  



HALEWOOD TOWN COUNCIL STANDING ORDERS

April 2022

Review Annually

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# Meetings Generally.

* 1. Meetings of the Council shall be held at the Council Offices at 7.00pm unless the Council otherwise decides at a previous meeting. (Applicable to Full Council and Committee meetings).
  2. All Town Council and Policy & Finance Committee meetings shall terminate not later than 9.45pm and any business not disposed of by the closure time shall stand adjourned to the next ordinary or adjourned meeting.
  3. Smoking is not permitted at any meeting of the Town Council.
  4. **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.** *(Applicable to Full Council and Committee meetings)*
  5. **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.** *(Applicable to Full Council and Committee meetings)*
  6. **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.** *(Applicable to Full Council and Committee meetings)*
  7. **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/her absence be done by, to or before the Vice-Chairperson of the Council.**
  8. **The Chairperson, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson if present, shall preside. If both the Chairperson and the Vice-Chairperson are absent from a meeting, a Councillor as chosen by the Councillor’s present at the meeting shall preside at the meeting.** *(Applicable to Full Council meetings)*
  9. **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;**
  10. **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/her casting vote whether or not he/she gave an original vote.**
  11. **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/her vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
  12. The minutes of a meeting shall include an accurate record of the following:
      1. the time and place of the meeting;
      2. the names of Councillors present and absent;
      3. 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.
      4. interests that have been declared by Councillors and non-Councillors with voting rights;
      5. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
      6. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
      7. if there was a public participation session; and the resolutions made.

# 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/her right to participate and vote on that matter.**

# 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.** *(Applicable to Full Council meetings)*

# Public Participation at Meetings

* 1. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
  2. **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.** *(Applicable to Full Council & Committee meetings)*
  3. 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.
  4. 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.
  5. If no formal lodging of topics for the public forum are made to the Town Manager pursuant to Standing Order (4c) then the Chairperson of that meeting may welcome any members of the public present during ‘Public 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.
  6. In accordance with standing order (4.d) above, 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.
  7. In accordance with Standing Order (4.d) 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.
  8. A brief record of a public participation session at a meeting shall be included in the minutes of that meeting.
  9. A person shall raise his/her 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.
  10. A person who speaks at a meeting shall direct his/her comments to the Chairperson of the meeting.
  11. Only one person is permitted to speak at any time. If more than one person wants to speak, the Chairperson of the meeting shall direct the order of speaking.

# Relations with the Press/Media.

* 1. **Subject to standing order (5.b) below, 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.**
  2. 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.
  3. **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.**

# Committees and Sub-Committees.

* 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 appoint, at its Annual Meeting, 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 Full 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 (6.b) and (6.c), appoint and determine the terms of office of members of such a Committee;
     5. shall, after it has appointed the members of a standing Committee, appoint the Chairperson of the standing Committee;
     6. shall permit a Committee other than a standing Committee, to appoint its own Chairperson at the first meeting of the Committee;
     7. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Sub-Committee which shall be no less than three;
     8. shall determine if the public may participate at a meeting of a Committee;
     9. 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 meeting of a Sub-Committee;
     10. shall determine if the public may participate at a meeting of a Sub- Committee that they are permitted to attend;
     11. may dissolve a Committee.
  5. Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.
  6. 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.
  7. The Council may appoint advisory Committees/working groups comprised of a number of Councillors and non-Councillors.
  8. Advisory Committees/working groups and any Sub-Committees may consist wholly of persons who are non-Councillors.

# Ordinary Council 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 new Councillors’ elected take office.**
  2. **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 decide.**
  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 any) of the Council.**
  6. **The Chairperson of the Council, unless he/she has resigned or becomes disqualified, shall continue in office, and preside at the Annual Meeting until his/her successor is elected at the next Annual Meeting of the Council.**
  7. **The Vice-Chairperson of the Council, if any, unless he/she 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/she shall preside at the 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 must 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/she shall preside at the meeting until a new Chairperson of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chairperson of the Council and must 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 any) of the Council at the Annual Meeting of the Council, the business of the Annual Meeting 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/her 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 (6.b)
      9. Review and adoption of appropriate standing orders, 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 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;
      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 Full Council up to and including the next Annual Meeting of the Full Council.

# Delegated/Emergency Decisions

* 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.
  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).

# Extraordinary meetings of the Council, Committees and Sub- Committees

* 1. The Chairperson of the Council may convene an Extraordinary Meeting of the Council at any time.
  2. **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 must be signed by the two Councillors.**
  3. The Chairperson of a Committee (or Sub-Committee) may convene an Extraordinary Meeting of the Committee (or the Sub-Committee) at any time.
  4. If the Chairperson of a Committee (or Sub-Committee) does not or refuses to call an Extraordinary Meeting within 4 days of having been requested to do so by 4 councillors, those 4 councillors may convene an extraordinary meeting of a committee (or a sub- committee). If required the statutory public notice giving the time, venue, and agenda for such a meeting should be signed by 4 Councillors.
  5. 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.
  6. 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.
  7. 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.

