



BRAUNSTONE TOWN COUNCIL

STANDING ORDERS

***FOR THE REGULATION OF THE
PROCEEDINGS, BUSINESS AND CONTRACTS
OF THE COUNCIL
WITH FINANCIAL REGULATIONS***

**12th MAY 2016
(INCLUDING FINANCIAL REGULATIONS, SCHEME OF DELEGATION
AND CODE OF CONDUCT)**

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BRAUNSTONE TOWN COUNCIL

STANDING ORDERS

C O N T E N T S

SO No.	Item	Page No.
1.	Standing Orders	4
1.1.	Town Mayor - Final Authority and Interpretation	4
1.2.	Variation, Revocation and Suspension of Standing Orders	4
1.3.	Standing Orders to be given to Members	4
2.	Roles and Responsibilities	4
2.1.	The Town Mayor and Deputy Town Mayor	4
2.2.	The Leader of the Council and Deputy Leader of the Council	4
2.3.	Committee Chairs and Vice-Chairs	4
2.4.	The Proper Officer	5
2.5.	Responsible Financial Officer	5
2.6.	Deputy Officers	6
3.	Meetings – General	6
3.1.	Notice of Meetings	6
3.2.	Venue of Meetings	6
3.3.	Variation of the Order of Business	6
3.4.	Minutes	6
3.5.	Admission of the Public and Press to Meetings	6
3.6.	Public Participation	7
3.7.	Confidential Business	7
3.8.	Discussions and Resolutions affecting Employees of the Council	7
3.9.	Disorderly Conduct	7
3.10.	Liaison with County and District Councillors	8
4.	Council Meetings	8
4.1.	Number of Meetings	8
4.2.	Meetings	8
4.3.	Chairperson of the Council Meeting	8
4.4.	Quorum of the Council Meeting	8
4.5.	Conduct of the Meeting	9
4.6.	The Statutory Annual Meeting	9
4.7.	Order of Business for the Annual Meeting	10
4.8.	Order of Business for an Ordinary Council Meeting	11
4.9.	Business Reserved to Council	12
4.10.	Reports and Announcements	12
4.11.	Questions	12
4.12.	Reports of Committees	13
4.13.	Motions Moved On Notice	13
4.14.	Motions Moved Without Notice	14
4.15.	Rules of Debate	14
4.16.	Alteration of a Motion	16

4.17.	Right of Reply	16
4.18.	Closure	16
4.19.	Voting	16
4.20.	Voting on Appointments	16
4.21.	Rescission of Previous Resolution	17
4.22.	Resolution on Expenditure	17
4.23.	Sealing of Documents	17
5.	Committee and Sub-Committee Meetings	17
5.1.	Standing Committees	17
5.2.	Sub-Committees	18
5.3.	Meetings of Committees and Sub-Committees	18
5.4.	Procedures at Committees and Sub-Committees	18
5.5.	Quorum of Committees and Sub Committees	18
5.6.	Substitute Members	18
5.7.	Advisory Committees	18
5.8.	Voting in Committees and Sub-Committees	19
5.9.	Presence of Non-Members of Committees at Committee Meetings	19
6.	Finance and Contracts	19
6.1.	Expenditure	19
6.2.	Accounts and Financial Statement	19
6.3.	Year End Accounts	20
6.4.	Estimates/Precept	20
6.5.	Contracts	20
6.6.	Financial Matters	20
7.	Staff	22
7.1.	Appointments	22
7.2.	Canvassing of and Recommendations by Members	22
8.	Access to Information	22
8.1.	Inspection of Documents	22
8.2.	Planning Applications	22
9.	Code of Conduct	23
9.1.	Code of Conduct	23
9.2.	Interests	23
9.3.	Dispensation Requests	23
9.4.	Unauthorised Activities	24
9.5.	Code of Conduct on Complaints	24
	<i>Financial Regulations</i>	25
	<i>Scheme of Delegation</i>	35
	<i>Code of Conduct</i>	49

BRAUNSTONE TOWN COUNCIL

STANDING ORDERS

1. STANDING ORDERS

1.1. TOWN MAYOR - FINAL AUTHORITY AND INTERPRETATION

The Town Mayor shall be the final authority in the interpretation of Standing Orders and his/her ruling shall not be open to discussion. Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament, these are printed in **bold type** and cannot be altered.

