

# **STANDING ORDERS WITH RESPECT TO PROCEEDINGS AND BUSINESS OF THE HYTHE TOWN COUNCIL**

## **STATUTORY PROVISIONS**

Some matters concerning which a Council would normally make a Standing Order have been laid down in Acts of Parliament and are therefore compulsory.

The Standing Orders based on the statutory provisions have been printed in **heavy type**.

This is so that Councillors can have available in one document a complete procedural code, which includes the prescribed statutory elements and the discretionary rules adopted by Council as Standing Orders properly so-called.

Statutory provisions cannot be suspended or amended, as can the Standing Orders made by Council. (See Standing Order No 32)

Gender – The term “he” is used throughout Standing Orders and is deemed to refer to he/she.

The terms Chairman of the Council and Deputy-Chairman of the Council refer to the Mayor and Deputy Mayor

All provisions incorporated into these Standing Orders have been made in accordance with primary legislation and with due regard to the provisions of the Human Rights Act 1998.

# 1 Meetings

Mandatory for full Council meetings ◦

Mandatory for Committee meetings ◦

Mandatory for Sub-Committee / Working Group meetings ◦

◦ 1 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.

◦ 1 b. When calculating the 3 clear days for notice of a meeting to Councillors and the public, 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 shall not count.

◦ 1 c. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by the following resolution which shall give reasons for the public's exclusion.

“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.”

1 d. The Chairman shall state the special reason for exclusion.

1 e. If a Member of the Council wishes to raise any question or matter at a meeting of the Council in relation to a report or part of a report which a Committee or Sub-Committee has considered in private under the provisions of Subsection 2 of the Public Bodies (Admission to Meetings) Act 1961, such a question or matter shall not be the subject of discussion until the Council has decided whether or not to exclude the public whilst that question or matter is under consideration.

- 1 f. Subject to Standing Order 1(c) above, Members of the Public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda.
- 1 g. At all meetings of the Council, the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow a maximum of three Members of the Public to speak once only for a maximum of 3 minutes per individual and in addition to this Town Councillors shall be permitted to speak for three minutes each, should they have a prejudicial interest in a particular item on the Agenda. Any Member of the Public or Town Councillor during this session to address the meeting only in relation to the business to be transacted at the meeting as itemised on the agenda.
- 1 h. In accordance with Standing Order 1(f) above, a question asked by a Member of the Public during a public participation session at a meeting shall not require a response or debate.
- 1 i. In accordance with Standing Order 1(h) above, the Chairman may direct that a response to a question posed by a Member of the Public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- 1 j. A record of a public participation session at a meeting shall be included in the minutes of that meeting, by way of being appended to the minutes.
- 1 k. A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chairman may at any time permit an individual to be seated when speaking.
- 1 l. Any person speaking at a meeting shall address his comments to the Chairman.
- 1 m. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.

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**n. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council’s prior (written) consent.**
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**o. In accordance with Standing Order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
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**p. Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Deputy-Chairman (if any).**
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**q. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Deputy-Chairman, if present, shall preside. If both the Chairman and the Deputy-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
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**r. Subject to Standing Order 1 (z) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
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**s. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also Standing Orders 2(l) and (m) below.)**
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**t. Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
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**u. If a Councillor so requires, the Clerk shall record their name as to how they voted on any question.**
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**v. The minutes of a meeting shall record the names of Councillors present and absent and the reason for absence in order that the apologies can be accepted or not.**
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**w. The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**

- 1 x. **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. (See also Standing Order No 7 below.)**
- 1 y. **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 3.**
- 1 z. **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**

## 2 Ordinary Council Meetings

*See also Standing Order 1 above*

- 2 a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- 2 b. **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- 2 c. In a year in which the Town holds the Speakership of the Cinque Ports the Annual Meeting will be held on the Thursday following the passing of the Speakership to the next Town, unless it coincides with an election year.
- 2 d. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- 2 e. Any additional meetings shall be held at such places, on such dates, and at such times as may be fixed by the Council.
- 2 f. Meetings of the Council shall be held at 6.45 pm in the evening unless the Council otherwise decides at a previous meeting.
- 2 g. Smoking is not permitted at any meeting of the Council, its Committees or Sub-Committees / Working Groups.
- 2 h. The use of a mobile telephone /communication device in any way is not permitted during any meeting Council, its Committees or Sub-Committees / Working Groups and shall be turned off when entering the Chamber.

- 2     **i. The election of the Chairman and Deputy-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- 2     **j. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- 2     **k. The Deputy-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- 2     **l. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- 2     **m. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- 2     **n. Following the election of the Chairman of the Council and Deputy - Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:**
- i. To receive the Chairman’s declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - ii. In the ordinary year of elections of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - iii. In an election year, delivery by Councillors of their declarations of acceptance of office and written undertakings to observe the Code of Conduct adopted by the Council which have not been received as provided by law shall be received.
  - iv. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by Committees.

- v. Review of the terms of reference for Committees.
- vi. Receipt of nominations to existing Committees.
- vii. Appointment of any new Committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
- viii. To appoint representatives to outside bodies and arrangements for reporting back.

