

Sandbach Town Council

Version 3

Standing Orders

**Approved at a meeting of Sandbach Town
Council held on 21 September 2017**

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1 RULES OF DEBATE AT MEETINGS

- a When speaking at meetings of Full Council a member shall stand (unless there is a reason why s/he cannot do so). There will only ever be one person standing at any given time. When the Mayor stands, all other speakers will be seated.
- b Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting. The proposal speech shall not exceed five minutes, with all subsequent speeches being under three minutes.
- c A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- d A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- e If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- f An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- g If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- h A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A Councillor may not move more than one amendment to an original or substantive motion.

- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a Councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another Councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation (when permitted by the Chair) and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a Committee or sub-Committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive (amended) motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

Excluding motions moved under standing order 1(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chair of the meeting.

2 DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the Chair 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.

3 MEETINGS GENERALLY

- Full Council meetings
- Committee meetings
- Sub-Committee meetings
- Member Briefings
- Working Groups

Working Group Meetings (see appendix 1 – Working Group Rules)

Appendix 1 is the document 'Working Groups – Roles and Responsibilities, which was approved by Council 2.4.17

Member Briefings

Nothing in this paragraph shall prevent arrangements being made for Members to receive an informal briefing in public.

Working Groups

Roles and responsibilities of Working Groups are set out in general terms within guidance set out in Appendix 1, attached to Standing Orders.

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day**

appointed for public thanksgiving or mourning.

- c The minimum three clear days' public notice for 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.**
- d Meetings shall be open to the public unless their presence is prejudicial to the public interest because 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.**
- e Standing Orders 3 (a-d), will be applied to the business of Sub-Committees.
- f Standing Orders 3(a-d), will be applied to the business of Working Groups as appropriate.
- g The Mayor is ex-officio member of all Committees, Sub-Committees and Working Groups. This allows the same debating and voting rights as any other member. Attendance is counted as part of the quorum.
- h The Town Clerk may attend any meeting of the Council, it's Committees, Sub-Committees and Working Groups and may advise and participate as appropriate.
- i Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- j The period of time designated for public participation at a meeting in accordance with standing order 3(i) above shall not exceed 15 minutes in total unless directed by the Chair of the meeting.
- k Subject to standing order 3(i) above, a member of the public shall not speak for more than three minutes.
- l In accordance with standing order 3(i) above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- m A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.

- n A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- o Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
-   p **Non-disruptive photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted without the Council's prior written consent.**
- q The Council will audio record all public debate at its Council, Committee and Sub-Committee meetings and will endeavour to make the recording available to the public within 5 working days of the meeting. The recording will remain available for two years.
-   r **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  s **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor/Chair may in his absence be done by, to or before the Deputy Mayor/Vice Chair of the Council.**
-  t **The Mayor/Chair, if present, shall preside at a meeting. If the Mayor/Chair is absent from a meeting, the Deputy Mayor/Vice-Chair, if present, shall preside. If both the Mayor/Chair and the Deputy Mayor/Vice Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting. In such an instance normal voting rules will apply.**
-    u **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
-    v **The Mayor/Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
See standing order 5 (h and i) below for the different rules that apply in the election of the Mayor at the annual meeting of the Council.
- w **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded 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.

- x The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of Councillors present, absent with apologies and absent without apologies. Apologies to be tendered to the Clerk of the Meeting only. Block apologies will not be accepted, unless by resolution of the Council.
 - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
 - iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.



- y **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.**



- z **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council (or Committee) are present and in no case, shall the quorum of a meeting be less than three.**

The LGA1972 (Sch12) states that a quorum will be three or a third, Sandbach Town Council has resolved that its quorum will be four or one third, whichever is the greater.

See standing order 4e(ix) below for the quorum of a Committee or sub-Committee meeting.



- aa **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- bb A meeting shall not exceed a period of two and a half hours and in any event, should not exceed 9.30pm, any further extension is at the Mayor/Chair's discretion and by agreement of the majority of those members present.
- cc The Mayor shall be invited to all Committee, Sub-Committee and Working Group meetings of the Council and shall be afforded the same right to debate and vote as any other appointed member. The attendance of the Mayor in his ex-officio capacity will be counted as part of the quorum.