1.2. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a) Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- b) A resolution permanently to add, vary or revoke a Standing Order, not including those printed in bold type, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

1.3. STANDING ORDERS TO BE GIVEN TO MEMBERS

A copy of these Standing Orders shall be given to each member by the Executive Officer & Town Clerk upon delivery to him of the Member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

2. ROLES AND RESPONSIBILITIES

2.1. THE TOWN MAYOR AND DEPUTY TOWN MAYOR

- a) The Town Mayor shall do the following:
 - i. act as First Citizen of the Town;
 - ii. act as a representative of the Town and its residents at official occasions;
 - iii. preside over meetings of Braunstone Town Council.
- b) The Deputy Town Mayor shall undertake the role of Town Mayor in the absence of the Town Mayor or at the request of the Town Mayor.

2.2. THE LEADER OF THE COUNCIL AND DEPUTY LEADER OF THE COUNCIL

The Council will appoint from among its members a Leader and Deputy Leader, who will be the chairperson and vice-chairperson respectively of the principal Standing Committee responsible for the Council's strategies, policies and finances. The Leader and Deputy Leader will be the principal links with the Executive Officer and Town Clerk, the community and the media concerning matters of Town Council Policy and will be consulted by the Executive Officer & Town Clerk concerning the management and delivery of the Council's services and operations.

2.3. COMMITTEE CHAIRS AND VICE-CHAIRS

Committee Chairpersons and Vice-Chairpersons provide an important link between the business of their committees and the Executive Officer & Town Clerk, the community and

the media. Committee Chairpersons and Vice-Chairpersons will play an important role in scheduling the Committees workload, advising on its priorities and promoting its work.

2.4. THE PROPER OFFICER

Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases, he/she shall be the Executive Officer & Town Clerk.

The Council's Proper Officer shall do the following:-

- a) **Sign and serve on Members by delivery or post at their residence, or with the consent of a Member, via electronic means, a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and Sub-Committee at least three clear days before the meeting.**
- b) **Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a Committee or a Sub-Committee. (Provided that the public notice with agenda of an extraordinary meeting of the Council convened by Members is signed by them).**
- c) **Convene a meeting of the full Council for the election of a new Town Mayor, occasioned by a casual vacancy of the office, in accordance with Standing Order 2.4a above.**
- d) Make available for inspection the minutes of the meeting.
- e) **Receive and retain copies of byelaws made by other local authorities.**
- f) Certify copies of byelaws made by the Council.
- g) **Receive and retain declarations of acceptance of office from Members.**
- h) Retain a copy of every Members register of interests and any changes to it and keep copies of the same available for inspection.
- i) Keep proper records required before and after the meeting.
- j) Record every planning application notified to the Council and the Council's response to the local planning authority.
- k) Action or undertake activity or responsibilities instructed by resolution or contained in standing orders on behalf of the Council.
- l) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998 in accordance with the Council's procedures.
- m) **Make available for inspection a written record of decisions taken by officers under delegated powers, including details of the decision, the date it was taken; the reasons for the decision; any alternative options considered and rejected; and any other background documents.**

2.5. RESPONSIBLE FINANCIAL OFFICER

Where a statute, regulation or order confers function or duties on the Responsible Financial Officer, he/she shall be the Executive Officer & Town Clerk.

2.6. DEPUTY OFFICERS

The Executive Officer and Town Clerk shall appoint appropriate staff member(s) to undertake the work of the Proper Officer and Responsible Financial Officer in his/her absence.

3. MEETINGS – GENERAL

3.1. NOTICE OF MEETINGS

When calculating the three clear days for notice of a meeting to Members and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.

3.2. VENUE OF MEETINGS

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.

3.3. VARIATION OF THE ORDER OF BUSINESS

A motion to vary the order of business:

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

3.4. MINUTES

- a) **The Minutes of the Meeting shall record the names and Members present**, those who have sent their apologies and where at a Committee or Sub-Committee there are substitutions, the name of the Committee/Sub-Committee Member who is being substituted.
- b) **No discussion shall take place upon the Draft Minutes except upon their accuracy. Corrections to the Draft Minutes shall be made by resolution and must be initialled by the Chairperson.**

3.5. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- a) **Meetings of the Council and its Committees and Sub-Committees 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 or press' exclusion from part or all of the meeting shall be by a resolution which shall give reasons for the exclusion as follows:- "That in view of the [special] [confidential] nature of the business about to be transacted, it is in the public interest that the press and public be temporarily excluded and they are instructed to withdraw; the reason for exclusion being**".
- b) The Council Committee or Sub-Committee shall state the special reason for exclusion. NOTE: Under the Freedom of Information Act there are a few exemptions where information should not be disclosed. The Council, Committee or Sub-Committee

should have regard to these when stating a reason for exclusion. (Public Interest Test, Investigating Proceedings conducted by the Council, Law Enforcement, Health and Safety, Legal Professional Privilege, Commercial Interest, Court Records, Personal Information, Information provided in confidence, Information which could be contempt of court). This list is not exhaustive.

