council's Proper Officer at least five clear days before the meeting at which the mover wishes it to be tabled. See standing order 1.b above for the manner in which clear days should be reckoned and those days which should not be counted.
- b. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c. If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until

the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language so that it can be understood at least five clear days before the meeting.

- d. If the wording, subject or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- e. Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f. Every motion and resolution shall relate to the responsibilities of the meeting at which it is tabled and in any case shall relate to the performance of the Council's statutory functions, powers and lawful obligations or to an issue which specifically affects the Council's area or its residents.

#### **5. Motions not requiring written notice**

- a. Motions in respect of the following matters may be moved without written notice to the Proper Officer:
  - (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 (including substitutes) 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 require or consider a report and/or recommendations made by a committee.
  - (xv) To require or consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - (xvi) To authorise legal deeds to be sealed by the Council's common seal and witnessed.
  - (xvii) To authorise the payment of monies.
  - (xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it (note that any amendment must have a proposer and seconder).
  - (xix) To extend the time limit for speeches.
  - (xx) To exclude the press and public for all or part of a meeting.

(xxi) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

(xxii) To give the consent of the Council if such consent is required by standing orders.

(xxiii) **To suspend any standing order except those which reflect mandatory statutory requirements.**

(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.

(xxvi) To adjourn the meeting.

(xxvii) To close the meeting.

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

## **6. Rules of debate**

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion for reasons of expedience.
- b. Subject to standing orders 4(a)-(e) above, a motion (including an amendment) shall not be considered unless it has been proposed and seconded.
- c. Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be expressed in writing and handed to the Chairman. If several amendments are forthcoming, the Chairman shall determine the order in which they are considered.
- e. A councillor may move an amendment to his own motion. If a motion has already been seconded, the amendment to it shall be with the consent of the seconder and the meeting.
- f. The proposal of any amendment to a motion shall be for one of the following purposes:
- (i) To leave out words;
  - (ii) To add words; or
  - (iii) To leave out words and add other words.
- g. A proposed or carried amendment to a motion shall not have the effect of rescinding or negating the original or substantive motion under consideration.

- h. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i. Subject to standing order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but each amendment shall be voted upon separately.
- j. Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l. If an amendment is carried, the original motion as amended shall take the place of the original motion as initially worded, and shall become the substantive motion upon which any further amendment may be moved.
- 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 in respect of the substantive motion at the very end of debate on the final substantive motion and immediately before it is put to the vote. The mover of an amendment has no right of reply at the end of debate on it.
- o. Subject to standing order 6(m) and (n) above, a councillor may not speak further in respect of any one motion except:
  - (i) to move or speak on another amendment if the motion has been amended since he last spoke;
  - (ii) to make a point of order;
  - (iii) to give a personal explanation, or
  - (iv) 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 irregularity in the meeting he is concerned by.
- q. A point of order shall be decided by the Chairman and his decision shall be final.
- r. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not subsequently speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s. Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
  - (i) To amend the motion

- (ii) To proceed to the next business
  - (iii) To adjourn the debate
  - (iv) To put the motion to a vote
  - (v) To ask a person to be silent or to leave the meeting
  - (vi) To refer a motion to a committee for consideration
  - (vii) To exclude the public and press
  - (viii) To adjourn the meeting, or
  - (ix) To suspend any standing order, except those which reflect mandatory statutory requirements.
- t. In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right to reply before it is seconded and put to the vote. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- u. Excluding motions moved under standing order 6.s above, the contributions or speeches made by councillors shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chairman.

## **7. Code of Conduct (England) and Code of Conduct Complaints**

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council. "Member" in the rest of this standing order will be understood to apply equally to councillors or non-councillors with voting rights.
- b. A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:**
- (i) disclose the interest, and
  - (ii) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 7.h below).
- Unless they have been granted a dispensation, and subject to paragraph 7.e below, they must:**
- (iii) not participate in any discussion about, or vote taken on, the matter at the meeting;
  - (iv) withdraw from the meeting room whenever it becomes apparent that the business is being considered, and
  - (v) not seek improperly to influence a decision about that business.
- c. Dispensation requests shall be made in writing and submitted to the Proper Officer** as soon as possible before the meeting for which the dispensation is required or, failing that, at the start of the meeting. A dispensation request shall confirm:
- (i) the description and nature of the disclosable pecuniary interest or other significant 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 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.

Consideration of the request for a dispensation shall be made at the beginning of the meeting for which the dispensation is required.