4 COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a Committee may appoint a sub-Committee whose terms of reference and members 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 a Working Group or Sub-Committee may be non-Councillors.**
- d Within one month of the AGM, or creation of Committees and Sub-Committee, those Committees, Sub-Committees will have met to appoint Chairs and Vice-Chairs. Chairs and Vice-Chairs shall remain in post until the first meeting in the new civic year of their Committee or Sub-Committee, which will take place within one month of the Annual Council Meeting. The first item of that meeting shall be the election of the Chairman with the Retiring Chair in the chair. Chairs shall not serve for more than two consecutive years and are not eligible to stand for a third year, except when no one else wishes to stand for the position. The second item of that meeting shall be the election of the Vice-Chair with the new Chair in place.
- e The Council may appoint standing Committees or other Committees as may be necessary, and:
- i. shall determine their terms of reference and scheme of delegation;
 - ii. shall determine the number and time of the ordinary meetings of a standing Committee up until the date of the next annual meeting of full Council;
 - iii. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a Committee;
 - v. The membership of Committees shall be as follows:

Committee	Recommended Maximum Membership	Minimum Membership
Assets and Services	10	4
Community and Environment	7	4
Finance, Policy and Governance	10	4
Personnel	7	4
Planning	10	4
Any Sub-Committee	7	4

Any Working Group	7	4
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- vi. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a Committee whose role is to replace the ordinary members at a meeting of a Committee if the ordinary members of the Committee confirm to the Officer three days before the meeting that they are unable to attend [item v. substitutions are subject to appropriate skills and experience];
- vii. shall permit the standing Committee or Sub-Committee, to appoint its Chair and Vice-Chair at the first meeting of the new civic year. The Chair of such a Committee must be a member of the Council and, as a general rule, would be expected to serve for no more than two consecutive years (see 4d above);
- viii. shall permit a Sub-Working Group other than a standing Committee, to appoint its own Chair at the first meeting of the Committee following the Annual Council Meeting.
- ix. shall determine the place, notice requirements and quorum for a meeting of a Committee and a sub-Committee which shall be no less than four;
- x. shall determine if the public may participate at a meeting of a Committee;
- xi. shall determine if the public and press are permitted to attend the meetings of a sub-Committee and the advance public notice requirements, if any, required for the meetings of a sub-Committee;
- xii. shall determine if the public may participate at a meeting of a sub-Committee that they are permitted to attend; and
- xiii. may dissolve a Committee.

5 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 7pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The first business conducted at the annual meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.
- f The Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected.at that meeting.

- g The Deputy Mayor, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.

In an election year, if the current Mayor has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Mayor has been elected. The current Deputy Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.

- h In an election year, if the current Mayor has been re-elected as a member of the Council, he shall preside at the meeting until a new Mayor has been elected. He may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.

- i Following the election of the Mayor and Deputy Mayor of the Council at the annual meeting of the Council, the business of the annual meeting may include:

- i. In an election year, delivery by the Mayor and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year, which is not an election year, delivery by the Mayor of his acceptance of office form unless the Council resolves for this to be done at a later date;
- ii. Delivery by the Deputy Mayor of his acceptance of office form unless the Council resolves for this to be done at a later date;
- iii. Review of delegation arrangements to Committees, sub-Committees, staff and other local authorities;
- iv. Review of the terms of reference for Committees;
- v. Appointment of members to existing Committees;
- vi. Appointment of any new Committees in accordance with standing order 4 above;
- vii. Review and adoption as appropriate of standing orders and financial regulations;
- viii. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- ix. Review of representation on or work with external bodies and arrangements for reporting back;
- x. Review and approve the appointment of external companies that provide the Council with professional advice and support.
- xi. (*England*) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xii. Review of inventory of land and assets including buildings and office equipment;
- xiii. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xiv. Review of the Council's and/or staff subscriptions to other bodies;
- xv. Review of the Council's complaints procedure;
- xvi. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xvii. Review of the Council's policy for dealing with the press/media; and

xviii. Determining the time and place of ordinary meetings of the full Council, other meetings and key dates up to and including the next annual meeting of full Council.

