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**Council of the Year 2017**

***HALEWOOD TOWN COUNCIL***

***STANDING ORDERS***

***2018***

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**HALEWOOD TOWN COUNCIL**

**STANDING ORDERS**

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*Please note that references relating to Committees are on the basis of* ***“where one exists”,*** *otherwise the responsibility relates to the meeting of the full Council, and the Chairperson or Vice-Chairperson accordingly.*

*Standing Orders in* ***bold type*** *incorporate statutory requirements and must not be ignored or substantively amended unless the legislation upon which they are based, changes.*

*These Standing Orders were adopted by Halewood Town Council*

*at the Annual Meeting held on 10th May 2018*

**1**. **Meetings (Including Public Participation and the Press)**

 General

* 1. Meetings of the Council shall be held at the Council Offices at 7.00 pm unless the Council otherwise decides at a previous meeting.
	2. Smoking is not permitted at any meeting of the Town Council.

* 1. All Council and Committee Meetings shall terminate not later than 9:45 p.m. and any business not disposed of by the closure time shall stand adjourned to the next ordinary or adjourned meeting.
	2. Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.
	3. **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.**
	4. **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.**
	5. **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**

 Public Participation / Public Forum

* 1. **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.**
	2. Subject to Standing Order 1.8 above, members of the public are permitted as part of the Public Forum and by prior arrangement with the Town Manager (being a minimum of 48 hours notice before the scheduled start of the meeting) to make representations, answer questions and give evidence in respect of any item of business included in the agenda, or on a matter concerning the Township.

* 1. The Public Forum will commence at the beginning of the meeting for a maximum period of thirty minutes, for a maximum of three separate addresses, not exceeding ten minutes each. The opening and closing of this period of time shall be explicitly identified and no resolutions or other business shall be conducted during this period during which the meeting of the Town Council will stand adjourned.
	2. If no formal lodging of topics for the public open forum are made to the Town Manager pursuant to Standing Order 1.9 then the Chairperson of that meeting may welcome any members of the public present during “Public Open Forum”, and ask if anyone would like to address the meeting on an urgent topic appertaining to the Township, as deemed by the Chairperson for a period not exceeding ten minutes. (Maximum of three addresses per meeting).

* 1. In accordance with standing order 1.8 a question shall not require a response at the meeting nor start a debate on the question. The chairperson of the meeting may direct that a written or oral response be given. notwithstanding that, at the Chairperson’s discretion, Members of the Council may be invited to ask questions of the member of the public who is addressing the meeting.
	2. In accordance with Standing Order 1.12 above, the Chairperson 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.
	3. A brief record of a public participation session at a meeting shall be included in the minutes of that meeting.
	4. 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 chairperson of the meeting may at any time permit a person to be seated when speaking.
	5. A person who speaks at a meeting shall direct his comments to the chairperson of the meeting.
	6. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairperson of the meeting shall direct the order of speaking.
	7. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
	8. **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.**
	9. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in his absence be done by, to or before the Vice-Chairperson of the Council (if there is one).**
	10. **The Chairperson of the Council, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson of the Council (if there is one) if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
	11. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
	12. **The chairperson 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.**

* 1. **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 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.
	2. 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.

The Recording of Meetings

* 1. **Subject to standing order 1.8. under the Openness of Local Government Bodies Regulations 2014 amended the Public Bodies (Admission to Meetings) Act 1960 in terms of any person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

 See also the Town Council Policy ‘Filming, Recording and Social Media Reporting of (Public) Town Council Meetings approved by the Town Council on 20th November 2014.

* 1. Minutes

The minutes of a meeting shall include an accurate record of the following:

* the time and place of the meeting;
* the names of councillors who are present and the names of councillors who are absent;
* every member of the Council attending a meeting of the Council, or any of its Committees or Sub-Committees of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose.
* interests that have been declared by councillors and non-councillors with voting rights;
* the grant of dispensations (if any) to councillors and non-councillors with voting rights;
* whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
* if there was a public participation session; and the resolutions made.

