



NORTH HYKEHAM TOWN COUNCIL

STANDING ORDERS

based on NALC model standing orders issued 2018, revised 2020

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1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i to speak on an amendment moved by another councillor;

- ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they considers has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the chair of the meeting and his decision shall be final.
- r When a 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 no longer heard 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; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e 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 agrees
- f Meetings of the Council shall normally be held at the Civic Offices, Fen Lane, North Hykeham, LN6 8UZ
- g Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of

the business on the agenda.

- h The period of time designated for public participation prior to the commencement of the meeting in accordance with Standing Order 3(g) shall not exceed 15 minutes unless directed by the chair of the meeting.
- i Subject to standing order 3(h), a member of the public shall not speak for more than 10 minutes.
- j In accordance with standing order 3(g), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- k A person shall raise their hand when requesting to speak and may sit when speaking.
- l A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- m Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- n **Subject to standing order 3(o), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- o **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- p **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- q **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice Chair.**
- r **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 a vote of the councillors present at the meeting shall preside at the meeting.**
- s If the Chair and Vice Chair of Council are not in attendance, the person

presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.

- t **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- u **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

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

- v **Unless standing orders provide otherwise, voting 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.

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

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- x **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**

- 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 three.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- z **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
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- aa A meeting shall not exceed a period of 2 hours unless a vote to extend the meeting is passed by those present for a maximum of 30 minutes.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint statutory committees or other committees as may be necessary, and:
 - i. shall determine its terms of reference;
 - ii. shall initially determine the number and time of the meetings of a statutory committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee to adjust the number and time of its meetings as necessary;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee. A substitute member must be nominated and confirmed by the members of the committee when they confirm their absence from the meeting to the Proper Officer, at least 5 days before the meeting;
 - vi. every statutory committee shall, at its first meeting before proceeding to any other business, elect a Chair and Vice Chair who shall hold office until the next Annual Town Council meeting of the Council (except 4gii);
 - vii. shall permit a sub-committee to appoint its own chair at the first meeting of the sub-committee, who shall hold office until the next Annual General

Meeting of the Town Council;

- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.
- e Every Committee may appoint Working Groups for purposes to be specified by the Committee. A Working Group may co-opt others (see Co-Option Policy) to help it to progress business to a point where a report is brought to Council for a decision. A Working Group cannot make decisions that are binding upon the Council.
- f A Committee wishing to co-opt a non-councillor must receive an application form which they review and pass a recommendation to Town Council to approve. There is no restriction regarding the home address of a co-opted non councillor.
- g. FINANCE AND POLICY COMMITTEE
- i Membership of the Finance & Policy Committee will be the Chair and Vice Chair and at least one member of each Statutory Committee, to include the Statutory Committee Chair;
 - ii The Chair of Finance & Policy shall be elected at the first Annual General Meeting of the Town Council after the ordinary elections and will hold office until the next ordinary Council elections;
 - iii A motion to remove the existing Chair of the Finance & Policy Committee can be put to a vote of the Full Town Council if a request is signed by the majority of all Councillors. At the same meeting a new Chair can be elected for the remainder of the duration of office;
 - iv The remaining members of Finance & Policy Committee will be voted upon at the Annual General Meeting of the Town Council or Full Town Council meeting when the number of Statutory Committees has been resolved;
 - v Any changes to Standing Orders and Council Polices must be first submitted to Finance & Policy for consideration. Discussions will take place at the next Finance & Policy Committee meeting with a recommendation "To Accept", "To