6 EXTRA ORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES

- a The Mayor may convene an extraordinary meeting of the Council at any time.
- b If the Mayor does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.
- c The Chair of a Committee [or a sub-Committee] may convene an extraordinary meeting of the Committee [or the sub-Committee] at any time.
- d If the Chair of a Committee [or a sub-Committee] does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the Committee [or the sub-Committee], any two members of the Committee [and the sub-Committee] may convene an extraordinary meeting.

7 PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least ten Councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a Committee or a sub-Committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8 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. A tie in votes may be settled by the casting vote exercisable by the Mayor / Chair of the meeting.

9 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER [Members' Items]

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least ten clear days before the meeting, this includes any supporting information. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning or does not comply with standing order 9(a), the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least eight clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE [RESOLUTIONS MOVED WITHOUT NOTICE]

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a Committee or sub-Committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a Committee or sub-Committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or

- sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a Councillor or a member of the public;
- xiii. to exclude a Councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11 HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine known confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

12 DRAFT MINUTES

- a 'Draft' minutes, subject to the agreement of the Chair of the meeting, will be made publicly available as 'draft minutes' on the Sandbach Town Council website. In most cases this should be within one week of the meeting.
- b If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- c There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- d The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- e If the Chair 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 Chair of this meeting, [name], does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- f Upon a resolution, which confirms the accuracy of the minutes of a meeting, the draft minutes and any other notes or audio recording, other than those retained online shall

be destroyed.

13 CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(t) above.

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a Councillor or co-opted member with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a Councillor or co-opted member with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or Committee or sub-Committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or Committee or a sub-Committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:
 - i. without the dispensation, the number of persons prohibited from participating in the

- business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or granting the dispensation is in the interests of persons living in the Council's area or
- ii. it is otherwise appropriate to grant a dispensation.

14 CODE OF CONDUCT COMPLAINTS

- a The Adopted Code of Conduct applies to all elected and co-opted Councillors, and to none-councillor who are co-opted to meetings of the Council's Sub-Committees and Working Groups.
- b Upon notification by the District or Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the Council.
- c Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair 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 14(d) below.
- d The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- e Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

15 PROPER OFFICER

- a The Proper Officer shall be the Town Clerk or other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. At least three clear days before a meeting of the Council, a Committee and a sub-Committee serve on Councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
See standing order 3(b) above for the meaning of clear days for a meeting of a

- full Council and standing order 3 (c) above for a meeting of a Committee.*
- ii. give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a Committee or a sub-Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
See standing order 3(b) above for the meaning of clear days for a meeting of a full Council and standing order 3(c) above for a meeting of a Committee.
 - iii. subject to standing order 9 above, include on the agenda all motions in an order determined by the Proper Officer to facilitate efficient despatch of business.
 - iv. **convene a meeting of full Council for the election of a new Mayor, occasioned by a casual vacancy in his office;**
 - v. facilitate inspection of the minute book by local government electors;
 - vi. **receive and retain copies of byelaws made by other local authorities;**
 - vii. retain acceptance of office forms from Councillors;
 - viii. retain a copy of every Councillor's register of interests;
 - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and 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, access to and destruction of information held by the Council in paper and electronic form;
 - xii. arrange for legal deeds to be executed;
See also standing order 22 below.
 - 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 a book for such purpose;
 - xv. refer a planning application received by the Council to the Chair or in his absence Vice-Chair of the Planning Committee, in a timely way, ensuring sufficient time for a considered response to be made.;
 - xvi. manage access to information about the Council via the publication scheme; and
 - xvii. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
See also standing order 22 below.