# *Draft Minutes*

* 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.
* 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 6.1.
* The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.
* If the chairperson 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 chairperson of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*

* **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
* Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
	1. Interests

 **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.**

* 1. Quorum

**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.**

 *See standing order 16.4 (viii) for the quorum of a committee or sub-committee meeting.*

* 1. Code of Conduct & Declarations of Interest

 **The Code of Conduct adopted by the Council shall apply to councillors in respect of the entire meeting** (of the Council, its Committees, Sub-Committees, Advisory Committeesor Working Groups)**. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**

* 1. Annual Meetings
1. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
2. **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
3. **If no other time is fixed, the annual meeting of the Council shall take place at 7pm.**
4. **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 decides.**
5. **The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson (if there is one) of the Council.**
6. **The Chairperson 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.**
7. **The Vice-Chairperson of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairperson of the Council at the next annual meeting of the Council.**
8. **In an election year, if the current Chairperson of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson of the Council but shall give a casting vote in the case of an equality of votes.**
9. **In an election year, if the current Chairperson of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairperson of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairperson of the Council and shall give a casting vote in the case of an equality of votes.**
10. Following the election of the Chairperson of the Council and Vice-Chairperson (if there is one) of the Council at the annual meeting, the business shall include:
	* 1. **In an election year, delivery by the Chairperson of the Council 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 Chairperson of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
		2. Confirmation of the accuracy of the minutes of the last meeting of the Council;
		3. Receipt of the minutes of the last meeting of a committee;
		4. Consideration of the recommendations made by a committee;
		5. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
		6. Review of the terms of reference for committees;
		7. Appointment of members to existing committees;
		8. Appointment of any new committees in accordance with standing order 16.4.
		9. Review and adoption of appropriate standing orders and financial regulations and Code of Conduct;
		10. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
		11. Review of representation on or work with external bodies and arrangements for reporting back;
		12. 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;
		13. Review of inventory of land and other assets including buildings and office equipment;
		14. Confirmation of arrangements for insurance cover in respect of all insurable risks;
		15. Review of the Council’s and/or staff subscriptions to other bodies;
		16. Review of the Council’s complaints procedure;
		17. Review of the Council’s policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 25 and 32*);
		18. Review of the Council’s policy for dealing with the press/media;
		19. Review of the Council’s employment policies and procedures;
		20. Review of the Council’s expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
		21. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

# Extraordinary Meetings of the Council, Committees and Sub Committees

# The Chairperson of the Council may convene an extraordinary meeting of the Council at any time.

1. **If the Chairperson of the Council does not 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 shall be signed by the two councillors.**
2. The chairperson of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

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

e In the month of April each year, and not less than one week prior to each Annual Meeting of the Council a Special Committee consisting of the whole members of the Council and of which Committee not less than one third of the number of the whole Council shall be a quorum shall meet to prepare a report to the Council as to the formation and duties of any Committee, or the full Council for the next municipal year.

f Except where otherwise provided by statute or a scheme, made under statutory authority, the Chairperson of the Council shall be an ex-officio member of every Standing Committee appointed by the Council.

g The Town Manager shall summons a special meeting of a Committee at any time at the request of either (a) the Chairperson of the Committee, or (b) the Chairperson, or (c) any members of the Committee, or (d) the Town Manager in the event of any emergency or special circumstances arising.

h The summons to the special meeting shall set out the business to be considered thereat and no business other than indicated or any consequential matters arising thereat shall be considered at that meeting.

**2. Proper Officer**

 General

 The Council’s Proper Officer shall be The Town Manager or such other employee as may be nominated by the Council from time to time or such other employee appointed by the Council to undertake the role of Proper Officer during the Proper Officer’s absence. The Proper Officer and the employee appointed to act as such during the Proper Officers absence shall fulfil the duties assigned to the Proper Officer in Standing Orders. (The term Proper Officer shall hereinafter be assumed to be the Town Manager).

