



## Lyme Regis Town Council Standing Orders

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Standing orders in **bold** type contain legal and statutory requirements.

These standing orders were adopted at the Full Council meeting on **17 May 2023**.

## **1. RULES OF DEBATE AT MEETINGS**

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the chairman's direction for reasons of expedience.
- b A report will be provided to members to consider containing a recommendation(s).
- c Members will debate the matter(s) outlined in the report.
- d The chairman calls for a member to put forward a proposal based upon a recommendation(s) within the report.
- e The chairman calls for a member to second the proposal. As soon as this happens the proposal will become "Substantive motion 1".
- f At this point, amendments may be proposed. If there is more than one amendment then each will be dealt with separately, with only one amendment being dealt with at a time.
- g The chairman will now call for the proposed amendment to be seconded.
- h If the amendment is seconded, members can debate the amendment.
- i The chairman will then call for a vote on the amendment.
- j If the vote is successful the chairman will declare the proposal carried. This will become "substantive motion 2" which renders the original motion redundant.
- k If the amendment was not seconded or the amendment was defeated by voting then the chairman will refer back to "substantive motion 1".
- l The chairman will now ask if there are any further amendments.
- m If no further amendments are proposed the chairman will either declare "substantive motion 2" as carried or will call for a vote for "substantive motion 1".
- n If the vote for "substantive motion 1" is lost then the chairman will move onto the next agenda item.
- o Once a substantive motion has been put to the vote and carried and there are no further amendments to be considered then the chairman will move on to the next agenda item.
- p The chairman may, at their discretion, allow debate on more than one amendment to take place, if it is practical to do so.
- q Where there are a number of amendments, the mover of the original motion

shall have the right to reply before it is put to the vote.

- r Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- s The number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- t A councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation or to move a closure.
- u 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 they consider has been breached or specify the irregularity in the meeting they are concerned by.
- v A point of order shall be decided by the chairman and their decision shall be final.
- w With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer.
- x When a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for them to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- y No speech by a mover of a resolution shall exceed five minutes and no other speech shall exceed three minutes except by consent of the council.
- z A member shall stand when speaking at a meeting of the council but may remain seated when speaking at committee meetings.
- aa Whenever the Mayor rises during a debate at Full Council all other members shall be seated and silent.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or

behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

- b If a person(s) disregards the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

Full Council meetings                      ●  
Committee meetings                        ●  
Sub-committee meetings                   ●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest 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.** The press and public may be excluded by means of the following resolution: "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw."
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. This applied to all meetings of committee and sub-committees. However, in relation to Full Council meetings, items raised in the public forum session are not restricted to those on the agenda, but should relate to matters the council can

influence or control.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 20 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A record of public participation at a meeting shall be included in the minutes of that meeting.
- j A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- k A person who speaks at a meeting shall direct their comments to the chairman of the meeting and state their name.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- m **Subject to standing order 3(m), a 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.**
- n **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- o **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.**
- p **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the chairman of the council may in their absence be done by, to or before the vice-chairman of the council (if there is one).**
- q **The chairman of the council, if present, shall preside at a meeting. If the chairman is absent from a meeting, the vice-chairman of the council (if there is one) if present, shall preside. If both the**

**chairman and the vice-chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.** The same rules shall apply to committee meetings.

- r **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.**

- s **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the chairman of the council at the annual meeting of the council.*

- t **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. If at least two members request, voting may be by signed ballot.

- u As outlined in the Local Government Act 1972, s. 85(1) and (2), if a member fails throughout six consecutive months to attend any meetings of the council or its committees or sub-committees of which they are a member, they cease automatically to be a member of the council, unless the reason for their absence has been approved by the Full Council before the end of the six-month period.

