



MAY 2014

STAVELEY TOWN COUNCIL

STANDING ORDERS OF THE COUNCIL

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STANDING ORDERS

1. MEETINGS

- a) Meetings shall not take place in premises, which at the time of the meeting, are re used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b) When calculating the three 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.**
- 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 a resolution which shall give reasons for the public's exclusion.**
- d) Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.**
- e) The period of time which is designated for public participation in accordance with standing order 1(d) above shall not normally exceed fifteen minutes.**
- f) Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than three minutes.**
- g) In accordance with standing order 1(d) 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.**
- h) In accordance with standing order 1(g) above, the Chair 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 response.**
- i) A record of a public participation session at a meeting shall be included in the minutes of that meeting.**
- j) Except at the Annual Meeting a member shall remain seated when speaking unless permitted by the Chair to stand.**
- k) Any person speaking at a meeting shall address their comments to the Chair.**
- l) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking. Whenever the Chair speaks during a debate all other Members shall be silent.**

- m) **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**
- n) **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.**
- o) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his absence be done by, to or before the Vice-Chair (if any).**
- p) **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- q) **Subject to model standing order 1(y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- r) **The Chair 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.**
- s) **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.**
- t) **The minutes of a meeting shall record the names of Councillors present and absent.**
- u) **If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution; such resolution shall be recorded in the minutes of the meeting at which the approval was given.**
- v) **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- w) **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 and Proper Officer or Employee of the Council acting as Proper Officer in the absence of the Proper Officer at a meeting shall be recorded in the minutes.**

- 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.**
- y) **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.**
- z) Meetings shall not exceed a period of two hours.

2. ORDINARY COUNCIL MEETINGS (See also Standing Order 1 above)

- a) **In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- b) **In a year which is not an election year, the Annual Meeting of a Council shall be held on such day in May as the Council may direct.**
- c) **If no other time is fixed the Annual Meeting of the Council shall take place at 6.00 p.m.**
- d) **In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e) **The election of the Chair, Vice-Chair, Leader and Deputy Leader of the Council shall be the first business completed at the Annual Meeting of the Council.**
- f) **The Chair of the Council, unless he has resigned or become disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the Council.**
- g) **The Vice-Chair of the Council, if any, unless he resigns or becomes qualified, shall hold office until immediately after the election of the Chair of the Council at the next Annual Meeting of the Council.**
- h) **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chair has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**

At each Annual Meeting of the Town Council, the first business shall be;

- i) In an election year, delivery by Councillors of their declarations of acceptance of office.
- ii) To elect the Chair.

- iii) To receive the Chair's Declaration of Acceptance of Office.
- iv) To elect the Vice-Chair.
- v) To elect The Leader of the Council.
- vi) To elect the Deputy Leader of the council.
- vii) Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
- viii) Receipt of nominations to any committees, advisory committees. Sub-committees/working groups.
- ix) Review of representation on or work with external bodies and arrangements for reporting back.
- x) In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the Annual Meeting, to review and make arrangements to reaffirm eligibility.

j) Council will at its June Ordinary Meeting:

- i) Review of delegation arrangements to any committees, sub-committees, working parties, employees and other local authorities.
- ii) Review of the terms of references for any committees, sub-committees/working parties.
- iii) Review and adoption of appropriate standing orders and financial regulations.
- iv) Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- v) Review of inventory of land and assets including buildings and office equipment.
- vi) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- vii) Establish or reviewing the Council's complaints procedure.
- viii) Establish or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- ix) Establish or reviewing the Council's policy for dealing with the press/media.

k) At each Ordinary Meeting of the Town Council, the first business shall be to receive such declarations of registerable interests (if any) as are required by law to be made. Thereafter the order of business unless the Council decides otherwise, on the ground of urgency, shall be as follows:

- i) To deal with business expressly required by statute to be done.
- ii) To receive such communications as the presiding Chair may wish to lay before the Council.

3. PROPER OFFICER

- a) The Council's Proper Officer shall be either (i) the Clerk to the Council or such other employee as may be nominated by the Council from time to time or (ii) 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. (iii) The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall declare interest on any item on the agenda they may have interest in.
- b)
- i) The Council's Proper Officer shall do the following: **Sign and serve on Councillors by electronic form, delivery or 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, sub-committee at least five clear days before the meeting.**
 - ii) **Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee, (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
 - 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 two clear days before the meeting confirming their withdrawal of it.
 - iv) **Convene a meeting of full Council for the election of a new Chair, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] or [3(b)ii] 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 interest 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 and witnessed (*See also model standing orders 14(a) and (b)*).