1. The Proper Officer shall:
	1. **at least three clear days before a meeting of the council, a committee** or a sub-committee**,**
* **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
* **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 1.6. for the meaning of clear days for a meeting.*

* 1. subject to standing order 5, include on the agenda all motions in the order received unless a councillor has given written notice at least five days before the meeting confirming his withdrawal of it;
	2. **convene a meeting of the Council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in his office;**
	3. **facilitate inspection of the minute book by local government electors;**
	4. **receive and retain copies of byelaws made by other local authorities;**
	5. hold acceptance of office forms from councillors;
	6. hold a copy of every councillor’s register of interests;
	7. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council’s relevant policies and procedures;
	8. liaise, as appropriate, with the Council’s Data Protection Officer;
	9. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
	10. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
	11. arrange for legal deeds to be executed;

(*see also standing order 23);*

* 1. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
	2. record every planning application notified to the Council and the Council’s response to the local planning authority in a book for such purpose;
	3. refer a planning application received by the Council to the Chairperson or in his absence the Vice-Chairperson (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
	4. manage access to information about the Council via the publication scheme; and
	5. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

(s*ee also standing order* *15).*

# Responsible Financial Officer (RFO)

 The Council’s RFO shall be The Town Manager or such other employee as may be nominated by the Council from time to time or such other employee appointed by the Council to undertake the role of RFO during the RFO’s absence. The Proper Officer and the employee appointed to act as such during the RFO’s absence shall fulfil the duties assigned to the RFO in Standing Orders. (The term RFO shall hereinafter be assumed to be the Town Manager).

4**. Delegated/Emergency Decisions**

 4.1. Where urgent action is required between regular meetings of the Council and it is not convenient to call a special meeting; decisions may lawfully be taken by the Town Manager in consultation with the Chairperson of the Town Council such decisions being reported to the next meeting of the Council.

 4.2. Where the decision is of a controversial nature and such that the Town Manager and Chairperson of the Council are wary of making that decision, a meeting comprising of 1/3rd or 3, (whichever is the greater), of the members of the relevant committee or full Council should meet as a Special Sub-Committee (i.e. a Committee of the Committee) and should be convened at short notice (less than 3 clear days being un-lawful).

**5. Motions Requiring Written Notice to be given to the Proper Officer**

* 1. A motion shall relate to the responsibilities of the meeting for which it is tabled 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.
	2. 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 eight clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
	3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 5, correct obvious grammatical or typographical errors in the wording of the motion.
	4. If the Proper Officer considers the wording of a motion received in accordance with standing order 5 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least five clear days before the meeting.
	5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairperson 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.
	6. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
	7. Motions received shall be recorded and numbered in the order that they are received.
	8. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

* 1. The following motions may be moved at a meeting without written notice to the Proper Officer:
* to approve the absences of councillors;
* to approve the accuracy of the minutes of the previous meeting;
* to correct an inaccuracy in the draft minutes of a meeting;
* to dispose of business, if any, remaining from the last meeting;
* to alter the order of business on the agenda for reasons of urgency or expedience;
* to close or adjourn debate;
* to receive nominations to a committee or sub-committee;
* to dissolve a committee or sub-committee;
* to note the minutes of a meeting of a committee or sub-committee;
* to move to a vote;
* to defer consideration of a motion;
* to refer a motion to a particular committee or sub-committee;
* to appoint a person to preside at a meeting;
* to change the order of business on the agenda;
* to proceed to the next business on the agenda;
* to require a written report;
* to appoint a committee or sub-committee and their members;
* to extend the time limits for speaking;
* to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
* to consider a report and/or recommendations made by a committee or a sub- committee/working group or an employee;
* to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
* to authorise legal deeds [to be sealed by the Council’s common seal and witnessed;

*(See standing orders 15)*

* to authorise the payment of monies as per Financial Regulations;
* to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
* to give the consent of the Council if such consent is required by standing orders;
* to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
* to answer questions from councillors;
* to not hear further from a councillor or a member of the public;
* to exclude a councillor or member of the public for disorderly conduct;
* to temporarily suspend the meeting;
* to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
* to adjourn the meeting; or
* to close the meeting.
	1. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairperson may direct for it to be dealt with at the present meeting for reasons of urgency or expedience. (Where these Committees may be created in the future).

