



## WALMER PARISH COUNCIL

### Standing Orders

**(Adopted November 6 2013 Minute 4074 vi)  
(Amended September 2015 Minute 4454 )  
(Amended July 2016 Minute 5065)  
(Amended December 6 2017 Minute 5380 Rules of Debate at meetings)**

**Amended August 2018 in line with NALC new Model Standing Orders 2018.  
All amendments approved Council meeting September 12 2018 minute 5551  
Document reviewed July 2020 and deemed fit for purpose with no changes Minute 5958**

#### **1. Rules of debate at meetings**

*This rule applies to meetings of Council only.*

The following rules of debate shall apply to all matters except those reserved for Council determination under any statutory requirement.

##### **a No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

##### **b Right to require motion in writing**

Unless notice of the motion has already been given, the chairman may require it to be written down and handed to him/her before it is discussed.

##### **c Seconded's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

##### **d Content and length of speeches**

(a) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.

(b) A speech by a member shall not exceed three minutes except for the proposer of the motion who shall have an additional five minutes to sum up at the end of the debate.

##### **e When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on any amendment subsequently moved by themselves or another member;

(b) in exercise of a right of reply;

- (c) on a point of order; and
- (d) by way of personal explanation.

#### **f Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate or displace the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **g Alteration of motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **h Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **i Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) on the hour of 9 pm being reached "that the Council do proceed with the business remaining on the agenda";
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.3.

#### **k Closure motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member;

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **l Chairman's Action**

The Chairman may at any time upon being satisfied that any motion has been fully debated by the Council, require that "the vote be now taken" but so that before the vote is taken the proposer of an original motion shall be entitled to exercise his right of reply.

#### **m Point of order**

A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

## **n Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.










## **2. Disorderly conduct at meetings**

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

## **3. Meetings generally**

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

- **a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- **b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- **c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- ■ **d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

- e At the invitation of the Chairman, residents of Walmer may make representations, answer questions and give evidence at a meeting which they are entitled to attend.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g In accordance with standing order 3(e) above, 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.
- h A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- i A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
-   k **Subject to standing order 3(l), 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.**
- l A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
-   m **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.**
-  n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
-  o **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
-    p **Subject to a meeting being quorate, all questions at a meeting shall be**

**decided by a majority of the Councillors or Councillors with voting rights present and voting.**



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

*See standing orders 6(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- r Voting on a question shall be by a show of hands or, if at least two members so request, by signed ballot. 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.

- s 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 present and 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.



- t A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**



- u 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 5e(vii) below for the quorum of a committee or sub-committee meeting.*



- v 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.**

- w If a meeting exceeds a period of 2 hours a vote shall be taken as to whether to continue or to adjourn the meeting.**

## 4. Order of business

**At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman, if the Chairman and Vice-Chairman are absent and to receive such declarations of acceptance office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**

After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

- a To consider the minutes of the previous meeting and approve the signing of the minutes by the person presiding as a correct record.**
- b To consider any matters arising from the minutes not covered elsewhere on the Agenda.
- c To deal with business expressly required by statute to be done.**
- d To agree to suspend the meeting for up to 15 minutes to allow discussion with members of the electorate present at the meeting.
- e To receive and consider matters relating to Crime & Community Safety.
- f To receive and consider *written* reports and minutes and matters relating to specific committees.
- g To receive and consider reports from representatives on outside bodies.
- h To receive and consider the report of the clerk on correspondence received.
- i To receive and consider the financial report of the treasurer and authorise the signing of orders and payments.
- j To consider resolutions or recommendations from Councillors in the order in which they have been notified (in writing) to the Clerk.
- k To consider such other communications as the Chairman or proper officer may wish to lay before the Council.

## 5. 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 Chairman and Vice-Chairman ex officio shall be members of every committee unless they signify at the Annual meeting that they do not wish to serve.
- e *The Chairman of the Council may only chair one committee.*
- f The Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next Annual Meeting of the Council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 5(b) and (c) appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper officer prior to the meeting that they are unable to attend.
- vi. may, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- 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.