* 1. The summons to the Extraordinary 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.

# 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 becomes the substantive Motion upon which further amendment(s) may be moved.
  7. 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.
  8. 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.
  9. Subject to standing order (10.k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairperson of the meeting.
  10. 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.
  11. A Councillor may not move more than one amendment to an original or substantive Motion.
  12. The mover of an amendment has no right of reply at the end of the debate on it.
  13. 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 the debate on the final substantive Motion immediately before it is put to the vote.
  14. 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. in the exercise of a right of reply.
  15. During the debate of a Motion, a Councillor may interrupt only on a point of order or a personal explanation, and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
  16. A point of order shall be decided by the Chairperson of the meeting, and his/her decision shall be final.
  17. 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/her right of reply.

# Disorderly Conduct at Meetings.

* 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 a person(s) disregards 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(s) be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
  3. In event of disorderly conduct or other misbehavior 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 misbehavior. The ruling of the Chairperson consequently upon any such disorderly conduct, or upon any motion arising thereof, 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.
  4. If a resolution made under Standing Order (11b) above 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.

# Previous Resolutions.

* 1. A resolution shall not be reversed within six months except either by a Special Motion, which requires written notice by at least two thirds of the Council to be given to the Proper Officer in accordance with standing order 13 below, 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 10(a) above has been disposed of, no similar Motion may be moved within a further six months.
  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.

# Motions for a Meeting that require written notice to be given to the Proper Officer.

* 1. 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.
  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 7 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 (13b) above, 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 (13.b) above is not clear in meaning, the Motion shall be rejected until the mover of the Motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.
  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. Subject to standing order (13.e) above, 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 in a book for that purpose with an explanation by the Proper Officer for their rejection.

# 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;
     1. to approve the accuracy of the minutes of the previous meeting;
     2. to correct an inaccuracy in the draft minutes of a meeting;
     3. to approve the absences of councillors;
     4. to dispose of business, if any, remaining from the last meeting;
     5. to alter the order of business on the agenda for reasons of urgency or expedience;
     6. to close or adjourn debate;
     7. to receive nominations to a committee or sub-committee;
     8. to dissolve a committee or sub-committee;
     9. to note the minutes of a meeting of a committee or sub-committee;
     10. to consider a report and/or recommendations made by a committee or a sub- committee/working group or an employee;
     11. to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
     12. to authorise legal deeds [to be sealed by the Council’s common seal and witnessed; *(See standing orders 25.a, 25.b and 25.c below)*
     13. to authorise the payment of monies as per Financial Regulations;
     14. to amend a motion relevant to the original or substantive motion under
     15. consideration which shall not have the effect of nullifying it;
     16. to give the consent of the Council if such consent is required by standing orders;
     17. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
     18. to answer questions from councillors;
     19. to move to a vote;
     20. to defer consideration of a Motion;
     21. to refer a Motion to a particular Committee or Sub-Committee;
     22. to appoint a person to preside at a meeting;
     23. to change the order of business on the agenda;
     24. to proceed to the next business on the agenda;
     25. to require a written report;
     26. to appoint a Committee or Sub-Committee and their members;
     27. to extend the time limits for speaking;
     28. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
     29. to not hear further from a Councillor or a member of the public;
     30. to exclude a Councillor or member of the public for disorderly conduct;
     31. to temporarily suspend the meeting;
     32. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
     33. to adjourn the meeting; or
     34. to close a meeting.
  2. 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 Committee’s may be created in the future).

# Handling Confidential or Sensitive Information.

* 1. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or personal data without legal justification.**
  2. **Councillors, staff and the Council’s contractors and agents shall not disclose confidential information or personal data without legal justifications.**

# Draft Minutes.

* 1. 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.
  2. 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 (14.a) above.
  3. The accuracy of draft minutes, including any amendments(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.
  4. 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 (meeting) 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.*”

* 1. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes, or recordings of the meeting for which approved minutes exist shall be destroyed.

# Code of Conduct and Dispensations.

* 1. **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 Committees or 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.**
  2. 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.