**7. Rules of Debate at Meetings**

* 1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairperson of the meeting.
	2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
	3. A motion on the agenda that is not moved by its proposer may be treated by the chairperson of the meeting as withdrawn.
	4. 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.
	5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
	6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
	7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairperson of the meeting, is expressed in writing to the chairperson.
	8. 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.
	9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairperson of the meeting.
	10. Subject to standing order 7.9, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairperson of the meeting.
	11. One or more amendments may be discussed together if the chairperson of the meeting considers this expedient but each amendment shall be voted upon separately.
	12. A councillor may not move more than one amendment to an original or substantive motion.
	13. The mover of an amendment has no right of reply at the end of debate on it.
	14. 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
	15. Unless permitted by the chairperson of the meeting, a councillor may speak once in the debate on a motion except:
1. to speak on an amendment moved by another councillor;
2. to move or speak on another amendment if the motion has been amended since he last spoke;
3. to make a point of order;
4. to give a personal explanation; or
5. to exercise a right of reply.
	1. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
	2. A point of order shall be decided by the chairperson of the meeting and his decision shall be final.
	3. When a motion is under debate, no other motion shall be moved except:
6. to amend the motion;
7. to proceed to the next business;
8. to adjourn the debate;
9. to put the motion to a vote;
10. to ask a person to be no longer heard or to leave the meeting;
11. to refer a motion to a committee or sub-committee for consideration;
12. to exclude the public and press;
13. to adjourn the meeting; or
14. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
	1. Before an original or substantive motion is put to the vote, the chairperson 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.
	2. The contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chairperson of the meeting.

**8. Code of Conduct (England)**

 In accordance with Section 27 and 28 of the Localism Act 2011 the Town Council has adopted and introduced an ethical framework for local government designed to ensure high standards of conduct in public life. Failure of any Member to sign the declaration within two months of election to the Town Council would result in the member ceasing to be a member of the Council. A copy of the latestmodel code is attached as an appendix in this document.

All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

*Dispensations*

1. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
2. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
3. **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.
4. 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.
5. A dispensation request shall confirm:
	* 1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
		2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
		3. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
		4. an explanation as to why the dispensation is sought.
6. Subject to standing orders 8, a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
7. **A dispensation may be granted in accordance with standing order 8 if having regard to all relevant circumstances any of the following apply:**
	1. **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;**
	2. **granting the dispensation is in the interests of persons living in the Council’s area; or**
	3. **it is otherwise appropriate to grant a dispensation.**

# 9. Code of Conduct Complaints

* 1. Upon receipt of a Code of Conduct complaint the Proper Officer must immediately refer the matter to the Monitoring Officer.
	2. 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 report this to the Council.
	3. Where the notification in standing order 9.2 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairperson of Council of this fact, and the Chairperson 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 9.4.
	4. The Council may:
	5. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
	6. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
	7. **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.**

**10. Questions**

* 1. A councillor may seek an answer to a question concerning any business of the Council provided 3 clear days notice of the question has been given to the Proper Officer.
	2. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
	3. Every question shall be put and answered without discussion.
	4. An answer may take the form of: -

 i) a direct oral answer; or

 ii) where the desired information is contained in a publication of the Council, a reference to whom that publication of; or

iii) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Council.

**11. Disorderly Conduct (Including Suspension of Sitting)**

* 1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairperson of the meeting shall request such person(s) to moderate or improve their conduct.
	2. If person(s) disregard the request of the chairperson of the meeting to moderate or improve their conduct, any councillor or the chairperson of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
	3. If a resolution made under standing order 11.2 is ignored, the chairperson 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.