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

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent, and councillors shall provide a reason for their absence. Reasons for absence may be kept confidential at a councillor's request;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- w **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 their right to participate and vote on that matter.**

- x **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 4d(viii) for the quorum of a committee or sub-committee meeting.*

- y **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

- z A meeting shall not exceed a period of three hours. A short recess will be considered by the chairman after two hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**

- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

- d The council may, at its annual meeting, appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), 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 seven days before the meeting that they are unable to attend;

- vi. shall permit a committee to appoint its own chairman at the first meeting of the committee;
  - vii. 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;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee or a sub-committee.
- e The chairman of the council shall be an ex-officio voting member of every committee.
  - f Councillors who become members through a by-election or co-option shall be allowed to choose which committees they serve on and shall be given full voting rights on those committees. Membership of the chosen committee(s) must be resolved by the Full Council before the member is able to vote as part of the committee, although they may attend and take part in meetings in the meantime.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **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.**
- c **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council decides.**
- e **The first business conducted at the annual meeting of the council shall be the election of the chairman and vice-chairman (if there is one) of the council.** There is a separate programme for the election of chairman (Mayor) and vice-chairman (Deputy Mayor).
- f **The chairman of the council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.**



- g **The vice-chairman of the council, if there is one, unless they resign or becomes disqualified, shall hold office until immediately after the election of the chairman of the council at the next annual meeting of the council.**
- h **In an election year, if the current chairman of the council has not been re-elected as a member of the council, they shall preside at the annual meeting until a successor chairman of the council has been elected. The current chairman of the council shall not have an original vote in respect of the election of the new chairman of the council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current chairman of the council has been re-elected as a member of the council, they shall preside at the annual meeting until a new chairman of the council has been elected. They may exercise an original vote in respect of the election of the new chairman of the council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the chairman of the council and vice-chairman of the council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the chairman 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 chairman of the council of their acceptance of office form unless the council resolves for this to be done at a later date;**
  - ii. In the ordinary year of election of the council, to fill any vacancies left unfilled at the election by reason of insufficient nominations;
  - iii. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - iv. Receipt of the minutes of the last meeting of a committee;
  - v. Consideration of the recommendations made by a committee;
  - vi. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vii. Review of the terms of reference for committees;
  - viii. Appointment of members to existing committees;
  - ix. Appointment of any new committees in accordance with standing order 4, and confirmation of the terms of reference and the number of members (including, if appropriate, substitute councillors);
  - x. Review and adoption of appropriate standing orders and financial regulations;
  - xi. Review of arrangements (including legal agreements) with other

local authorities, not-for-profit bodies and businesses.

- xii. Review of representation on or work with external bodies and arrangements for reporting back;
  - xiii. 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;
  - xiv. Review of inventory of land and other assets including buildings and office equipment;
  - xv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xvi. Review of the council's and/or staff subscriptions to other bodies;
  - xvii. Review of the council's complaints procedure;
  - xviii. 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 11, 20 and 21*);
  - xix. Review of the council's policy for dealing with the press/media;
  - xx. Review of the system of internal control and risk;
  - xxi. Review of the council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
  - xxii. Determining the time and place of ordinary meetings of the council up to and including the next annual meeting of the council.
  - xxiii. Receipt of the Mayor's announcements
  - xxiv. Receipt of internal and external auditors' reports
  - xxv. Questions from councillors
  - xxvi. Authorisation of the sealing of documents
  - xxvii. Authorising the signing of orders for payment
  - xxviii. Authorising the annual return
- k The office of chairman (Mayor) shall not be held by the same person for more than two consecutive years unless there are no other nominees willing to accept office.

**6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The chairman of the council may convene an extraordinary meeting of the council at any time.**
- b **If the chairman of the council does not 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.**

- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee (or a sub-committee) does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee (or the sub-committee), any two members of the committee (or the sub-committee) may convene an extraordinary meeting of the committee (or a sub-committee).

## **7. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least six councillors to be given to the proper officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.
- c Minor amendments required to the council's policies and/or procedures within the six months will not require a previous resolution to be rescinded.

## **8. VOTING ON APPOINTMENTS**

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- b As the first business of a council is to elect a chairman (the mayor in the case of Lyme Regis Town Council) who is also an ex-officio voting member of all committees, they are in a position to open and chair a sub-committee meeting temporarily, with the benefit of a casting vote, until a committee chairman is elected. In the Mayor's absence, the Deputy Mayor could officiate in the same way. The town clerk or other officer cannot open or chair a committee or sub-committee meeting.