## Other Meetings

- 2 o. At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Deputy-Chairman are absent and to receive such declarations of office (if any) and undertakings to observe the Council's Code of Conduct as are required by law to be made, or if not then received, to decide when they shall be received.
- 2 p. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
  - i. To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - ii. **After consideration to approve the signing of the Minutes by the person presiding as a correct record.**
  - iii. **To deal with business expressly required by statute to be done.**
  - iv. To dispose of business, if any, remaining from the last meeting.
  - v. To receive such communications as the person presiding may wish to lay before the Council.
  - vi. To answer questions from Councillors under Standing Order 8.
  - vii. To receive and consider reports and minutes of Committees.
  - viii. To receive and consider resolutions or recommendations in the order in which they have been notified.
  - ix. To authorise the sealing of documents.
  - x. To receive and consider reports from the Officers of the Council.
  - xi. Any other business specified in the summons.
  - xii. Business falling under Standing Orders 2 (o) and 2 (p) (i) (ii) and (iii) shall not be displaced but subject thereto the order of business in Standing Order 2 (p) (iv) to (xi) above may be varied on the grounds of urgency:

- (a) May be proposed by the Chairman or by any Councillor and, if proposed by the Chairman, may be put to the vote without being seconded; and
- (b) Shall be put to the vote without discussion.

### 3 Proper Officer

- 3 a. The Council's Proper Officer shall be either:
  - i. The Town Clerk
  - ii. Or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.
- 3 b. The Council's Proper Officer shall do the following:
  - i. **Sign and serve on Councillors by delivery of post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a Committee at least 3 clear days before the meeting.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
  - iii. Subject to Standing Orders 4(a) – (e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least (7) days before the meeting confirming his withdrawal of it.
  - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Order [3(b)(i)] above.**
  - v. Make available for inspection the minutes of meetings.
  - vi. **Receive and retain copies of byelaws made by other local**

**authorities.**

- vii. **Receive and retain declarations of acceptance of office from Councillors.**
- viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be sealed using the Council's common seal.
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book / computer record for such purpose;
- xvi. Refer a planning application received by the Council to the Chairman or in his absence Deputy-Chairman of the Plans and Works Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Plans and Works Committee.
- xvii. Retain custody of the seal of the Council which shall not be used without resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

## **4 Motions requiring written notice**

- 4 a. In accordance with Standing Order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and notice is given

in writing of its terms, signed by one member of the Council giving the notice and delivered at least seven clear days before the next meeting of the Council at the office of the Town Clerk; excepting at the Annual Council Meeting in an election year, when the written notice of motion period be reduced to 48 hours and the motion be subsequently delivered to Councillors in advance of the meeting.

- 4    **b.** The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- 4    **c.** If the Proper Officer considers the wording of a motion received in accordance with Standing Order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- 4    **d.** If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- 4    **e.** Having consulted the Chairman or Councillors pursuant to Standing Order 4(d) above and no agreement is reached the matter shall be placed before Council for decision prior to consideration of the motion. The decision of Council as to whether or not to include the motion in the agenda shall be final.
- 4    **f.** Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Councillors.
- 4    **g.** Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Councillors.
- 4    **h.** Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

- 4 i. The Town Clerk shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received, unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting, or that he withdraws it in writing.
- 4 j. If a motion specified in the summons is not moved either by the member who gave notice of it or by any other member on his behalf, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 4 k. If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

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

- 5 a. Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to Committee or to a Sub-Committee or an employee.
  - x. To appoint a Committee or Sub-Committee or any Councillors thereto.
  - xi. To receive nominations to a Committee or Sub-Committee.
  - xii. To note the minutes of a meeting of a Committee or a Sub-Committee.

- xiii. To consider a report and/or recommendations made by a Committee or a Sub-Committee or an employee.
- xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xv. To authorise legal deeds to be sealed by the Council's common seal.
- xvi. To authorise the payment of monies.
- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To extend the time limit for speeches.
- xix. To exclude the press and public for all or part of a meeting.
- xx. To silence or exclude from the meeting a Councillor or a Member of the Public for disorderly conduct.
- xxi. To give the consent of the Council if such consent is required by Standing Orders.
- xxii. **To suspend any Standing Order except those which are mandatory by law.** See Standing Order 32 below.
- xxiii. To adjourn the meeting.
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv. To answer questions from Councillors.
- xxvi. That the motion be now put.

- 5 b. 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 Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

### **Motions of expenditure**

- 5 c. Any motion (which is moved otherwise than in pursuance of a recommendation of the Finance & General Purposes Committee or of another Committee after recommendation by the Finance & General Purposes Committee) and which, if carried, would, in the opinion of the Chairman of the Council substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any Committee, or which would involve capital

expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon and the Finance & General Purposes Committee shall report on the financial aspect of the matter.

## **6 Rules of Debate**

### **Motions and Amendments**

- 6 a.**
- (i) 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.
  - (ii) Subject to Standing Orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded and unless notice has already been given in accordance with Standing Order No 4 (a) it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting. The proposer shall speak immediately upon proposing a motion or amendment.