- Accept with amendment”, or “To Refuse” to the following Full Town Council meeting;
- vi The Personnel Sub-Committee of Finance and Policy Committee is responsible for making decisions about all staffing matters, subject to budget and expenditure limits decided by the Finance & Policy Committee;
 - vii The Chair of the Personnel Sub-Committee will be the Chair of Finance & Policy and will hold office until the next ordinary elections;
 - viii The Personnel Sub-Committee will comprise of four elected members and the Chair who will hold office until the next ordinary Council elections;
 - ix Terms of Reference of the Personnel Sub-Committee will be:-
 1. To establish and keep under review the staffing structure.
 2. To draft, implement, review, monitor and revise policies for staff.
 3. To establish and review salary pay scales for all categories of staff and to be responsible for their administration and review.
 4. To oversee the recruitment and appointment of staff.
 5. To arrange execution of new employment contracts and changes to contracts.
 6. To establish and review performance management (including annual appraisals) and staff training programmes for staff.
 7. To oversee any process leading to dismissal of staff (including redundancy).
 8. To keep under review staff working conditions, and health and safety matters.
 9. To monitor and address regular or sustained staff absence.
 10. To make recommendations on staffing related expenditure to the Finance Committee.
 11. To consider any appeal against a decision in the respect of pay.
 12. To consider a grievance or disciplinary matter and mechanism process for any appeal.
 13. To supervise and performance manage the Clerk’s work, to administer their leave requests, record and monitor their absences, and handle grievance and disciplinary matters and pay disputes.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 7pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**

- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair (Mayor) and Vice Chair (Deputy Mayor) of the Council.**
- f **The Chair, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice Chair of the Council, unless they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair at the next annual meeting of the Council.**
- h **In an election year, if the current Chair has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor has been elected. The current Chair shall not have an original vote in respect of the election of the new Chair but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair has been elected. They may exercise an original vote in respect of the election of the new Chair and shall give a casting vote in the case of an equality of votes.**
- j To fill any vacancies left unfilled at the election by reason of insufficient nominations, the Representation of the Peoples Act 1985, s21 allows the elected members, provided there is a quorum to co-opt members, to fill the remaining vacancies as provided in the Council Co-option policy. If the Council fails to exercise the power to co-opt within 7 weeks, the District Council may order a new election to properly constitute the Council.
- k Following the election of the **Chair** and **Vice Chair** of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chair and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Appointment of members to Statutory Committees
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees in accordance with standing order 4

- vii. Appointment of any new committees in accordance with standing order 4;
- viii. Confirmation of standing orders and financial regulations;
- ix. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- x. Review of representation on or work with external bodies and arrangements for reporting back;
- xi. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xiii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chair of a committee or a sub-committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee or the sub-committee, any 2 members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection and inform to the chair of the forthcoming meeting.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to debate business submitted by the Clerk to the meeting and present on the agenda
 - ix. to require a written report;
 - x. to appoint a committee or sub-committee and their members;
 - xi. to extend the time limits for speaking;
 - xii. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xiii. to not hear further from a councillor or a member of the public;
 - xiv. to exclude a councillor or member of the public for disorderly conduct;
 - xv. to temporarily suspend the meeting;
 - xvi. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvii. to adjourn the meeting; or
 - xviii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e The Clerk to review previous Committee meetings actions either under Clerks Items or the addendum to the approved minutes listing the actions.

12. DRAFT MINUTES

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the 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 meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(x).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's Code of Conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

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

15. PROPER OFFICER

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

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a

meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 4 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair, occasioned by a casual vacancy in this office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under Freedom of Information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority;
- xiv. refer a planning application received by the Council to the Chair or in their absence the Vice-Chair of the Council's Community and Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council's Community and Planning committee;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council which shall not be used without a

resolution to that effect.
(see also standing order 23).

- xvii. respond to emergency situations in accordance with standing order 26 and delegated powers within Financial Regulations

16. RESPONSIBLE FINANCIAL OFFICER

- a The Town Clerk shall be the Responsible Financial Officer (see Standing Order 15(a)).

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a “Proper practices” in Standing Orders refer to the most recent version of Joint Panel of Accountability and Governance (JPAG) Practitioner’s Guide.
- b All Accounting and reporting requirements, including budgeting, reporting and statutory matters such as the year end procedures are fully detailed in the Town Council Financial Regulations.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the**

Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £214,904 for a public service or supply contract or in excess of £5,372,609 for a public works contract; or £663,540 for a social and other specific services contract shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £429,809 for a supply, services or design contract; or in excess of £5,372,609 for a works contract; or £663,540 for a social and other specific services contract and shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016. The e-tender**

service 'Find a Tender' is applicable in the UK for above threshold tenders.