16 RESPONSIBLE FINANCIAL OFFICER

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

17 ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments for each quarter;
 - ii. the Council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

18 FINANCIAL CONTROLS AND PROCUREMENT

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee or sub-Committee with delegated responsibility.
- e. Neither the Council, nor a Committee or a sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. Where the value of a contract is likely to exceed £138,893 (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.

19 HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of Council or the Personnel Committee is subject to standing order 11 above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Mayor, or in his absence the Deputy Mayor, of his/her absence occasioned by illness. If required, this will be reported to the next meeting of the Council.
- c The Mayor or in his absence, the Deputy Mayor shall instigate in accordance with the Personnel Terms of Reference the review of the performance and annual appraisal of the work of Town Clerk, which will be undertaken by a panel comprising past Mayor, current Mayor and Deputy Mayor. The Town Clerk/Operations Manager will conduct reviews on all other staff. The reviews and appraisal shall be reported in writing to the Personnel Committee, except in the case of the Town Clerk, which will be reported to Council and is subject to approval by resolution.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Mayor, or in his absence, the Deputy Mayor in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if a grievance matter relates to the Mayor or Deputy Mayor, this shall be communicated to the Chair of Personnel, which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Town Clerk and Operations Manager (Town Clerk Deputy).

j. **CANVASSING OF MEMBERS ON STAFF APPOINTMENT**

Canvassing of members or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of the Standing Order to every candidate.

A member of the Council shall not solicit for any person, any appointment under the Council or recommend any person for such appointment; but, nevertheless, a member may give a written testimonial of the candidate's ability, experience or character for submission to the Council with an application for employment.

20 REQUESTS FOR INFORMATION

- a Requests for information held by the Council shall be handled 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 Chair of the Finance, Policy and Governance Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21 RELATIONS WITH PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

22 EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 22(a) above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

23 COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillors of the District or Unitary Council representing the area of the Council.

- b If the Council so orders, a copy of each letter ordered to be sent to the Unitary Authority, shall be transmitted to the unitary Councillor for the ward, as the case may require.

24 RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

25 STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to, vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least ten Councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

26 INSPECTION OF DOCUMENTS

- a A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council by prior appointment, and, if copies are available, shall, on request, be supplied for the like purpose with a copy.

27 POWERS

- a In the case of a civil emergency or other urgent matter, the Town Clerk in consultation with a minimum of two members from the following: Mayor, Deputy Mayor or Committee Chair, is delegated to use the powers of Council. The use and justification of which will be reported to the next Council meeting.

Approved STC 21 September 2017

Mayor Cllr M Forster

Clerk

A handwritten signature in black ink, appearing to read 'M Forster', is written over the text 'Clerk'.

APPENDIX 1

WORKING GROUPS**Roles and Responsibilities**

Working Groups are formed by resolution of Council or one of its standing Committees/Sub Committees.

Members of the group are initially made up from volunteer Councillors, with other key persons/bodies being represented as required. There should never be a Working Group that comprises of all members of the Council. The Council's rules on quoracy apply.

All Working Group meetings will be open to public observation as appropriate, although the public will not normally be able to take part or ask questions.

At the first meeting of all working groups, the following actions must take place:

A Lead Member appointed, who will in most cases take on responsibility for chairing and facilitating the meetings.

Terms of Reference will be drawn up, which will clearly detail the make-up of the group (ie, all represented bodies) and reported back to the parent body.

The Working Group will determine whether the work of the group is classified as a project and if so determine which category should be applied (reference Project Management document).

Unless clearly specified within the Council/Committee resolution, Working Groups have no delegated authority. Their purpose is to research and report on their specific piece of work, providing recommendations to the parent body as necessary.

Working Groups have no power to incur expenditure.

Working Groups have no power to draw 'significantly' on the Council's resources, including staff, unless agreed by the parent body.

Working Groups do not represent the views of Council, unless agreed by the parent body through delegation.

The Lead Member is responsible for:

- Convening meetings
- Producing Agenda
- Ensuring that notes are produced, circulated and made available as required
- Reporting to Parent Body
- Keeping the Proper Officer informed of the Groups work

Adopted, STC 20.4.17