### **Secunder's Speech**

- 6 b.** A Councillor when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

### **Content of Speeches**

- 6 c.** A Councillor shall direct his speech to the question under discussion or to a personal explanation or to a point of order – naming the appropriate order.

### **Length of Speeches**

- 6 d.** Except be consent of the Council, no speech shall exceed 5 minutes.

### **Amendments to Motions**

- 6 e.**
- (i) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or

substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman.

- (ii) A Councillor may move amendments to his own motion.
- (iii) If a motion has already been seconded, an amendment to it shall be moved with the consent of the seconder.
- (iv) Any amendment to a motion shall be relevant to the motion and shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words or add other words.
  - iv. to refer a subject of a debate to a Committee for consideration or reconsideration.
- (v) An amendment to a motion shall not have effect of rescinding, negating or radically altering the original or substantive motion under consideration.
- (vi) Only one amendment shall be moved and debated at a time. No further amendments to a motion shall be moved until the amendment under discussion has been disposed of.
- (vii) Subject to Standing Order 6(vi) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- (viii) If an amendment is not carried, other amendments may be moved on the original motion.
- (ix) If an amendment is carried, the original motion, as amended, shall take place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

## **Right of reply**

### **6 f.**

- (i) The mover of the motion shall have the right of reply at the close of the debate on the motion, immediately before it is put to vote.
- (ii) If an amendment is moved, the mover of the original motion shall also have the right of reply at the close of the debate on the amendment, and shall not speak otherwise on the amendment.

- (iii) The mover of the amendment shall have no right of reply to the debate on his amendment.
- (iv) A Councillor exercising a right of reply shall not introduce new matters.
- (v) After the right or reply has been exercised or waived, a vote shall be taken without further discussion.
- (vi) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

### **When a Councillor may speak again**

- 6 g. Subject to Standing Orders 6(f)(h) and (i), a Councillor may not speak further in respect of any one motion whilst it is subject of debate, except –
- (i) to speak once on an amendment moved by another Councillor.
  - (ii) if the motion has been amended since he last spoke, to move a further amendment;
  - (iii) if his first speech were on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried.
  - (iv) in exercise of a right of reply given by Standing Orders 6(q) closure motions or 6(f).
  - (v) on a point of order.
  - (vi) by way of a personal explanation.
  - (vii) to move a closure.

### **Points of order and personal explanation**

- 6 h.
- (i) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and shall be entitled to be heard forthwith and the Councillor who was interrupted shall stop speaking.
  - (ii) A Councillor raising a point of order shall identify the Standing Order or statutory provision which he considers has been breached and the way he considers it has been breached or specify the irregularity in the meeting he is concerned by.

- (iii) A point of order shall be decided by the Chairman and his decision shall be final.
- (iv) A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood in the present debate.

### **Withdrawal of a Motion**

- 6 i. A motion amendment may be withdrawn by the proposer with the consent of Council and in cases of Motions Moved Without Notice with the consent of the seconder, which shall be signified without discussion, and no Councillor may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

### **Motions which may be moved during a debate**

- 6 j. When a Councillor's motion is under debate no other motion shall be moved except:
  - i. to amend a 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 him to leave the meeting;
  - vi. to refer a motion to the Committee or Sub-Committee for consideration;
  - vii. to exclude the public and the press;
  - viii. to adjourn the meeting;
  - ix. to suspend any Standing Order, except those which are mandatory.
- 6 k. In respect of Standing Order 6(j)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

### **Standing**

- 6 l. A Councillor shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.

## **Ruling on point of order or personal explanation**

- 6 m. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

## **Mode of address**

- 6 n. During the sitting of the Council, Councillors shall address the Chairman and every Councillor shall, in referring to the Chairman, Deputy-Chairman, Councillors and Officers, employ their respective official titles.

## **Only one Councillor to stand and speak at a time**

- 6 o. A Councillor when speaking shall stand and address the Chairman. If two or more Councillors rise, the Chairman shall call on one to speak; the other or others shall then sit. While a Councillor is speaking the other Councillors shall remain seated and silent, unless rising on a point of order or in personal explanation.

## **Respect for the Chair**

- 6 p. Whenever the Chairman rises during a debate a Councillor then standing shall resume his seat and the Council shall be silent.

## **Closure Motions**

- 6 q. A Councillor may move without comment at the conclusion of a speech of another Councillor
- (a) “That the Council proceed to the next business”;
  - (b) “That the motion be now put”;
  - (c) “That the debate be now adjourned”;
  - (d) “That the council do now adjourn”.

On the seconding of which the Chairman shall proceed as follows:

- (i) on a motion “that the Council proceed to next business”, unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to vote the motion to proceed to next business.
- (ii) on a motion “That the motion be now put”: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the motion be now put, and if it is passed then give the mover of the original motion his right of

reply under Standing Order 6 (f) before putting his motion to the vote;

(iii) on a motion “That the debate be now adjourned” or “That the Council do now adjourn”; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion;

(iv) on resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

*(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to Councillors not present of the date of the continuation of the meeting.)*

## **Alterations of Motions**

6 r. For Motions moved on Notice a Councillor may –

(a) with the consent of the Council without discussion alter a motion of which he has given notice, provided the alteration is one which could be made as an amendment thereto;

and

(b) move amendments to his own motion.

s. For Resolutions moved Without Notice a member may –

(a) With the consent of his seconder and the Council signified without discussion alter a motion, provided the alteration is one which could be made as an amendment thereto;

and

(b) With the consent of his seconder, move amendments to his own motion.