11.4. In event of disorderly conduct or other misbehaviour on the part of the public who may be admitted to meetings, the Chairperson shall be empowered (as the official representative of the Council or Committee and on their behalf) to exercise the statutory powers of exclusion, suppression or prevention of such disorderly conduct or misbehaviour. The ruling of the Chairperson consequently upon any such disorderly conduct, or upon any motion arising there from, and any requirements or instruction of the Chairperson made or given in order to ensure the properties of debate or the due and proper conduct, of the Council's or Committee's business, shall be accepted without discussion by all members of the Council or in the event of a Committee.

**12. Rescission of Previous Resolutions**

* 1. A resolution (whether affirmative or negative) shall not be reversed within six months except either by a special motion, which requires written notice by at least (two thirds of the Councillors of the Council to be given to the Proper Officer in accordance with standing order 5, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
	2. When a motion moved pursuant to standing order 12.1. has been disposed of, no similar motion may be moved for a further six months.

12.3. The ruling of the Chairperson as to whether any motion or amendment comes within the terms of this standing order shall be final and accepted without question .

**13. Voting on Appointments**

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

**14. Expenditure**

* 1. Any expenditure incurred by the Council shall be in accordance with the Council’s Financial Regulations.
	2. **The Council’s Financial Regulations shall be reviewed once a year.**
	3. **The Council’s financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee, sub-committee or to an employee.**

**15. Execution and Sealing of Legal Deeds**

*See also standing order 5 above*

* 1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
	2. **In accordance with a resolution made under standing order 6.1 above, the Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Town Manager in the presence of two members of the Council who shall sign the deed as witnesses.**

**16. Committees**

*See also standing order 1 above*

* 1. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
	2. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
	3. **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
	4. The Council may at its annual meeting appoint standing committees or other committees as may be necessary, and:
1. shall determine their terms of reference;
2. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
3. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
4. shall, subject to standing orders 1.32j(vi) and (vii), appoint and determine the terms of office of members of such a committee;
5. may, subject to standing orders 1.32j(vi) and (vii), 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 Proper Officer 7 days before the meeting that they are unable to attend;
6. shall, after it has appointed the members of a standing committee, appoint the chairperson of the standing committee;
7. shall permit a committee other than a standing committee, to appoint its own chairperson at the first meeting of the committee;
8. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
9. shall determine if the public may participate at a meeting of a committee;
10. 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;
11. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
12. may dissolve a committee or a sub-committee.

**17. Sub-Committees**

*See also standing order 1 above*

* 1. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
	2. Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.
	3. The Town Manager may, and at the request of the Chairperson of the Sub-Committee concerned, summon meetings of the Sub-Committee at any time.

**18. Advisory Committees / Working Groups** *See also Standing Order 1 above*

* 1. The Council may appoint advisory committees/working groups comprised of a number of councillors and non-councillors.
	2. Advisory committees/working groups and any sub-committees may consist wholly of persons who are non-councillors.

**19. Accounts and Financial Statement**

“Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.

* 1. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
	2. 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:
		1. the Council’s receipts and payments (or income and expenditure) for each quarter;
		2. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
		3. 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.

* 1. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
		1. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
		2. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
	2. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

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# Financial Controls and Procurement

20.1. 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:

1. the keeping of accounting records and systems of internal controls;
2. the assessment and management of financial risks faced by the Council;
3. 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;
4. the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments; and
5. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
	1. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
	2. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 20.6 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
	3. 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:
6. a specification for the goods, materials, services or the execution of works shall be drawn up;
7. 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;
8. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
9. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
10. 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;
11. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
	1. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
	2. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
	3. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

**21. Estimates/Precepts**

* 1. The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
	2. Any committee desiring to incur expenditure shall give the Town Manager a written estimate of the expenditure recommended for the coming year no later than December.

# 22. Management of Information

*See also standing order 20.*

* 1. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
	2. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
	3. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
	4. **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

**23. Matters Affecting Council Employees (Including Complaints Procedure)**

If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1.8 above.

 23.1. Absence

Subject to the Council’s policy regarding absences from work, the Council’s most senior employee shall notify the Chairperson of the Council or, in his absence, the Vice-Chairperson of the Council of any absence occasioned by illness or urgency and that person shall report such absence to the next meeting.