- 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 or electronic file for such purpose.
- xvi) Retain custody of the seal of the Council which shall not be used without a resolution to that effect.
- xvii) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4. MOTIONS REQUIRING WRITTEN NOTICE

- a) In accordance with standing Order 3(a)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least two clear days before the next meeting.
- b) The Proper Officer will, 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.
- c) If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in the 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 on the day of the meeting up to 1pm.
- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Leader or Chair, Deputy Leader in the absence of the Leader 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.
- e) Having consulted the Leader or Chair, Deputy Leader in the absence of the Leader or Councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 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.
- 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.
- 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.

5. MOTIONS NOT REQUIRING WRITTEN NOTICE

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 a committee or to a sub-committee or an employee.
- x) To appoint a committee or sub-committee or working group any councillors (including substitutes) thereto.
- xi) To receive nominations to a committee or sub-committee or Advisory Committee.
- x) To appoint a committee or sub-committee or working group any councillors (including substitutes) thereto.
- xi) To receive nominations to a committee or sub-committee or Advisory Committee.
- xii) To dissolve a committee or sub-committee.
- xiii) To note the minutes of a meeting of a committee or sub-committee or Advisory Committee.
- xiv) To consider a report and/or recommendations made by a committee or a sub-committee or Advisory Committee. Or an employee.
- xv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi) To authorise legal deeds to be sealed by the Council's common seal and witnessed (*see standing orders 14(a) and (b) below.*)
- xvii) To authorise the payment of monies in line with Financial Regulations.
- xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix) To extend the time limit for speeches.
- xx) To exclude the press and public for all or part of a meeting.
- xxi) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii) To give the consent of the Council if such consent is required by standing orders.
- xxiii) To suspend any standing order except those which are mandatory by law.**
- xxiv) To adjourn the meeting.

- xxv) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi) To answer questions from Councillors.

- b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegation powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Leader may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6. RULES OF DEBATE

- 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 Chair's direction for reasons of expedience.
- b) Subject to standing orders 4(a)-(e) above, a motion shall not be discussed unless it has been proposed and seconded.
- c) Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the Councillor, who tabled it, may be treated as withdrawn.
- d) 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 Chair, be reduced to writing and handed to the Chair who shall determine the order in which they are considered.
- e) A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f) 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.
- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i) Subject to Standing order 6(h) above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.

- j) Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.
- l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m) The mover of a motion or the mover of an amendment shall have the right of reply, not exceeding 3 minutes.
- n) 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.
- o) Subject to standing orders 6(m) and (n) above, 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.
- p) 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.
- q) A point of order shall be decided by the Chair and his decision shall be final.
- r) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s) Subject to standing order 6(o) above, 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 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.

- t) In respect of standing order 6(s) (iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their 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.

7. CODE OF CONDUCT *see also MODEL STANDING ORDERS 1(d)-(l) above*

- a) **All Councillors shall observe the code of conduct adopted by the Council.**
- b) All Councillors shall undertake training in the code of conduct within Six months of the delivery of their declaration of acceptance of office.
- c) Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation from the District Council's Monitoring Officer.
- d) Where a member has a significant other interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered.
- e) A member with a significant other interest in any business of the authority may still attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Immediately after making representations, answering questions or giving evidence the member must withdraw from the meeting room (including the public gallery) for the consideration and vote on the business.

8. QUESTIONS

- a) A Councillor may seek an answer to a question concerning any business of the council not on the agenda provided two clear days notice of the question has been given to the clerk to the Council.
- b) Every question shall be put and answered without discussion.

9. MINUTES

- a) A copy of Draft Minutes of the Ordinary Meeting and of all Committees to be circulated to the Chair, Vice-Chair, Leader and Deputy Leader of the Council together with the Chair and Vice-Chair of each Committee no later than five clear days of the meeting.

- b) 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.
- 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.
- d) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- e) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect: "The Chair 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 majority of the () and the minutes are confirmed as an accurate record of the proceedings."
- f) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed subject to

"In order to comply with the Data Protection Act 1998, all persons attending this meeting are hereby notified that this meeting may be digitally recorded. The purpose of any recording is that the recording will act as an aide-memoire to assist in the compilation of Minutes. The recordings are held in a secure location for a period of two years. Please ensure that mobile phones are switched off during the Town Council Meeting".