- c) **The Executive Officer & Town Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.**
- d) If a member of the public interrupts the proceedings at any meeting, the Town Mayor may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

3.6. PUBLIC PARTICIPATION

- a) At all meetings of the Council, Committee, Sub-Committee and Advisory Panels members of the public may attend the meeting for the purpose of making representations, giving evidence or answering questions in respect of any item of business included on the agenda. The time allowed for each member of the public to make a presentation, give evidence, or ask questions will be restricted to within 3 minutes. Where there is a group of members of public wishing to make the same representations, present the same evidence or ask the same questions, the group must appoint one representative to speak on their behalf and he/she will be restricted to within 3 minutes.
- b) Public participation sessions should be ordered by the Chairperson as part of his/her role in presiding over the meeting and conducted in accordance with these Standing Orders.
- c) A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The Chairman may direct that a response to a question posed by a member of the public be referred to a Member for an oral response or to an employee for a written or oral response. A record of a public participation session at a meeting shall be included in the minutes of that meeting.

3.7. CONFIDENTIAL BUSINESS

- a) No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

3.8. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or condition of service, of any person employed by the Council, it shall be considered until the Council or Committee (as the case may be) has decided whether or not the press or public shall be excluded. (see Standing Order 3.5a).

3.9. DISORDERLY CONDUCT

- a) No Member shall at a meeting persistently disregard the ruling of the Town Mayor, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

- b) If, in the opinion of the Town Mayor, a Member has acted in a manner contrary to that required, the Town Mayor shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c) If the motion mentioned in paragraph (c) is disobeyed, the Town Mayor may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

3.10. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

A Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.

4. COUNCIL MEETINGS

4.1. NUMBER OF MEETINGS

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 and at such place as the Council may direct.

4.2. MEETINGS

- a) Meetings of the Council shall be held in each year on such dates and times and at such places as the Council may direct.
- b) **The Town Mayor may convene an extraordinary meeting of the Council.**
- c) **If the Town Mayor does not or refuses to call an extraordinary meeting of the Council within seven days of having been requests to do so by two Members, any two Members may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Members.**
- d) **Notice of meetings must be given in accordance with Standing Order 3.1.**

4.3. CHAIRPERSON OF THE COUNCIL MEETING

- a) **In respect of the meeting of the Full Council the Town Mayor shall preside at the meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor, if present, shall preside. If both the Town Mayor and Deputy Town Mayor are absent from the meeting, a Member as elected by the Council present at the meeting shall preside at the meeting.**
- b) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor may in his/her absence be done by, to or before the person presiding at the meeting.**

4.4. QUORUM OF THE COUNCIL MEETING

- a) **In respect of the meeting of the Council 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.

- b) **If a quorum is not present or if during a meeting the number of Councillors present falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next ordinary meeting or at a specially convened extra-ordinary meeting.**

4.5. CONDUCT OF THE MEETING

- a) A Member shall stand when speaking unless permitted by the Town Mayor to sit on account of infirmity.
- b) the ruling of the Town Mayor on a point of order or on the admissibility of a personal explanation shall not be discussed.
- c) Members shall address the Town Mayor.
- d) If two or more members rise, the Town Mayor shall call upon one of them to speak and the others shall resume their seats.
- e) Whenever the Town Mayor rises during a debate, all other Members shall be seated and silent.