## **7 Code of Conduct**

See also Standing Orders 1(d)-(i) above.

(A revised statutory Code of Conduct is expected to come into force in 2010.)

- 7 a. **All Councillors shall observe the Code of Conduct which was adopted by the Council** in April 2007 a copy of which is annexed to these Standing Orders (Appendix 1).
- 7 b. All Councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.
- 7 c. **If paragraph 12(2) of the Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, Councillors may exercise the rights contained in Standing Order 7(d) below only if Members of the Public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**

## **Interests**

- 7 d. **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
- 7 e. **If a Councillor has a personal interest as defined by the Code of Conduct adopted by the Council in April 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 7 f. **If a Councillor who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- 7 g. The Proper Officer may be required to compile and hold a Register of Councillors' interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

## **8 Questions**

- 8 a. A Councillor may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put immediately following the motion for the adoption of the minutes of the Committee.

- 8     **b.** A Councillor may –
- (i) If two clear day’s notice in writing has been given to the Proper Officer ask the Council Chairman or the Chairman of any Committee any question on any matter in relation to which the Council has powers or duties or which affect the Town;
  - (ii) with the permission of the Chairman of the Council, put to him or the Chairman of any Committee any such question relating to urgent business, of which such notice has not been given, but a copy of any such question shall, if possible, be delivered to the Proper Officer not later than 10.00am in the morning of the day of the meeting.
- 8     **c.** An answer may take the form of –
- (i) Direct oral answer; or
  - (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (iii) where the reply to the question cannot conveniently be given orally, a written answer circulated to Councillors.
- 8     **d.** No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 8     **e.** Every question shall be put and answered without discussion.
- 8     **f.** A person to whom a question has been put may decline to answer.

## **9 Minutes**

- 9     **a.** If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- 9     **b.** The Chairman or any Councillor shall put the question “That the minutes of the meeting of the Council held on the ----- day of -----, having been circulated, be confirmed as a correct record and signed by the Chairman”.
- 9     **c.** No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in

the minutes shall be raised in accordance with Standing Order 5(a)(iv) above.

- 9 d. Minutes, including any amendment to correct their inaccuracy, 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.
- 9 e. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms 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 his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”
- 9 f. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings or notes of the meeting shall be destroyed.

### **Presentation of Committee Minutes & Reports**

- 9 g. The Chairman of the Committee concerned, or in his absence the Deputy-Chairman or, should he be also absent, such other Councillor as the Chairman may select, shall move an original motion that the minutes of his Committee be received or approved and adopted as the case may be. On such a motion being duly seconded it shall operate as a series of motions that each item of the report be received and the recommendations therein (if any) be adopted. The Committee minutes shall here upon be open to discussion by the Council.

## **10 Disorderly Conduct**

- 10 a. No Councillor shall at any Council/Committee meeting disregard the ruling of the Chairman, or wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- 10 b. If, in the opinion of the Chairman a Councillor has broken the provisions of paragraph (a) of his Order, the Chairman shall express that opinion to the meeting and thereafter any Councillor may either move –

(i) “that the Councillor named be no longer heard”

or

(ii) “that the Councillor named do leave the meeting”,

and the motion, if seconded, shall be put forthwith and without discussion.

- 10 c.** If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

### **General disturbance**

- 10 d.** In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman may, without the question being put, adjourn the meeting for such period as he at his discretion shall consider expedient.

### **Disturbance by Members of the Public**

- 10 e.** If the public interrupts the proceedings at any meeting, the Chairman of the Council or Committee Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order. In case of general disturbance in any part of the meeting open to the public, the Chairman of the Council or Committee Chairman shall order that part to be cleared.

## **11 Rescission of previous resolutions**

- 11 a.** A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 6 Councillors of the Council, or by a motion moved in the pursuance of the report or recommendation of a Committee.
- 11 b.** When a special motion or any other motion moved to pursuant to Standing Order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12 Voting on appointments**

- 12 a.** Where more than 2 persons have been nominated for a position to be filled

by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

- 12 b. The Council may at any particular meeting, by a majority of members present and voting, decide that the voting on any appointment then to be made shall be by ballot.

## 13 Expenditure

- 13 a. Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- 13 b. **The Council's Financial Regulations shall be reviewed once a year.**
- 13 c. **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**
- 13 d. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two Councillors.**

## 14 Execution and sealing of Legal Deeds

See also Standing Order 5(a)(xvi) above

- 14 a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 14 b. **In accordance with a resolution made under Standing Order 14(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnessed.**
- 14 c. An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the persons who attested the seal.
- 14 d. The application of the seal and order shall be reported to Council.