- d. Any decision as to whether a dispensation may be granted shall be made by the meeting of the Council, committee or sub-committee at which the request was considered, and that decision shall be final. **A dispensation may be granted 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.**
- e. **A Member with an Other Significant Interest may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions or giving evidence.**
- f. **Where a Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter under discussion (unless a dispensation has been granted in accordance with paragraphs b through to d of this Standing Order), chooses to participate in the discussion and vote, the Chairman will refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all. The Chairman may apply the rules in Council standing order 10 relating to 'disorderly conduct'.**
- g. **The Chairman may request that a Member declares a Disclosable Pecuniary Interest or Other Significant Interest and, if appropriate, leave the meeting room, should he have reason to believe that the provision of the Code of Conduct and/or this Standing Order are being breached.**
- h. **Where a Disclosable Pecuniary Interest or Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.**
- i. On receipt of a notification that there has been alleged breach of the Code of Conduct, or should such a breach be reasonably believed by the Proper Officer to have taken place, then the Proper Officer shall refer it to the Monitoring Officer at the District Council. This in no way affects the right of complainants to address their concerns directly to the Monitoring Officer of the District Council.

- j. **If a member of the Council reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Standards Board (England).**
- k. Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 22 below, report this to the Council.
- l. Where the notification in standing order 7.k above relates to a complaint made by the Proper Officer, then the Proper Officer shall notify the Chairman of the 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 7.n below.
- m. The Council may provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law. It may also seek information relevant to the complaint from the person or body with statutory responsibility for the investigation of the matter.
- n. **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## **8. Questions**

- a. A councillor may seek an answer to be given at a Council or committee meeting to a question concerning any business of the Council provided five clear days' written notice of the question has been given to the Proper Officer. When such questions have been submitted, they will have a dedicated item on the meeting agenda. If more than one has been submitted, they will be put on the agenda as sub-sections of the same item, in the order in which they were submitted.
- b. Every question shall be put through the Chairman and answered without discussion. Questions and responses will be included in the minutes of the meeting.

## **9. Minutes**

- a. If the draft minutes of a preceding meeting have been circulated to 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. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the 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 council/committee/sub-committee held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the Council/committee/sub-committee 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 for which approved minutes now exist shall be destroyed.
- f. **All minutes kept by the Council and by any committee or sub-committee shall be open for the inspection of any member of the Council or local government elector.**

#### **10. Disorderly conduct**

- a. **All members of the Council and non-councillors with voting rights must observe the Code of Conduct, which forms section 7 of the present Standing Orders, and all provisions of the present Standing Orders approved by the Council on 20<sup>th</sup> January 2014.**
- b. No person shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively or improperly. In addition no member of the Council shall behave **in such a manner as to bring the Council into disrepute**. Any breach of standing orders three times in a meeting by a councillor may result in exclusion from the meeting as per standing order 10.c below.
- c. If, in the opinion of the Chairman, a person has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council or committee or sub-committee meeting and thereafter he or any member of the Council may move that the person be no longer heard or that the person do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **This is no way removes the obligation incumbent upon any member of the Council, reasonably believing that another member is in breach of the Code of Conduct, to report this suspected breach under the provisions of Standing Order 7.j above.**

- d. If a resolution under the provisions in paragraph 10.c is disobeyed, the Chairman may adjourn the meeting or take such reasonable steps as may be necessary to restore order or to progress the meeting.

#### **11. Rescission of previous resolutions**

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least six members of the Council and is given to the Proper Officer in accordance with Standing Order 4 above, or by a motion moved in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further six months.

#### **12. Voting on 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. Any tie may be settled by the Chairman's casting vote.

#### **13. Expenditure**

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

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

*See also Standing Order 3.b (xii) and (xiii) above.*

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. **In accordance with a resolution made under standing order 14(a) above, the Council's common seal shall alone be used for sealing a deed required by**

**law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.**

**15. Committees and sub-committees**

- a. Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference shall be determined by the committee.**
- b. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d. 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, subject to standing orders 15.b and c above, 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, subject to standing orders 15.b and c above, appoint and substitute members to a committee if ordinary members of the committee have confirmed to the Proper Officer five clear days before the meeting that they are unable to attend.**
  - (v) Shall determine the place, the notice requirements and the quorum for a meeting of a committee and a sub-committee (which shall be no less than three).**
  - (vi) Shall determine if the public may participate at a meeting of a committee.**
  - (vii) Shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee.**
  - (viii) Shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend.**
  - (ix) May in accordance with standing orders, dissolve a committee at any time.**

**16. Extraordinary meetings of the Council, 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 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The 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 sub-committee may convene an extraordinary meeting of the committee / sub-committee at any time.
- d. If the Chairman of a committee / sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested to do so by two members of the committee / sub-committee, those two members of the committee / sub-committee may convene an extraordinary meeting of a committee / sub-committee.