4.6. THE STATUTORY ANNUAL MEETING

- 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 Members elected take office and;**
- 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 6pm.**
- d) **The election of the Town Mayor and Deputy Town Mayor of the Council shall be the first business completed at the Annual Meeting of the Council.**
- e) **The Town Mayor, and Deputy Town Mayor, unless he/she 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.**
- f) **If in an election year, if the current Town Mayor has not been re-elected as a member of the Council, he/she shall preside at the meeting until a successor has been elected. The current Town Mayor of the Council shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.**
- g) **In an election year, if the current Town Mayor has been re-elected as a Member, he/she shall preside at the meeting until a new Town Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.**

4.7. ORDER OF BUSINESS FOR THE ANNUAL MEETING

At each Annual Council Meeting the first business shall be:-

- a) **To elect the Town Mayor.**
- b) **To receive the Town Mayor's declaration of acceptance of office or, to determine when it shall be received.**
- c) To elect a Deputy Town Mayor.
- d) **In an election year, to receive delivery by Councillors of their declaration of acceptance of office or to determine when it shall be received.**
- e) **To receive apologies for absence.**
- f) To receive disclosures of Interest from Members and Officers and the nature of those interests in respect of items on the agenda.
- g) To confirm the accuracy of the Minutes of the last meeting of the Council.
- h) To agree arrangements for the review of appropriate Standing Orders and Financial Regulations.
- i) To review the delegation arrangements and terms of reference for the Committees.
- j) To appoint the Leader and Deputy Leader of the Council.
- k) To establish Standing Committees, confirm Terms of Reference, the number of Members (including, if appropriate, substitute Members) and receive nominations to them, including the appointment of the Chairperson and Vice-Chairperson.
- l) To consider whether to establish any Sub-Committees or Advisory Panels, including Terms of Reference, the number of Members (including, if appropriate, substitute Members) and receive nominations to them, including the appointment of the Chairperson and Vice-Chairperson.
- m) To appoint representatives to external bodies and review arrangements for reporting back.
- n) **To deal with business reserved to Council, either by statute, Standing Orders or Financial Regulations, or where a Standing Committee declines to exercise its delegated authority, which cannot reasonably be dealt with at the next ordinary meeting of the Council.**
- o) **If the Councils eligibility to undertake any activity in exercise of the General Power of Competence expired the day before the first annual meeting following the next ordinary elections, to review and make arrangements to re-affirm eligibility. (The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012. SI 2012 No. 965).**
- p) To receive any Annual Reports.
- q) To set the date, times and place of ordinary meetings of the full Council and approve a cycle of meetings for Standing Committees, and where appropriate for Sub-Committees and Advisory Panels, for the year ahead.

- r) To receive any announcements or reports from the Town Mayor, Leader of the Council or Executive Officer & Town Clerk.
- s) Public Session – Members of the public may attend the meeting for the purpose of making representations, giving evidence or answering questions in respect of any item of business included on the agenda.
- t) To receive reports and minutes of Standing Committees.
- u) To authorise the sealing of documents.
- v) To receive reports from appointed representatives, District and County Councillors.

4.8. ORDER OF BUSINESS FOR AN ORDINARY COUNCIL MEETING

At every meeting other than the Annual Council Meeting the first business shall be to appoint a Chairperson if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.

In every year, not later than the meeting at which the estimates for the next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 3.8 must be read in conjunction with this requirement.

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

- a) To receive disclosures of interests from Members and the nature of those interests as specified in respect of items on the agenda.
- b) To read and consider the Minutes; provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- c) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- d) **To deal with business reserved to Council, either by statute, Standing Orders or Financial Regulations, or where a Standing Committee declines to exercise its delegated authority.**
- e) To receive any announcements or reports from the Town Mayor, Leader of the Council or Executive Officer & Town Clerk.
- f) Public Session – Members of the public may attend the meeting for the purpose of making representations, giving evidence or answering questions in respect of any item of business included on the agenda.
- g) To answer questions from Councillors where notice has been given in accordance with Standing Order 4.11.
- h) To receive reports and minutes of Standing Committees.

- i) To receive and consider Motions Moved on Notice in the order in which they have been notified (refer to Standing Order 4.13).
- j) To authorise the sealing of documents.
- k) To receive reports from appointed representatives, District and County Councillors.
- l) To authorise the signing of orders for payment.

4.9. BUSINESS RESERVED TO COUNCIL

Any item of business reserved to Council, either by statute, Standing Orders or Financial Regulations, or where a Standing Committee declines to exercise its delegated authority shall be dealt with in accordance with the Rules of Debate (Standing Order 4.15) and determined in accordance with the Voting requirements (Standing Order 4.19).