## **Custody of the Seal**

- 14 e. The common seal of the Council shall be kept in a safe place in the custody of the Proper Officer and shall be secured by two different locks, the keys of which shall be kept respectively by the Chairman of the Council and the Proper Officer provided that the Chairman may entrust his key temporarily to another Councillor and the Proper Officer may entrust his key temporarily to another officer as may be assigned by him.

## **Authentication of Documents for Legal Proceedings**

- 14 f. Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Proper Officer or a person authorised by him unless any enactment otherwise requires or authorises, or the Council give the necessary authority to another officer for the purpose of such proceedings.

# **15 Committees**

*See also Standing Order 1 above.*

## **Appointment of Committees**

- 15 a. The Council shall at the annual meeting appoint such Committees (to include the membership thereof) as they are required to appoint by or under any statute or understanding order 15 (b) (Constitution of Committees) and may at any time appoint such other Committees as are necessary to carry out the work of the Council, and
- (i) shall determine their terms of reference;
  - (ii) may permit Committees to determine the dates of their meetings;
  - (iii) shall appoint and determine the term of office of Councillor or non-Councillor members of such a Committee (unless the appointment non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - (iv) may at any time dissolve or alter the membership of a Committee, to

include, inter alia, the appointment of Councillors elected at by-elections in between annual meetings. An extra-ordinary meeting of the Council shall be called as soon as is reasonably practicable but no later than ten days following the by-election to appoint the new Councillors to their chosen Standing Committees, subject to the provisions of Standing Order 15(b).

- (v) Except where otherwise provided by statute or a scheme made under statutory authority the Chairman and Deputy Chairman of the Council if not appointed thereto in their respective capacities as Councillor shall, as Chairman and Deputy Chairman of the Council be ex-officio voting members of each Committee appointed by the Council.

## **Constitution of Standing Committees**

**15 b.** The Council shall, at the annual meeting, appoint the following two Standing Committees:

- Finance and General Purposes Committee
- Plans and Works Committee

In making appointments to the Standing Committees the Council shall have regard to the following principles:

- (i) The Chairman and Deputy Chairman of the Council ex-officio shall be voting members of each Standing Committee.
- (ii) Each remaining Councillor shall be a member of one of the Standing Committees, unless disqualified under Standing Order 24(b).
- (iii) As far as is practicably possible each Standing Committee shall contain not less than half of the total Council membership including the Chairman and Deputy Chairman of the Council.
- (iv) Subject thereto each other Councillor shall initially be entitled to a seat on one Standing Committee of their choice provided that no Standing Committee shall contain the total Council membership. This entitlement is subject to the provisions of Standing Order 15(a).
- (v) If resulting from (iv) above:
  - i. The membership of each Standing Committee contains at least one half of the total Council membership including the Chairman and Deputy-Chairman of the Council then no

further action is required.

- ii. The membership of one Standing Committee contains less than half of the total Council membership, including the Chairman and Deputy-Chairman of the Council, then Councillors may put their names forward for Council to ballot (as per Standing Order No 12) to fill the vacant positions to make the number up to a maximum of one half plus one of the total Council membership including the Chairman and Deputy-Chairman of the Council.
- iii. If the membership of either Standing Committee is less than one third of the total Council membership, including the Chairman and Deputy-Chairman of the Council, then that Standing Committee shall cease to function until such time as its membership is raised to or above this level.
- iv. In the event of a Standing Committee ceasing to function under clause (iii) above its duties and functions shall be carried out by the Council.

## **Election of Chairman and Deputy-Chairman of Standing Committees**

15 c.

- (i) At its first meeting, before proceeding to any other business, every Committee shall elect the Chairman and if it so desires a Deputy-Chairman who shall hold office until the next annual meeting. At such first meeting, the Chairman of the Council (**or in his absence the Deputy-Chairman of the Council**), shall preside during the election of the Chairman of the Committee. When the Chairman has been elected, the Chairman or Deputy-Chairman of the Council (as the case may be) shall vacate the Chair. In the absence of the Chairman and Deputy-Chairman of the Council, a Chairman for the purpose of such election shall be appointed.
- (ii) In absence from a meeting of the Chairman, the Deputy-Chairman, if present, shall preside, but in the absence of both the Chairman and Deputy-Chairman, a Chairman for that meeting shall be appointed.

- (iii) The Chairman of each Committee shall be a Councillor. No Councillor shall hold more than one office of Chairman or Deputy-Chairman, of the Standing Committees referred to in Standing Order 15(b).

## **Extra-ordinary meetings of Committees**

- 15 d. The Chairman of a Committee (or in his absence the Deputy-Chairman ) or the Chairman of the Council (or in the Chairman of the Council's absence the Deputy Chairman) may call an extra-ordinary meeting of that Committee at any time. An extraordinary meeting shall also be called on the request of a third of the whole number of the Committee shall be delivered in writing to the Proper Officer, but in no case shall less than three Councillors requisition an extra-ordinary meeting of the Committee. The summons to extra-ordinary meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be transacted at that meeting. Three clear working days' notice of the meeting shall be given.

## **Quorum of Committees**

- 15 e. Except where authorised by statute or ordered by the Council, in the case of a Committee, the quorum of a Committee shall be one-third of its Members.