## **9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a 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.

- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the proper officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The proper officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the proper officer considers the wording of a motion received in accordance with standing order 9(b) 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 seven clear days before the meeting.
- e If the wording or subject of a proposed motion is considered unlawful or improper, the proper officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Having consulted the chairman or councillors in accordance with standing order 9(e), the decision of the proper officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the proper officer of the reason for rejection.

#### **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the proper officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to close or adjourn debate;
  - ix. to require a written report;
  - x. to appoint a committee or sub-committee and their members;

- xi. to extend the time limits for speaking;
- xii. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xiii. to not hear further from a councillor or a member of the public;
- xiv. to exclude a councillor or member of the public for disorderly conduct;
- xv. to temporarily suspend the meeting;
- xvi. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvii. to adjourn the meeting;
- xviii. to close the meeting; or
- xix. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.

## 11. **MANAGEMENT OF INFORMATION**

*See also standing order 20.*

- a **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.**
- b **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).**
- c **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.**
- d **Councillors, staff, the council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e The discussion of the following types of business will be treated as confidential:
  - i. Engagement, terms of service, conduct and dismissal of employees;
  - ii. Terms of tenders, and proposals and counter-proposals in

negotiations for contracts;

- iii. Preparation of cases in legal proceedings; and
- iv. Early stages of any dispute.

## 12. DRAFT MINUTES

Full Council meetings           ●  
Committee meetings           ●  
Sub-committee meetings       ●

- a 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.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **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.**
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- f 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.

## 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council. The voluntary code of conduct

adopted by the council shall also apply to councillors who have signed up to that code.

- b All councillors shall undertake training in the code(s) of conduct as soon as this can be arranged following delivery of their declaration of acceptance of office.
- c Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- d Unless they have 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 they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- e **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.
- f A decision as to whether to grant a dispensation shall be made by the proper officer and that decision is final.
- g A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- h Subject to standing orders 13(e) and (g), a dispensation request 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.
- i **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the council's area; or**

iii. it is otherwise appropriate to grant a dispensation.

#### 14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the district or unitary council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the proper officer shall, subject to standing order 11, report this to the council.
- b Where the notification in standing order 14(a) relates to a complaint made by the proper officer, the proper officer shall notify the chairman of council of this fact, and the chairman shall nominate another staff member to assume the duties of the proper officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the district or unitary council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### 15. PROPER OFFICER

- a The proper officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the proper officer when the proper officer is absent.
- b The proper officer shall:
  - i. **at least three clear days before a meeting of the council, a committee 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 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days*



*for a meeting of a committee;*

- ii. subject to standing order 9, include on the agenda all motions in the following order: governance, strategy and policy, financial performance and reports, operational performance and reports, any other business, unless a councillor has given written notice at least seven days before the meeting confirming their withdrawal of it;
- iii. receive any requests from councillors for items to be included on an agenda up to 10 working days before a meeting. The proper officer will then discuss with the relevant chairmen which meeting this agenda item would go to. The decision on whether to include any such request lies with the proper officer.
- iv. **convene a meeting of the council for the election of a new chairman of the council, occasioned by a casual vacancy in their office;**
- v. **facilitate inspection of the minute book by local government electors;**
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. hold acceptance of office forms from councillors;
- viii. hold a copy of every councillor's register of interests;
- ix. keep proper records required before and after meetings;
- x. 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;
- xi. liaise, as appropriate, with the council's data protection officer (if there is one);
- xii. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xiii. 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);
- xiv. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xv. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with its financial regulations;
- xvi. record every planning application notified to the council and the

council's response to the local planning authority in a book for such purpose;

- xvii. refer a planning application received by the council to the chairman or in their absence, the vice-chairman of the Planning Committee 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 Planning Committee;
- xviii. manage access to information about the council via the publication scheme;
- xix. retain custody of the seal of the council (if there is one) which shall not be used without a resolution to that effect; and  
(*see also standing order 23*).
- xx. action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

#### **16. RESPONSIBLE FINANCIAL OFFICER**

- a The council shall appoint appropriate staff member(s) to undertake the work of the responsible financial officer when the responsible financial officer is absent.