4.10. REPORTS AND ANNOUNCEMENTS

- a) The Town Mayor, or in his/her absence the Deputy Town Mayor, may make announcements and a report to the Council concerning his/her duties and role as the Town Mayor, at the discretion of the person presiding other Members of the Council may be permitted to add to the comments made.
- b) The Leader of the Council, or in his/her absence the Deputy Leader of the Council, may make announcements and a report to Council concerning significant recent activity affecting the Town or the Town Council, at the discretion of the person presiding other Members of the Council may be permitted to ask questions or make comments on the announcements/report.
- c) The Executive Officer & Town Clerk may make announcements where it is appropriate to do so to the Council in session, at the discretion of the person presiding other Members of the Council may be permitted to ask questions or make comments on the announcement.
- d) There shall be no debate or voting upon the items raised/reported in a to c above.

4.11. QUESTIONS

- a) A member may ask the Leader of the Council any question concerning the business of the Council or that is relevant to the Town, provided five clear days' notice of the question has been given in writing to the Executive Officer & Town Clerk.
- b) A written response will be provided at the meeting and the Member putting the question may put a supplementary question and/or make a statement, arising directly out of the original question and/or the response, which will be restricted to 3 minutes.
- c) The Leader of the Council may respond to the supplementary question and/or statement or may ask the Deputy Leader or relevant Standing Committee Chair/Vice-Chair to respond, which will be restricted to 3 minutes.
- d) If it is not possible to provide the information requested in the supplementary question and/or statement, the Leader of the Council may undertake to provide the detail in a written response no later than the next meeting of the Council.

4.12. REPORTS OF COMMITTEES

- a) The Chairperson of the Committee or, if he/she be absent or refrain from doing so, some other Member of the Committee, shall move 'that the report be received'. The Chairperson or Member will then have been held to have moved each paragraph, except that with the consent of the Council he/she may, withdraw or correct any paragraph therein. He/she may also, when moving the reception of the report, reserve the right to speak first on any paragraph.
- b) The number of pages of the report shall be called over seriatim and any Member may comment upon any paragraph or resolution on that page.
- c) Where a paragraph does not contain a resolution then a Member may propose 'that the paragraph be referred back to the Committee.
- d) Resolutions of Committees in pursuance of powers delegated to them by the Council may not be referred back.

4.13. MOTIONS MOVED ON NOTICE

- a) In accordance with these Standing Orders no motion may be moved at a meeting unless it is included in the agenda and the mover had given written notice of its wording to the Council's Executive Officer & Town Clerk at least five clear days before the next meeting.
- b) The Executive Officer & Town Clerk may, before including a motion in the agenda received in accordance with Standing Order 4a above, correct obvious grammatical or typographical errors in the wording of the motion.
- c) If the Executive Officer & Town Clerk considers the wording of a motion is not clear in the meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Executive Officer & Town Clerk in clear and certain language at least 5 clear days before the meeting.
- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Executive Officer & Town Clerk shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Members who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e) Having consulted the Chairman or Members, the decision of the Executive Officer & Town Clerk as to whether or not to include the motion in the agenda shall be final.
- f) Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Members.
- g) Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Executive Officer & Town Clerk giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Members.
- h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- i) If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to

such Committee or to such other Committee as the Council may determine for report; provided that the Chairperson, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

4.14. MOTIONS MOVED WITHOUT NOTICE

Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairperson of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a Committee.
- h) To appoint a Committee or any member thereof.
- i) To adopt a Report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public (see Standing Order 3.5 a & b).
- o) To silence or eject from the meeting a member named for misconduct (see Standing Order 3.9).
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) **To suspend any Standing Order except those which are mandatory by law.** (See Standing Order 1.2).
- r) To adjourn the meeting.

4.15. RULES OF DEBATE

- a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has been given, it shall, if required by the Town Mayor, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.
- b) A Member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

- c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed 10 minutes and no other speech shall exceed 5 minutes except by consent of the Council.
- e) An amendment shall be either:-
 - i) To leave out words
 - ii) To leave out words and insert others
 - iii) To insert or add words.
- f) An amendment shall not have to effect of negating the resolution before the Council.
- h) If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved
- i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- j) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 5 minutes.
- k) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- l) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- m) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- n) When a resolution is under debate no other resolution shall be moved expect the following:-
 - i. To amend the resolution
 - ii. To proceed to the next business
 - iii. To adjourn the debate.
 - iv. That the question be now put.
 - v. That a Member named be not further heard
 - vi. That a Member named does leave the meeting
 - vii. That the resolution be referred to a Committee

viii. To exclude the public and press

ix. To adjourn the meeting

4.16. ALTERATION OF A MOTION

A member may, with the consent of his/her seconder, move amendments to his/her own resolution.