## **Voting in committees**

- 15 f.
- (i) Members of Committees entitled to vote shall vote by show of hands;
- or
- (ii) **At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

All questions shall be determined by a majority of Councillors present and voting, **except in the election of a Freeman which requires a two-thirds majority of those present.**

- 15 g. Where immediately after a vote is taken at the meeting any Councillor requires there shall be recorded in the minutes of proceeding of that meeting

whether that person cast his vote for the question, against the question or whether he abstained from voting.

- 15 h. Chairman of Committees shall in the case of an equality of votes have a second or casting vote.**

### **Standing Orders applicable to Committees**

- 15 i.** The Standing Orders below shall, with any necessary modifications, apply to Committee meetings.

(i) the Standing Orders of Rules of Debate (except those parts relating to standing and to speaking more than once).

(ii) Standing Orders on interests of Members in contracts and other matters.

(iii) Standing Order no 10 headed “Disorderly Conduct”.

### **Presence of non-Members of Committees at Committee meetings**

- 15 j.**

(i) A Councillor who has moved a motion which has been referred to any Committee of which he is not a Member, or moved an amendment passed by the Council referring a matter to a particular Committee of which he is not a Member shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He shall have the right to attend the meeting and if he attends shall have the opportunity of explaining the motion but shall not vote.

(ii) A Councillor may attend a meeting of a Committee of which he is not a Member and be allowed to speak, if invited to do so by the Chairman, but not to vote on any matter before the Committee.

(iii) The Chairman of a Committee may, if he deems it appropriate having regard to the business to be transacted, invite to a meeting of the Committee any Councillor who is not a Member thereof, and such Councillor may speak on the matter or matters regarding which his attendance was deemed appropriate, and on any other matter if invited to do so by the Chairman, but shall not vote on the matter.

## **Action in urgent matters**

- 15 k. No action shall be taken on any recommendation of a Committee whose proceedings are subject to confirmation by the Council until such resolution or recommendation has been confirmed by the Council except that where the Committee is of the opinion that is urgently necessary that action should be taken on such a resolution or recommendation before it has been confirmed by the Council, the resolution or recommendation shall be referred to the Proper Officer who shall have the powers of the Council to authorise such action after having consulted Councillors by e mail.

## **16 Sub-Committees/Working Groups**

*See also Standing Order 1 above.*

### **Appointment of Sub-Committees**

- 16 a. Unless there is a council resolution to the contrary, every Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by resolution of the Committee.
- 16 b.
- (i) No act of the Sub-Committees shall have effect until approved by the Committee or the Council as appropriate.
  - (ii) All Sub-Committees will report to the Parent Committee on a regular basis.
- 16 c. The Chairman and Deputy-Chairman of the Committee shall be members of every Sub-Committee appointed unless they signify that they do not wish to serve.

### **Standing Orders applicable to Committees**

- 16 d. The Standing Orders 15(c) to ((j) shall, with any necessary modifications, apply to Sub-Committees meetings.

## **17 Extra-ordinary meetings**

*See also Standing Order 1 above.*

- 17 a. **The Chairman of the Council may convene an extra-ordinary meeting**

**of the Council at any time.**

- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**
- 17 **c. The Chairman of a Committee (or a Sub-Committee) may convene an extraordinary meeting of the Committee or Sub-Committee at any time.**
- 17 **d. If the Chairman of a Committee (or a Sub-Committee) does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Committee (or Sub-Committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

## **18 Advisory Committees**

*See also Standing Order 1 above.*

- 18 **a. The Council may appoint Advisory Committees comprised of a number of Councillors and non-Councillors.**
- 18 **b. Advisory Committees and Sub-Committees may consist wholly of persons who are non-Councillors.**
- 18 **c. The name of an Advisory Committee, the number of Members and the bodies to be invited to nominate members shall be specified.**
- 18 **d. The Proper Officer shall inform the Members of each Advisory Committee of the terms of reference of the Committees.**
- 18 **e. An Advisory Committee may make recommendations and give notice thereof to the Council, but its decisions and recommendations shall not be mandatory.**

## **19 Accounts and Financial Statement**

- 19 **a. The Town Clerk shall be the Responsible Financial Officer (RFO) for securing the proper administration of the Council's financial affairs and**

arrangements.

- 19 b.** Such arrangements shall include, inter alia, the following with which every Committee, Sub-Committee and Officer shall conform –
- (i) Except as provided in paragraph (ii) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
  - (ii) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness by the appropriate officer.
  - (iii) All payments ratified under sub-paragraph (ii) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
  - (iv) All receipts made to the Council shall be separately included in the next schedule of receipts laid before the Council.
  - (v) The submission to and approval by the Council of annual estimates of revenue and capital expenditure and income at times as specified in Standing Order No 20.
  - (vi) The prior approval of the transfer of expenditure to a purpose other than that for which it was approved.
  - (vii) The prior approval to any expenditure not authorised in the annual estimates.
  - (viii) The submission of a report on any proposal to incur expenditure relating to the adoption of a new policy or scheme or extension of an existing policy of scheme not already sanctioned by the Council.
  - (ix) Arrangements for the safe and efficient receipt and issue of money.
  - (x) Arrangements for internal audit and the certifying of accounts for payments.
  - (xi) The submission to the Finance & General Purposes Committee at intervals during the year of statements comparing actual income and expenditure with estimate provision.
- 19 c.** All payments of the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations, which shall be reviewed annually.
- 19 d.** The Responsible Financial Officer shall supply to each Councillor as soon as

practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30<sup>th</sup> June.