10. DISORDERLY CONDUCT

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chair, there has been a breach of standing order 10(a) above, Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

11. RESCISSION OF PREVIOUS RESOLUTIONS

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written

notice whereof bears the names of at least five Councillors of the Council or by a motion moved in pursuance of the report or recommendation of a committee.

- b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of no similar motion may be moved within a further six months.

12. 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. Any tie may be settled by the Chair's casting vote.

13. EXPENDITURE

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year by Policy, Finance and Publicity Committee to the Annual Meeting.**
- 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.** Orders for the payment of money shall be signed, after appropriate examination of supporting documents, by any two Members of the following:
 - i) The Chair
 - ii) The Vice-Chair
 - iii) The Leader of the Council
 - iv) The Deputy Leader of the Council

And as third signatory the Clerk to the Council

The supporting documentation will be initialled by the cheque signatories to evidence that it has been matched to the order for payment.

In the event that one Member fulfils two of the above roles, a fourth member for payment order signatories should be elected at the Annual meeting in order to ensure full operational capability of the Council at all times.

14. EXECUTION AND SEALING OF LEGAL DEEDS *See also Standing Order 5(a) (xvi) above*

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 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 members of the Council who shall sign the deed as witnesses.**

15. COMMITTEES See also Standing Order 1. Above.

- a) The Council may, at its Annual Meeting, appoint standing committees; sub-committees and working groups and may at any other time appoint such other committees, sub-committees and working groups as may be necessary, 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 of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv) may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer one day before the meeting that they are unable to attend;
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - vi) May in accordance with standing orders, dissolve a committee at any time.

16. SUB-COMMITTEES See also Standing Order 1. above

- 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.

17. EXTRAORDINARY MEETINGS See also Standing Order 1. Above

- a) **The Leader or the Chair, Deputy Leader in the absence Leader may convene an extraordinary meeting of the Council at any time.**
- b) If the Leader or the Chair, Deputy Leader in the absence Leader does not or refuses to call an extraordinary meeting of the Council within Seven days of having requested to do so by two Councillors, those five 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 Five Councillors.

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

18. ADVISORY COMMITTEES SEE *Also Standing Order 1. Above*

- a) The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.

19. ACCOUNTS AND FINANCIAL STATEMENT

- a) All payments by the council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply a schedule of receipts and payments made since the last report, and a recently completed Bank Reconciliation, to members on a monthly basis, except in August. The RFO shall supply to each councillor after 31 March, 30th June, 30th September and 31st December in each year a statement summarising the council's receipts and payments for the 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, virements or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of June. The Annual Return, which is subject to external audit, and includes the Statement of Accounts of the Council, the annual governance statement, and an Internal Audit Report, shall be presented to Council for formal approval before 30 June.
- c) No virements are to be made between cost centres without a report on the reasons being made to the Chair and Vice-Chair of the Policy Finance and Publicity Committee including the Leader and Deputy Leader of the council. All virements to be considered for approval at the Policy Finance and Publicity Committee at the next meeting following the request to Vire between cost centres and Recommendations considered at the following Ordinary Meeting of the Council.
- d) 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 30th June.

- e) The Responsible Financial Officer is authorised after a motion has been moved at an ordinary meeting of the council to draw down up to £100,000 of any authorised loan the maximum amount the council will be allowed to hold as a loan or borrow is £750,000 at any time.
- f) Within four clear days of the date of a request in writing or by email from the Chair and Vice-Chair of the Policy Finance and Publicity Committee, the Responsible Financial Officer shall supply a statement summarising the Council's receipts and payments for the latest completed month and the balances held at the end of the latest complete month.

20. ESTIMATES/PRECEPTS

- a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

21. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- 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 the requirements of this standing order to every candidate.
- b) A Councillor or a member of a committee or sub-committee, Officer or employees shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion.
- 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

- 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.

23. UNAUTHORISED ACCESS

- 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 any land and/or premises which the Council has a right or duty to inspect; or
- ii) The only Councillor that may give instructions or directions to the Proper Officer will be the Leader or Chair, Deputy Leader in the absence of the Leader of the council.