#### **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The responsible financial officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the responsible financial officer shall provide:
  - i. each councillor with a statement summarising the council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and

- ii. to the council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and 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.
- f. The council shall approve written estimates for the coming financial year, setting the precept level at its meeting before the end of December.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The council shall consider and approve financial regulations drawn up by the responsible financial officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Any expenditure incurred by the council shall be in accordance with the council's financial regulations.
- c. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- d. **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 18(j) 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 and Find a Tender websites regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

- e. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 18(f).
- f. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the proper officer;
  - v. tenders shall be opened by the proper officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- g. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- h. The council's tender documents will state that the price submitted by the successful contractor or consultant will be made public. However, prices submitted for component parts of tenders will not be made public.
- i. Tender prices submitted by unsuccessful organisations will not be released into the public domain.
- j. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £213,477 for a public service or supply contract or in excess of £5,336,937 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 and Find a Tender websites.**

- k. **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 £426,955 for a supply, services or design contract; or in excess of £5,336,937 for a works contract; or £884,720 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.**

## **19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Human Resources Committee is subject to standing order 11.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the Human Resources Committee or, if they are not available, the vice-chairman of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
- c The chairman of the Human Resources Committee or in their absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the town clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior member of staff (or other members of staff) shall contact the chairman of the Human Resources Committee or in their absence, the vice-chairman of the Human Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Human Resources Committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by town clerk relates to the chairman or vice-chairman of the Human Resources Committee, this shall be communicated to another member of the Human Resources Committee, which shall be reported back and progressed by resolution of the Human Resources Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).
- h 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.

- i 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.
- j Access and means of access by keys and/or computer passwords to records of employment shall be provided only to those authorised by the town clerk for the specific purpose they are required for.
- k In every year, not later than the meeting at which the estimates for next year are settled, the council shall review the pay and conditions of service of existing employees.

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 21.*

- a **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.**
- b. **The council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**
- c. Correspondence from, and notices served by, the Information Commissioner shall be referred by the proper officer to the chairman of the Strategy and Finance Committee. The said committee shall have the power to do anything to facilitate compliance with freedom of information legislation including exercising the powers of the proper officer in respect of freedom of information requests set out under standing order 15(b)(x).
- d. The outcome of all complaints to the Information Commissioner's Office will be reported through the relevant committee to the Full Council.

## **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

- a The council may appoint a data protection officer.
- b **The council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**

- e **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.**
- f **The council shall maintain a written record of its processing activities.**

## **22. RELATIONS WITH THE PRESS/MEDIA**

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

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

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

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 23(a), the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the proper officer in the presence of two councillors who shall sign the deed as witnesses.**

## **24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the district and county council or any successor organisation representing the area of the council.
- b Ward councillor(s) representing the district and council council or any successor organisation will be offered regular meetings with the Mayor, chairman of the Strategy and Finance Committee and the town clerk.

## **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

## **26. QUESTIONS**

- a A councillor may seek an answer to a question concerning any business of the council.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the Full Council meeting set aside for such questions.

- c Every question shall be put and answered without discussion.
- d A person to whom a question has been put may decline to answer.

## **27. ADVISORY COMMITTEES**

- a The council, its committees and sub-committees may appoint advisory committees, working groups or panels comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
- c The membership and terms of reference of any advisory committee, working group or panel shall be determined by the appointing body i.e. council, committee or sub-committee.

## **28. INSPECTION OF DOCUMENTS**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of their 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.

## **29. STANDING ORDERS GENERALLY**

- a 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.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two-thirds of the councillors to be given to the proper officer in accordance with standing order 9.
- c The proper officer shall provide a copy of the council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.