## **17. Accounts, accounting statements and Financial Statement**

- a. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices (as defined in *Governance & Accountability for Local Councils – A Practitioner’s Guide*) and the Council’s financial regulations, which shall be reviewed at least annually.
- b. The Responsible Financial Officer shall supply to each councillor as soon as practicable after every month a statement summarising the Council’s receipts and payments for the current financial year. This statement should include a comparison with the budget for the financial year.
- c. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or 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 the Council for formal approval before 30 June.

## **18. Estimates/precepts**

- a. **The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of November.**
- b. Any councillor desiring the council to incur expenditure for the coming financial year shall give the Proper Officer a written estimate of the expenditure no later than 15<sup>th</sup> October.
- c. 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 15<sup>th</sup> October.

## **19. Canvassing of and recommendations by councillors**

- a. Canvassing councillors or the members of a committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an

appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

- b. A councillor or a member of a committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion. Nevertheless any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **20. 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, and request a copy for the same purpose. **The minutes of meetings of the Council and its committees shall be available for inspection by councillors.**

## **21. Unauthorised activities**

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

## **22. Confidential business**

- a. Councillors and staff 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 22.a above may be removed from a committee by a resolution of the Council. Any staff member in breach of standing order 22.a above will be disciplined according to the provisions of the staff handbook.
- c. 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.
- d. No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or sub-committee as the case may be.

- e. Any member in breach of the provisions of paragraph (e) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

**23. General Power of Competence**

- a. Before exercising the General 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 parish council.
- b. The Council's period of eligibility begins on the date that the resolution under Standing Order 24 (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 General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 24 (b) above.

**24. Matters affecting Council employees**

- a. A matter personal to a Council employee being considered by a meeting of the Council, or a Council committee or sub-committee, shall be subject to standing order 22 above. It will not be considered until the Council, committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 1.c above.
- b. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman, or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Advisory Committee.
- c. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by an employee relates to the Chairman or Vice-Chairman this shall be communicated to another member of the Advisory Committee, which shall be reported back and progressed by resolution of the committee.
- d. Any persons responsible for all or part of the management of Council employees shall keep confidential and secure all written records of all matters or meetings relating to grievance and disciplinary matters, performance and capabilities.
- e. The Council shall keep all written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

- f. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- g. Only persons with line management responsibilities shall have access to employee records referred to in standing orders 25 (d), (e) and (f) above if so justified.
- h. Access to records of employment referred to in standing orders 25 (d), (e) and (f) above shall be provided only to the post holder, Chairman of the Council and the Advisory committee.

## **25. 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 and the Data Protection Act 1998.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **26. Relations with the press/media**

- a. All requests from the press, other media and/or a third party for an oral or written statement or comment from the Council, its councillors or staff shall be processed in accordance with the Council's policy in respect of dealing with the press, other media and/or a third party.

## **27. 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(s) of the District and County Council representing its electoral ward.
- b. If the Council so orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council councillor(s) representing its electoral ward.

## **28. Financial controls and procurement**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall be reviewed regularly and at least annually for fitness of purpose. The Financial Regulations shall include detailed arrangements in respect of the following:

- (i) The keeping of accounting records and systems of internal control;
  - (ii) The assessment and management of financial risks faced by the Council;
  - (iii) The work of the independent Internal Auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - (iv) The inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments, and
  - (v) Procurement policies (subject to standing order 28(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £10,000.
- b. **Financial regulations shall confirm that any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £30,000 shall be procured on the basis of a formal tender as summarised in standing order 28(c) below.**
- c. Any formal tender process shall comprise of the following steps:
- (i) A specification of the goods, materials, services and the execution of works shall be drawn up.
  - (ii) An invitation to tender shall be drawn up to confirm the council's specification; the time (if necessary), date and address for the submission of tenders; the date of the Council's written response to the tender, and the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process. This invitation shall be advertised in an appropriate manner.
  - (iii) Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by the stated date and time.
  - (iv) Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council.
  - (v) Tenders are then to be reported to the appropriate meeting of Council or committee for consideration.
- d. Neither the Council, nor any committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender, estimate or quote.
- e. **Where the value of a contract is likely to exceed £140,000 (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.**

## **29. Variation, revocation and suspension of standing orders**

- a. Any or every part of the standing orders, except those which incorporate mandatory statutory requirements, may be suspended by resolution in relation to the consideration of any specific item of business 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 whereof bears the names of at least 6 councillors and is given to the Proper Officer in accordance with standing order 4 above.

**30. 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 form.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.

These Standing Orders were adopted by the Council at its meeting held on **Monday 20<sup>th</sup> January 2014.**