## **20 Estimates & Precepts**

- 20 a. The Council shall approve written estimates for the coming financial year** at its meeting in the month of December.
- 20 b.** Any Committee desiring to incur expenditure shall give the Proper Officer/RFO a written estimate of the expenditure recommended for the coming year no later than 30<sup>th</sup> September.
- 20 c.** The Council shall approve written estimates of capital expenditure and income for the coming financial year at its next Council meeting following the first Finance and General Purposes Committee meeting in the calendar year, providing such Council meeting is prior to the 31<sup>st</sup> March.
- 20 d.** Any Committee desiring to incur capital expenditure shall, not later than the 30<sup>th</sup> September, give to the Proper Officer a written estimate of the expenditure recommended for the coming financial year.
- 20 e.** Individual Councillors may submit to the Proper Officer/RFO in writing any items of expenditure that they wish to be considered in the revenue or capital estimates for the coming financial year. Such submissions shall be made by the 30<sup>th</sup> September.

## **21 Canvassing of and recommendations by Councillors**

- 21 a.** Canvassing Councillors or the Members of a Committee or Sub-Committee, directly or indirectly, for appointment to or by the Council shall disqualify

the candidate from such an appointment. The Proper Officer shall disclose that requirements of this Standing Order to every candidate.

- 21 b. A Councillor or a Member of a Committee or Sub-Committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c. This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22 Inspection of documents**

- 22 a. Subject to Standing Orders to the contrary a Councillor may, for the purposes of his official duties (but not otherwise), inspect any document in the possession of the Council or a Committee or a Sub-Committee, and request a copy for the same purpose.
- 22 b. The minutes of meetings of the Council, its Committees or Sub-Committees shall be available for inspection by Councillors.

## **23 Unauthorised activities**

- 23 a. Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a Committee or a Sub-Committee:
- i. inspect or enter any land and/or premises which the Council has a right or duty to inspect or enter; or
  - ii. issue orders, instructions or directions in respect of any works which are being carried out by or on behalf of the Council unless authorised to do so by the Council or the relevant Committee or Sub-Committees.

## **24 Confidential business**

- 24 a. Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- 24 b. A Councillor in breach of the provisions of Standing Order 24(a) above

may be removed from a Committee or a Sub-Committee by a resolution of the Council.

- 24 c. An employee in breach of the provisions of Standing Order 24(a) above may be subject to disciplinary action by the Council.

## **25 Power of well-being (England)**

- 25 a. **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish Council.**
- 25 b. **The Council's period of eligibility begins on the date that the resolution under Standing Order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- 25 c. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 25(b) above.**

## **26 Matters affecting Council Employees**

- 26 a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council, Committee or Sub-Committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 1(c) above.
- 26 b. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- 26 c. 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.

## **Relatives of Councillors or Officers**

- 26 d. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate Committee any such disclosure. Where a relationship to a Councillor is disclosed this Standing Order shall apply.
- 26 e. The Proper Officer shall make known the purpose of this Standing Order to every candidate.

## **27 Freedom of Information Act 2000**

- 27 a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- 27 b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Standing Orders Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3(b)(x) above.

## **28 Relations with the press/media**

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

## **29 Liaison with District and County**

- 29 a. Unless the Council otherwise orders, a copy of correspondence sent to the District or County Council shall be sent by e mail to the District or County

Councillors representing its electoral wards.

## 30 Financial Matters

- 30 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 accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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;
  - v. procurement policies (subject to Standing Order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- 30 b. **Any proposed contract for the supply of goods, materials, services and execution of works with an estimated value in excess of [£10,000] shall be procured on this basis of a formal tender as summarised in Standing Order 30 (c) below.**
- 30 c. Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper and on the Town Council's website;
  - ii. a specification of the goods, material, services and the execution of works shall be drawn up;
  - iii. Where appropriate a PQQ to be sent out to interested parties prior to invitation to tender;
  - iv. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - v. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - vi. tenders are then to be assessed and reported to the appropriate meeting of the Council or Committee.

- 30 d. Neither the Council, nor any other Committee, is bound to accept the lowest tender, estimate or quote. or indeed any.
- 30 e. **Where the value of a contract is likely to exceed £138,893) or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**
- 30 f. The Financial Regulations of the Council shall be subjected to regular review, every year.