## 6. 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 new 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 may direct.**
- 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 directs.**
- e The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next Annual Meeting of the Council. *A chairman may stand for no more than two successive years with no return for a further two years.***
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council. *A vice-chairman may stand for no more than three***



*years with no return for a further two years.*

- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the Council, the business of the Annual Meeting shall include:
  - i. In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his 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. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Appointment of members to existing committees;
  - vii. Appointment of any new committees in accordance with standing order 4 above;
  - viii. Review of representation on or work with external bodies and arrangements for reporting back;
  - ix. 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;
  - x. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21;
  - xii. Review of the Council's policy for dealing with the press/media.**

## **7. Extraordinary meetings of the Council and committees and sub-committees**

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**

- c** The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d** If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

## **8. 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 8 Councillors to be given to the Proper Officer in accordance with standing order 9 below, 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 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## **9. 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.

## **10. 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 which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- 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 6 working days before the meeting. Working 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 10(b) above, 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 10(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood by the Proper Officer at least 6 working days before the meeting.
- e** If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the Councillors

who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- f Subject to standing order 10(e) above, 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 in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## 11. 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 require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a member of the public;
  - xiii. to exclude a Councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## 12 Management of information

*See also standing order 21.*

- 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.**

### 13 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 11(a)(i) above.
- c** The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d** If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e** **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f** Subject to the publication of draft minutes in accordance with standing order 13(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### 14. Code of conduct and dispensations

*See also standing order 3(s) above.*

- a** All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b** Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

- c Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he 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 and that decision is final.
- 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 14(d) and 14(f) above, dispensations requests shall be considered by the Proper Officer before the meeting.
- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
  - 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 or**
  - 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.**

## 15. Code of conduct complaints

- a Upon notification by the District Council OR County 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 12 above, report this to the Council.
- b Where the notification in standing order 15(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 15(d) below.
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an

- investigation of the complaint or is required by law;
- 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.**

## **16. The Proper Officer (To be appended to Job Specification)**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the Council, a committee or a sub-committee**
    - **serve on Councillors, by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**

*See standing order 3(b) above for the meaning of clear days for a meeting of a full Council and standing order 3(c) above for a meeting of a committee.*

- ii. subject to standing order 10 above, 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 full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his 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. retain acceptance of office forms from Councillors;
- vii. retain a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights under data protection legislation, in accordance with to the Council's relevant policies and procedures.
- ix. liaise, as appropriate with the Council's Data Protection Officer, should one be appointed.
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. 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.)
- xii. arrange for legal deeds to be executed.  
*(See also standing order 24 below.)*

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
  - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
  - xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;
  - xvi. manage access to information about the Council via the publication scheme; and
  - xvii. retain custody of the Seal of the Council (if any) which shall not be used without a resolution to that effect.
- (See also standing order 24 below.)*

## **17. Responsible Financial Officer**

- a** The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## **18. Accounts and accounting statements**

- a** "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b** All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c** The Responsible Financial Officer shall supply to each Councillor at each Council meeting a statement to summarise:
  - i. the Council's receipts and payments for that month;
  - ii. the Council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the month being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d** As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
- e** The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

## 19. 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.**
- 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 £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**



**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 £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **20. Handling staff matters**

- a** A matter personal to a member of staff that is being considered by a meeting of the Human Resources committee is subject to standing order 12 above.
- b** Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- c** The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- d** All matters relating to staff are to be dealt with by the Human Resources committee which will make recommendations for consideration by the Council.

## **21. Responsibilities to provide information**

*See also standing order 22.*

**In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

## **22. Responsibilities under data protection legislation**

(Below is not an exclusive list).

*See also standing order 12.*

- a** **The Council may appoint a Data Protection Officer.**
- b** **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning 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.**

## 23. 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.

## 24. Execution and sealing of legal deeds

*See also standing orders 16(b)(xii) and 16(b)(xvii) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order ??a) above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**  
*The above is applicable to a Council without a common seal.*

## 25. 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 County Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District or County Council shall be sent to the ward councillors representing the area of the Council.

## 26. Restrictions on Councillor activities

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- a Inspect any lands or premises which the Council has a right or duty to inspect unless authorised to do so by the Council or the relevant committee or sub-committee.

- b Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

## 27. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion. The written notice by at least 5 Councillors is to be given to the Proper Officer in accordance with standing order 10 above.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his Acceptance of Office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.