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/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
2. Unless he/she 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/she has another interest, if so, required by the Council’s code of conduct. He/she may return to the meeting after it has considered the matter in which he/she 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 dispensation is required.
4. A decision as to whether to grant a dispensation shall be made (by the Proper Officer) OR (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 dispensations is sought; and
   4. an explanation as to why the dispensation is sought.
6. Subject to standing orders (17.d) and (17.e) above, dispensations requests shall be considered (by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required).
7. **A dispensation may be granted in accordance with standing order (17.e) above if having regard to all relevant circumstances the following applies.**
   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 or**
   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.**

# Code of Conduct Complaints.

* 1. **Upon notification by the Borough 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.**
  2. Upon receipt of a Code of Conduct complaint the Proper Officer must immediately refer the matter to the Monitoring Officer.
  3. Where the notification in standing order (18.a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairperson of the 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 on what action, if any, to take in accordance with standing order (18.d).
  4. The Council may:
     1. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
     2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  5. **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/her. Such action excludes disqualification or suspension from office.**

# Proper Officer.

* 1. The Proper Officer shall be the Town Manager. The Democratic Services and Administration Officer will undertake the duties of the Proper Officer when the Proper Officer is absent. Should the Town Manager and Democratic Services and Administration Officer be absent at the same time, the Council will nominate another employee to undertake the role of Proper Officer during this period to fulfil the duties assigned to the Proper Officer in Standing Orders. (The term Proper Officer shall hereinafter be assumed to be the Town Manager).
  2. The Proper Officer shall:
     1. **at least three clear days before a meeting of the Council, a Committee** or 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).**

* + 1. subject to standing order (13.b) above, include on the agenda all Motions in the order received unless a Councillor has given written notice at least 5 days before the meeting confirming his/her withdrawal of it;
    2. **convene a meeting of Full Council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in his/her 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. retain acceptance of office forms from Councillors;
    6. retain a copy of every Councillor’s register of interests;
    7. 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;
    8. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
    9. 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);
    10. arrange for legal deeds to be executed;

*See also standing order (25) below.*

* + 1. 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;
    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 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. 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 (25) below.*

# Responsible Financial Officer (RFO)

* 1. The Councils Responsible Financial Officer shall be the Town Manager. The Democratic Services and Administration Officer will undertake the work of the Responsible Financial Officer when the Town Manager is absent. Should the Town Manager and Democratic Services and Administration Officer be absent at the same time, the Council will nominate another employee to undertake the role of Responsible Financial Officer during this period to fulfil the duties assigned to the Responsible Financial Officer in Standing Orders. (The term Responsible Financial Officer shall hereinafter be assumed to be the Town Manager).

# Accounts and Accounting Statements.

* 1. “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
  2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
  3. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30th June 30th September and 31st December in each year a statement to summarise:
     1. the Council’s receipts and payments for each quarter;
     2. the Council’s aggregate receipts and payments 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.
  4. As soon as possible after the financial year end on 31st March, the Responsible Financial Officer shall provide:
     1. each Councillor with a statement summarising the Council’s receipts and payments for the last quarter and the year to date for information; and
     2. 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.
  5. 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 31st 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 the Council for consideration and formal approval before the 30th June.

# Financial Controls and Procurement.

* 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.
  2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
  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.**
  4. Any expenditure incurred by the Council shall be in accordance with the Council’s Financial Regulations.
  5. 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 £25,000 shall be procured on the basis of a formal tender as summarised in standing order (22.f below).
  6. 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:
     1. a specification for the goods, materials, services or the execution of works shall be drawn up;
     2. (I) an invitation to tender shall be drawn up to confirm 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 contracting Councillors or staff to encourage or support their tender outside the prescribed process;

* + 1. the invitation to tender shall be advertised in local newspaper and in any other manner that is appropriate.
    2. tenders are to be submitted in writing in a sealed, marked envelope addressed to the Proper Officer;
    3. 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;
    4. 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. **Where the council intends to procure or award a public supply contract, public service contract of public works contract as defined by The Public contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations. The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time). Thresholds currently applicable are:**

**a) For Public supply and public service contracts 209,000 Euros (£164,176).**

**b) For public works contracts 5,225,000 Euros (£4,104,394).**

# Handling Staff Matters

* 1. A matter personal to a member of staff that is being considered by a meeting of (Council) OR (the Committee) is subject to standing order (15) above.
  2. Subject to the Council’s policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by (the member of staff’s job title) relates to the Chairman or Vice-Chairman of the (….) Committee, this shall be communicated to another member of the (….) Committee) which shall be reported back and progressed by resolution of Full Council.
  3. 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.
  4. 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.
  5. Only persons with line management responsibilities shall have access to staff records referred to above if so justified.
  6. Access and means of access by keys and/or computer passwords to records of employment referred to above shall be provided only to the Town Manager and/or the Chairman of the Council.

# Requests for Information.

* 1. **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 2018.**

# Execution and Sealing of Legal Deeds.

* 1. **A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.**
  2. **Subject to standing order (25.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.**
  3. **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 witness.**

# Restrictions on Councillor Activities.

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

# Standing Orders Generally.

* 1. 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.
  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 13.
  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.