4.17. RIGHT OF REPLY

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

4.18. CLOSURE

At the end of any speech a Member may, without comment, move 'that the question be now put', 'that the debate be now adjourned' or 'that the Council do now adjourn'. If such motion is seconded, the Town Mayor shall put the motion but, in the case of a motion 'that the question be now put', only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion 'that the question be now put' is carried, he/she shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right to reply at the resumption.

4.19. VOTING

- a) **Members shall vote by show of hands** or, if at least two Members so request, by signed ballot. **All questions at a meeting shall be decided by a majority of the Members present and voting thereon.**
- b) **If a Member so requires, the Executive Officer & Town Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
- c) **Subject to d) and e) below the Chairperson may give an original vote on any matter put to the vote and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.**
- d) **If the Chairperson presiding at the Annual Meeting would have ceased to be a Member of the Council but for the statutory provisions which preserve the membership of the Chairperson and Vice-Chairperson until the end of their term of office, he/she may not give an original vote in an election for Chairperson.**
- e) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Town Mayor.**

4.20. VOTING ON APPOINTMENTS

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh

vote taken, and so on until a majority of votes is given in favour of one person. Any tie may be settled by the Chairperson's casting vote.

4.21. RESCISSION OF PREVIOUS RESOLUTION

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 11 Members of the Council, or by resolution moved in pursuance of the report or recommendation of a Committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

4.22. RESOLUTION ON EXPENDITURE

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Policy & Resources Committee or of another Committee after recommendation by the Policy & Resources Committee) and which, if carried, would, in the opinion of the Town Mayor, substantially increase the expenditure upon any services which is under the management of the Council or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon (and the Policy & Resources Committee shall report on the financial aspect of the matters).

4.23. SEALING OF DOCUMENTS

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) **In accordance with resolution made under Standing Order 4.23a above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Executive Officer & Town Clerk in the presence of two Members who shall sign the document as witnesses.**

5. COMMITTEE AND SUB-COMMITTEE MEETINGS

5.1. STANDING COMMITTEES

The Council may at its Annual Council Meeting appoint Standing Committees, Chairpersons and Deputy Chairpersons of Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:-

- a) Shall not appoint any Members of a Committee so as to hold office later than the next Annual Meeting.
- b) May appoint persons other than Members of the Council to a Committee **unless it is a Committee which regulates and controls the Finances of the Council**; and
- c) May subject to the provisions of these Standing Orders at any time dissolve or alter the membership of Committee.

The Town Mayor shall be a voting member of every Committee.

5.2. SUB-COMMITTEES

- a) Every Committee may appoint Sub-Committees whose terms of reference and membership shall be determined by the Committee.
- b) The Chairperson and Vice-Chairperson of the Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.

5.3. MEETINGS OF COMMITTEES AND SUB-COMMITTEES

- a) Meetings of a Committee or sub-committee shall be held on such dates and times and at such places as the Council, relevant Committee or relevant sub-committee may direct.
- b) **The Chairperson of a Committee or sub-committee or the Town Mayor of the Council may summon an additional meeting of that Committee or sub-committee.** An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the Committee or sub-committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- c) **Notice of meetings must be given in accordance with Standing Order 3.1.**

5.4. PROCEDURES AT COMMITTEES AND SUB-COMMITTEES

The Chairperson of a Committee or Sub-Committee will conduct the meeting in an open, efficient and consistent manner, ensuring members are respected by one another and are able to contribute effectively to the proceedings.

5.5. QUORUM OF COMMITTEES AND SUB COMMITTEES

- a) Except where ordered by the Council in the case of a Committee, or by the Council or by the appropriate Committee in the case of a Sub-Committee, the Quorum of a Committee or Sub-Committee shall be three members.
- b) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned.

5.6. SUBSTITUTE MEMBERS

In the absence of any decision to the contrary by the body establishing a Standing Committee or a Sub-Committee, any member having given their apologies to a meeting of a Standing Committee or Sub-Committee may ask another member of the Council to substitute their place as a member of the committee at that meeting.

5.7. ADVISORY COMMITTEES

- a) The Council or a relevant Standing Committee may create Advisory Committees, whose name, and number of Members and the bodies to be invited to nominate Members shall be specified.
- b) The Executive Officer & Town Clerk shall inform the Members of each Advisory Committee of the terms of reference of the Committee.
- c) An Advisory Committee may make recommendations and give notice thereof to the Council or a relevant Standing Committee.