### **General matters applicable to all contracts**

- 30 g.
- i. These Standing Orders shall be subject to any Directives or other procedures which may apply by reason of the United Kingdom's membership of the European Union.
  - ii. Where these Standing Orders conflict with the provisions of legislation by Her Majesty's Government, the latter provisions shall apply.
  - iii. These Standing Orders shall be read in conjunction with the Council's Financial Regulations, which, although not forming part of these Standing Orders, shall govern all contracts.
  - iv. Every contract shall comply with these Standing Orders and no exception shall be made otherwise than by the direction of the Council.
  - v. No Councillor shall enter either orally or in writing into any contract on the Council's behalf.
  - vi. Reference to "Contract" in this Standing Order shall mean any contract for the supply of goods, materials or services to the Council, or for the execution of work on behalf of the Council. It shall also include any contract for the sale or disposal by the Council of surplus goods, equipment or property.

### **Exclusions**

- 30 h. It shall not be obligatory to invite tenders for the supply of goods or

materials or services or work to be executed where:

- i. Effective competition is prevented by Government control.
- ii. The goods or material are necessarily specialised supplies, or services or parts for existing equipment already purchased or are proprietary articles or a sold only at a fixed price.
- iii. They are provided or carried out by statutory undertaking of the Shepway District Council, the Kent County Council or their successors.
- iv. They constitute an extension of an existing contract (such an extension shall be approved by the Committee responsible). A new contract shall be permitted provided that the appropriate rates and condition are identical with the original contract.
- v. For other reasons there would be no genuine competition.

## **Estimate of Cost**

**30 i.**

- i. Before entering into any contract the Proper Officer shall obtain an estimate of the probable cost and of the annual maintenance cost, where appropriate.
- ii. Where the proposed contract is for sale or disposal, the Proper Officer shall obtain an estimate of the value of the goods or property to be sold.

## **Estimates under £1,000**

**30 j.**

- i. The Proper Officer shall select suitable contractors and request estimates in writing for the work, goods, material or services required. In the case of specialist work only one estimate may be requested.
- ii. When the estimated cost is included in the Council's capital and revenue budgets and does not exceed £1,000, the Proper Officer shall normally select the lowest quotation and order the work or delivery to proceed.
- iii. If the estimate that the Proper Officer wishes to accept is not the lowest, the matter shall be referred to the Finance and General Purposes Committee for approval.

## **Estimates exceeding £1,000 but not exceeding £10,000**

- 30**    **k.**
- i.    The Proper Officer shall maintain a list of contractors to be invited to tender for the supply of goods, materials, services or specified categories of work that do not exceed £10,000.
  - ii.    At least three quotations shall be obtained from those on the Authorised List of Contractors (except where prices are known from published lists or catalogues).
  - iii.    Every contract (exceeding £1,000 but not exceeding £10,000) shall be signed by the Proper Officer.

## **Estimates over £10,000**

- 30**    **l.**    Except as
- i.    Except as provided in paragraph 2, no contract exceeding £10,000 in value shall be made unless public notice has been given.
  - ii.    Invitations to tender shall be sent to not less than three of the firms who responded to the public notice/ WWW or, if fewer than three, to such firms as responded provided they are considered suitable to undertake the contract.
- Every contract (exceeding £10,000) shall be made on the form of contract specified by the appointed Contracts Administrator and shall be sealed with the common seal of the Council.

## **31 Code of Conduct on complaints**

- 31**    **a.**    The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or Councillor in the manner recommended in NALC Legal Topic Note 56, as issued by NALC in July 2003 and as set out in Appendix 2 to Council's Standing Orders as adopted by the Council except for those complaints which should be properly directed to the Standards Board for consideration.

## **32 Variation, revocation and suspension of Standing Orders**

- 32 a. Any or every part of the Standing Orders, except those which are mandatory by law, (printed in **bold type**) may be suspended by resolution in relation to any specific item of business. A motion to suspend Standing Orders at a Council, Committee or Sub-Committee meeting shall not be moved without notice (i.e. under Standing Order 5 (a) (xxiii)) unless there shall be present at least one half of the whole number of the members of the Council, Committee or Sub-Committee as the case may be.
- 32 b. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders (not mandatory by law) shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and be referred to the Standing Orders Committee.

## **33 Standing Orders to be given to Councillors**

- 33 a. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of his declaration of acceptance of office.

### **Interpretation of Standing Orders**

- 33 b. The ruling of the Chairman of the Council as to the construction, application or interpretation of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council, except where a breach in statutory provision is suspected, in which case the statutory provision is to be referred to.
- 33 c. The ruling of the Chairman of any Committee or Sub-Committee as to the application or interpretation of any of these Standing Orders shall not be challenged at any meeting, except where a breach in statutory provision is suspected, in which case the statutory provision is to be referred to.

- 33 d.** *If any Councillor requires clarification on the interpretation of Standing Orders, the Councillor should place the matter in writing to the Proper Officer to be referred to the Standing Orders Committee.*

## **34 Planning Applications**

- 34 a.** The Proper Officer shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council –
- (i) the date on which it was received;
  - (ii) the name of the applicant;
  - (iii) the place to which it relates;
  - (iv) a summary of the nature of the application.
- 34 b.** The Proper Officer shall refer every planning application to the next meeting of the Plans & Works Committee and every amended plan to the Chairman/Deputy-Chairman within 48 hours of receiving it.