23.2. Performance Review

The Chairperson of the Council or in his absence, the Vice-Chairperson shall upon a resolution conduct a review of the performance and/or appraisal of Town Manager and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council.

23.3. Grievance & Disciplinary

* Subject to the Council’s policy regarding the handling of grievance matters, the Council’s most senior employee (or other employees) shall contact the Chairperson of the Council or in his absence, the Vice-Chairperson of in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
* Any complaint with reference to any Council Official or Employee, to the Town Manager and be reported by that Officer to the appropriate Committee of the Council provided that the complaint be made in writing and signed by the person making it.
* Any complaint with reference to the Town Manager to the Chairperson and be subject to the appropriate Committee of the Council provided that the complaint be made in writing and signed by the person making it.
* Officers and employees of the Council are prohibited from making personal appeals, written or oral, direct or indirect to members of the Council or co-opted members of a committee, and any such personal appeal will be held to be a breach of discipline. An officer or employee desirous of bringing to the notice of the Council a matter concerning himself or his position must do so through the Town Manager.
* Subject to the Council’s policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by Town Manager relates to the Chairperson or Vice-Chairperson of the Council this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of Council.
* Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
* The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
* 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.
* Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
* Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to Town Manager and/or the Chairperson of the Council.

23.4. Complaints Procedure

* If a complaint about procedures or administration is notified orally to a councillor or the Town Manager and it is not possible to satisfy the complaint fully forthwith the complainant shall be asked to put his complaint in writing to the Manager and be assured that it will be dealt with promptly after receipt.
* If a complainant indicates that he would prefer not to put the complaint to the Town Manager he shall be advised to put it to the Chairperson.
* On receipt of a written complaint the Town Manager or Chairperson, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Town Manager or a councillor without first notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Town Manager or Chairperson receives a written complaint about his own actions he shall forthwith refer the complaint to the Council.
* The Town Manager or Chairperson shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
* The Town Manager or Chairperson shall bring any written complaint which cannot be settled to the next meeting of the Council and the Town Manager shall notify the complainant of the date on which the complaint will be considered.
* The Council shall consider whether the circumstances of the complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
* As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.
* If any question arises at a meeting of the Council (or of a committee thereof) to which the Part 1 of Schedule 12A Local Government Act 1972 as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council or Committee as the case may be, has decided whether or not the power of exclusion of the Local Government Act 1972 shall be exercised.

 23.5. Officers Interest in Contracts

The Town Manager shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours for the inspection of any member of the Council.

# 24. Responsibilities to Provide Information

*See also standing order 22.*

* 1. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

**24.2. The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015**.

# 25. Responsibilities under Date Protection Legislation (not an exclusive list).

*See also standing order 11.*

* 1. **The Council shall appoint a Data Protection Officer.** *(At the time of drafting these Standing Orders, HM Government have tabled an amendment to the legislation exempting Town and Parish Councils in England from the requirement to appoint a DPO)*
	2. **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
	3. **The Council shall have a written policy in place for responding to and managing a personal data breach.**
	4. **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
	5. **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
	6. **The Council shall maintain a written record of its processing activities.**
		1. **Canvassing and Recommendations by Councillors and Vacancies**

26.1. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Town Manager shall disclose the requirements of this standing order to every candidate.

26.2. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate’s ability, experience or character for submission to the Council with an application for appointment.

26.3. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

26.4. A candidate for any appointment under the Council who knows that he is related to any member or officer of the Council shall be required to disclose that relationship to the Town Manager. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and officer of the Council shall disclose to the Town Manager any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment under the Council. The Town Manager shall report to the Council or to the appropriate Committee or Sub-Committee any such disclosure made to him.

26.5. The purpose of this standing order shall be included in every advertisement inviting applications for appointments or in any form of application.

26.6. For the purpose of this standing order 'officer' means any member of Council staff so designated by the Council and persons shall be deemed to be related if they are husband and wife, civil or co-habiting partner or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

26.7. The Council shall determine the establishment of Town Council. No new office shall be created, nor any person be employed in addition to the Town Council's establishment, except with the agreement of the Council..