24. CONFIDENTIAL BUSINESS

- 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.
- 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.

25. POWER OF WELL-BEING

- 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.**
- b) **The Council's period of eligibility begins on the date 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.**
- 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

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until Members have decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Leader or Chair in their absence the Deputy Leader of any absence of that most senior employee occasioned by illness or urgency and the Member so informed shall report such absence to the next Council meeting.

These Member responsibilities may be delegated to the Chair or Vice Chair of a Committee or Sub-Committee, and absence reporting may be delegated to a Committee or Sub-Committee.

- c) The Leader and Chair, or in his/her absence, the Deputy Leader or Vice Chair shall upon a resolution conduct a review of the performance and/or appraisal of the Council's most senior employee and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by Council.

These Member responsibilities may be delegated to the Chair or Vice-Chair of a Committee or Sub-Committee, and review and/or appraisal reporting may be delegated to a Committee or Sub-Committee.

- d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair or in his/her absence, the Vice-Chair in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the council. These Member responsibilities may be delegated to the Chair or Vice Chair of a Committee or Sub-Committee, and reporting back and progression by resolution may be delegated to a Committee or Sub-Committee.
- e) Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Council's most senior employee relates to the nominated Member in 26(d) above, this shall be communicated to another member of Council, or if applicable, the Committee that has been assigned delegated powers.
- f) 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.
- g) 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.
- h) 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.
- i) Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Council's most senior officer and/or the Leader or if applicable, the Committee that has been assigned delegated powers.

27. FREEDOM OF INFORMATION ACT 2000

- 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.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Leader of the Council, or if applicable, the Committee that has been assigned delegated powers. The responsible Council/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 AND THE PRESS/MEDIA

- 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.
- b) In accordance with the Council's policy in respect to dealing with the press and/or media, Councillors shall only do so by consent of the Leader or Chair the Deputy Leader in the absence Leader not, in their official capacity, provide oral or written statements or written articles to the press or other media.
- c) All press/media releases are to be authorised by the Chair or Vice-Chair Leader or Chair the Deputy Leader in the absence Leader of the Policy Finance and Publicity Committee and issued by the Proper Officer or employee acting as Proper Officer in absence of the Proper Officer.

29. LIAISON 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 Councillor of the District and County representing its electoral ward.
- b) Unless the Council otherwise orders, a copy of each letter sent to the District or County shall be sent to the District or County Councillor representing its electoral ward.

30. FINANCIAL MATTERS

- 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 £50,000. Where it is intended to enter into a contract, the annual amount of which exceeds £3,000 but does not exceed £50,000 for the supply of goods or services, or for materials for the execution of works, the Responsible Finance Officer and/or the Clerk to the Council shall obtain at least three quotations for the said works or services and must seek approval of expenditure over £3,000). Any such expenditure shall be reported to the next available Council meeting.
- b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 30 (c) below.**
- 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;
 - ii) A specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii) Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv) 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 Policy and Finance Committee;
 - v) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) Neither the Council, nor any Committee, is bound to accept the lowest tender, estimate or quote.
- e) Where the value of a contract is likely to exceed £172,514 (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.**

31. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a) On receipt of a notification that there has been an alleged breach of the code of conduct the Clerk to the Council shall refer it to a standards committee.

- b) Where the notification relates to a complaint made by the Clerk to the Council, the Clerk to the Council shall notify the Chair of a standards Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Clerk to the Council set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Clerk to the Council shall ensure that the employee in question does not deal with any aspect of the complaint.
- d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Clerk to the council and the Chair of the standards committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i) Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii) Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii) Ensure that the public and press are excluded from meetings as appropriate.
 - iv) Ensure that the minutes of meetings preserve confidentiality.
 - v) Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e) Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chair of the relevant Committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f) A standards committee shall have the power to:
 - i) Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii) Seek and share information relevant to the complaint;
 - iii) Grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g) References in standing order 31. To a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

32. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

- 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 not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

33. STANDING ORDERS TO BE GIVEN TO COUNCILLORS

- a) The Clerk to the Council shall provide a copy of the Council's standing orders to a Councillor upon delivery of their declaration of acceptance of office.
- b) The Chair's decision as to the application of standing orders at meetings shall be final.
- c) A Councillor's failure to observe standing orders more than three times in one meeting may result in their being excluded from the meeting in accordance with standing orders.