19. HANDLING STAFF MATTERS

- a All staff matters are delegated to the Personnel Sub-Committee by the Town Council. Terms of reference are found in Standing Order 4 (part g (ix))

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- a **In accordance with Rreedom of Information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

See also standing order 11.

- a The Town Clerk is appointed as the Council's Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22. RELATIONS WITH THE PRESS/MEDIA

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

other media.

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

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

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised no Councillor shall:
 - i. formally inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions to Council employees.
- b. No member of the Council or any Committee shall disclose to any business declared to be confidential by the Council or the Committee to any person external to that Committee.

26. EMERGENCY RESPONSES

- a. In response to an emergency situation whereby an extraordinary meeting could not be legally convened soon enough to meet the timescales required to address such a situation, the Proper Officer will consult with the following:-
 - Chair of Council
 - Chair of the Finance and Policy Committee
 - any one of the following, as would be most appropriate to address the emergency situation: -
 - Chair of the Community and Planning Committee
 - Chair of the Estates and Operations Committee

- b. In the absence of any of the above Chairs, the appropriate Vice Chair would be approached.
- c. Any decisions made under this standing order that could not be actioned by the Proper Officer's delegated powers, and therefore requires Council approval, would be ratified at either an extraordinary meeting, the next available Finance and Policy committee meeting or a meeting of the Town Council, whichever can be legally convened soonest.

27. REMOTE COUNCIL MEETINGS

Subject to legislation which permits the conducting of remote meetings, the following etiquette applies:

- a. A Virtual video meeting is one in which Councillors are both seen and heard for the meeting by all other Councillors present. Councillors should present themselves as they would at a physical Council meeting with appropriate decorum and dress.
- b. It is preferable that Councillors make the remote connection and sign into a meeting at least 5 minutes beforehand to ensure that they can be both seen and heard for the meeting.
- c. Those Councillors that cannot be viewed or heard by the meeting will not be considered as being present at the meeting. Brief visual and/or sound absences for less than 2 minutes for technical reasons may be accepted by the Chair of the meeting as a continued presence, however such Councillors may not vote on any motion in which they were absent visually or audibly during the debate on the agenda item when they were absent.
- d. Late arrivals, early exits and temporary extended exits (more than 2 minutes) from the meeting will be treated in the same manner as physical meetings.
- e. Councillors and officers should assume at all times that what they are saying and doing is visible to the public in just the same way as it would be in the Council Chamber or Committee Room
- f. The meeting will be live streamed via MS Teams.
- g. Members of the press or public who wish to join the meeting, may request the technical access details, including password, from the Town Clerk by midday on the day of the meeting.
- h. Minutes will be produced as normal and uploaded to the Town Council website once approved.
- i. Members should mute microphones when not talking. Only speak when invited to by the Chair. Councillors should raise their hand if they wish to speak.
- j. Only one person may speak at any one time

- k. When invited to speak, the Chair will call them by name although Members may also state their name before speaking
- l. The Chat Function should only be used to indicate a wish to speak, and not for any other reason
- m. Voting –For all meetings, a clear determination of a vote is necessary. Voting will follow physical meeting procedures with votes for “for”, “against” and “abstentions. Voting will be by simple hands raised. The Clerk will confirm the actual vote after voting has been completed. For votes that require a written therefore private vote, this must be taken in closed session (refer to standing order 27(n)).
- n. Closed Session – The Chair/Clerk will end the MS Teams meeting for everyone except Town Councillors. Members will be asked to confirm that there is no-one else present who is not entitled to be – either hearing, seeing or recording the proceedings.

28. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b The Standing Orders must be read in conjunction with the Financial Regulations which control the finances of the Town Council.
- c The Proper Officer shall provide a copy of the Council’s standing orders to a Councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.
- e All Councillors and staff shall act in a manner that promotes the effective and proper running of the Council and will not act in a manner that is detrimental to the reputation of the Council.
- f Any disputed Standing Orders will be reported to and in the order agreed:
 - Town Clerk;
 - Chair of Finance & Policy committee;
 - Town Council;for a decision.