 26.8. All vacancies to be filled within the staffing establishment of the Town Council unless they are to be filled by promotion or transfer, shall be publicly advertised as determined by the Town Council.

 27.9. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in an office in the appointment of the Council, or officer as the case may be responsible for making the appointment may appoint one of the former applicants.

* + 1. **Inspection of Documents**

Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

**28. Restrictions on Councillor Activities**

Unless duly authorised at a meeting of the Council, and having regard to the Code of Conduct, no Councillor shall:

* inspect any land and/or premises which the Council has a right or duty to inspect; or
* issue orders, instructions or directions.

# 29. Standing Orders Generally

* 1. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
	2. A motion to add to or vary or revoke one or more of the Council’s standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with standing order 9.
	3. The Proper Officer shall provide a copy of the Council’s standing orders to a councillor as soon as possible.
	4. The decision of the chairperson of a meeting as to the application of standing orders at the meeting shall be final.

**30. Confidential Business**

* 1. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
	2. A councillor in breach of the provisions of standing order 30.1. above may be removed from a committee or a sub-committee by a resolution of the Council.
	3. A member of a Committee, shall not disclose a matter dealt with by or brought before the Committee that is deemed to be of a confidential nature without its permission until the Committee shall have reported to the Council or the matter shall have been communicated to the press or with the authority of the Council or Committee.

**31. Power of Competence**

* 1. Before exercising the power to promote 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.
	2. **The Council’s period of eligibility begins on the date that the resolution under standing order 1.32 j (xx) above was made and expires on the day before the annual meeting of the Council that**

**takes place in a year of ordinary elections.**

* 1. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote competence which was not completed before the expiry of the Council’s preceding period of eligibility referred to in standing order 1.32 j (xx).**

**32. Freedom of Information Act 2000**

* 1. 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.
	2. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Town Manager to the Chairperson of the Council. The full meeting of the Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Town Manager in respect of Freedom of Information requests set out under standing order 2 a (viii) above.

**33. Relations with Press/Media**

* 1. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council’s policy in respect of dealing with the press and/or other media.
	2. In accordance with the Council’s policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

See also Standing Order 1

**34. Liaison with Unitary Councillors**

* 1. A copy of the agenda for meetings of the Town Council shall be sent, to the councillor of the Unitary Council representing its electoral ward. (This only applies when the Town Councillor for a Ward is not the Unitary Councillor for the same Ward).
	2. Unless the Council otherwise orders, a copy of each letter sent to the Unitary Council shall be sent to the Unitary Council councillor representing its electoral ward.

**35. Allegations of Breaches of Code of Conduct**

* 1. On receipt of a notification that there has been an alleged breach of the code of conduct the Town Manager shall refer it to the full meeting of the Town Council.
	2. Where the notification relates to a complaint made by the Town Manager, the Town Manager shall notify the Chairperson of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Town Manager set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
	3. Where a notification relates to a complaint made by an employee (not being the Town Manager) the Town Manager shall ensure that the employee in question does not deal with any aspect of the complaint.
	4. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Town Manager and the Chairperson of the Council shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
1. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
2. Ensure that any background papers containing the information set out in standing order 35.1 above are not made public.
3. Ensure that the public and press are excluded from meetings as appropriate.
4. Ensure that the minutes of meetings preserve confidentiality.
5. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
	1. Standing order 35.3 above should not be taken to prohibit the Council (whether through the Town Manager or the Chairperson of the Council or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
	2. The Council shall have the power to:
6. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
7. seek and share information relevant to the complaint;
8. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
9. References in standing order 35 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

**36. Variation, Revocation and Suspension of Standing Orders**

* 1. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
	2. A motion to permanently add to or to vary or to revoke one or more of the Council’s standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.
		1. **Standing Orders to be Given to Councillors**
	3. The Town Manager shall provide a copy of the Council’s standing orders to a councillor upon delivery of his declaration of acceptance of office.
	4. The Chairperson’s decision as to the application of standing orders at meetings shall be final.
	5. A councillor’s failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.
	6. The Standing Order of the Council (No 7) "Rules of Debate" (except those parts which relate to standing and speaking more than once) with any necessary modification, apply to all meetings of the Town Council, its Committee and Sub-Committee Meetings and to all meetings of any Advisory Committee or Working Group established pursuant to Standing Order 18.
1. **Powers of Meetings of the Full Town Council**
* The control, management, maintenance and promotion of all Community Centres, owned or held by the Council.
* The control, management, maintenance and promotion of all land held for Community Recreation and Leisure including parks, recreation grounds, open spaces, playgrounds, sports centres and stadia.
* Powers and duties conferred upon the Council as Trustees in respect of any recreation ground so far as the conferring instrument relate to the management and control thereof.
* The promotion of indoor and outdoor sporting recreation and leisure activities and joint participation with other bodies concerned therewith.
* To maintain an overview of youth and community issues and to liaise with other agencies to promote youth and community development.
* All matters relating to footpaths and bridleways within the control or management of the Town Council, including the protection, creation, diversion or extinguishment thereof.
* Co-ordination of all requirements in relation to the street furniture in the ownership of the Town Council.
* In joint participation with other bodies concerned therewith, deal with all matters relating to the appearance of facilities of the Halewood area in particular, roads, lighting, public services and neglected areas.
* The control, management, maintenance and promotion of artistic events hosted by the Council.
* To market and promote events and pursue every avenue to ensure maximum participation by the community in the work of the Town Council
* To pursue an integrated policy, to provide an extensive programme to all irrespective of age, race, religion or sex.
* To support arts projects on the widest possible spectrum and stimulate artistic activity in every sphere.
* To actively encourage interests in artistic development both for individuals and groups of the community including schools and voluntary organisations.
* To encourage and promote sustainable living and address climate change issues in order to reduce energy costs, to reduce congestion, to adapt to the impacts of climate change, to improve the local environment and to deal with fuel poverty in our local communities.
* Authority to deal with planning applications submitted to the Council by the Borough Council for formal consultation, by opposing, approving or making such representation as shall be appropriate in the circumstances, subject to the decision taken by the **full** Council for information at the next following meeting.
* To undertake a continuing review of the Council's broad policy and priorities over the range of its functions and, for the purpose, to make recommendations to the Council on implementation.
* The allocation, management and control of the Council’s, financial, personnel, assets and land resources.
* The staying of action on any matter which may contravene the policies of the Council.
* The constitution, composition and functions of Committees of the Council.
* The structure of the Council's administrative organisation.
* Appointment or nomination of representatives of the Council to serve on other bodies.
* Attendance of Members at Conferences, workshops and training events.
* All matters relating to insurances.
* Collection of debts and monies owing to the Council (including power to write off bad debts)
* Administration of national agreements adopted by the Council as to conditions of service of all employees and determination of conditions of services not within the purview of such agreements.
* All questions relating to the recruitment, qualifications, selection, training and welfare of employees including the administration and application of approved policies in relation to employees.
* Promotion (but not dismissal) of officers on the permanent establishment, to fill existing vacancies on the establishment, except in the case of appointment of Chief Officer or where otherwise specially provided for.
* All questions in regard to the alteration in status, salaries or wages of employees of the Council.
* Carrying into effect the function of the Council under the provisions of Local Government Superannuation Acts 1937 to 1972 and amendments thereof, the Lancashire County Council (General Powers) Act 1971 Section 13, and any and all other Acts or Acts, Orders or Regulation for the time being in force in regard to Local Government Superannuation.
* Administration of any scheme for the payment of retirement allowance to employees who are not contributors under the Local Government Superannuation Acts.
* Administration of any scheme or schemes for payment of allowances to employees absent from duty owing to sickness.
* Determination and periodic review of staff establishments.
* All matters relating to Contracts of Employment, Industrial Relations and joint consultation.
* Establishing machinery for hearing of any appeals which may arise under the provision of the national agreements adopted by the Council as to Conditions of Service of all employees.