- d) An Advisory Committee may consist wholly of persons who are not Members of the Council.

5.8. VOTING IN COMMITTEES AND SUB-COMMITTEES

- a) Where there is general agreement among the meeting for a proposal, the Chairperson may seek the verbal consent of the meeting; if there is any dissent or it would not be appropriate then the procedure set out in b and c below will be applied.
- b) Members of Committees and Sub-Committees entitled to vote, shall vote by show of hands, or, if at least two Members so request, by signed ballot.
- c) **The Chairperson of Committees and Sub-Committees may give an original vote on any matter put to the vote and in the case of an equality of votes have a second or casting vote.**

5.9. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

A Member who has proposed a resolution which has been referred to any Committee of which he/she is not a Member, may explain his resolution to the Committee but shall not vote.

6. FINANCE AND CONTRACTS

6.1. EXPENDITURE

- a) **Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.**
- b) **The Council's financial regulations shall be reviewed once year.**
- c) **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a Committee, Sub-Committee or to the Executive Officer & Town Clerk.**
- d) **Orders for the payment of money shall be authorised in accordance with the Council's financial regulations.**

Members will also endorse the account with their signature. When doing this they will check that:-

- i) The goods have been received and the account has been suitably endorsed.
- ii) The arithmetic has been checked and agreed discounts, etc have been deducted.
- iii) The payment is made out to the appropriate payee.
- iv) That the cheque number or autopay sheet coincides with the number on the account.

6.2. ACCOUNTS AND FINANCIAL STATEMENT

- a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Finance Officer or the Executive Officer & Town Clerk if different.

- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.

6.3. YEAR END ACCOUNTS

The Responsible Officer shall supply to each Member as soon as practicable after 31st March in each year a statement of the income and expenditure of the Council for the completed financial year. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval no later than 30th June.

6.4. ESTIMATES/PRECEPT

- a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of the month of January.
- b) Any Committee desiring to incur expenditure shall give the Executive Officer & Town Clerk a written estimate of the expenditure recommended for the coming year no later than 31st December.

6.5. CONTRACTS

- a) If the person/organisation making the tender for any contract under the Council is to his/her knowledge related to any Member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Executive Officer & Town Clerk. A person/organisation making the tender who fails so to do shall be disqualified for such contract, and, if appointed, may be dismissed without notice. The Executive Officer & Town Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a Member is disclosed Standing Orders 9.2 b-d as appropriate shall apply.
- b) The Executive Officer & Town Clerk shall make known the purpose of (a) above to every person making the tender.

6.6. FINANCIAL MATTERS

The Council shall consider and approve Financial Regulations drawn up by the Responsible Finance Officer (Executive Officer & Town Clerk).

- a) Such Regulations shall include detailed arrangements for the following:-
 - i) the accounting records and systems of control;
 - ii) the assessment and management of risks faced by the Council;
 - iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - iv) the financial reporting requirements of Members and local electors and;
 - v) procurement policies (subject to (b) below) including the settling of values for different procedures where the contract has an estimated value less than £60,000.
- b) Procedures as to the Contracts are as follows:-

Every contract whether made by the Council or by a Committee to which the power of making contracts has been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by direction of the Council or in an emergency by such a Committee as aforesaid provided that these Standing Orders shall not apply to contracts which relate to items i) to v) below:

- i) for the supply of gas, electricity, water, sewerage and telephone services.
 - ii) For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
 - iii) For work to be executed or goods or materials to be supplied which consist of repairs to parts for existing machinery or equipment or plant.
 - iv) For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
 - v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
 - vi) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the RFO shall act after consultation with the Chairman and Vice Chairman of the Council).
- c) Where it is intended to enter into a contract exceeding £3,000
- i) for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Executive Officer & Town Clerk shall invite tenders from at least three firms.
 - ii) For expenditure of £3,000 or less in value the Executive Officer & Town Clerk shall have executive power.
- d) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised as follows:**
- i) **a public notice of intention to place a contract to be placed on the Contracts Finder Website**, on the Council's website and in any other relevant publication;
 - ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii) tenders are to be returned in a sealed marked envelope, to the Executive Officer & Town Clerk by a stated date and time;
 - iv) tenders submitted are to be opened, after the stated closing date and time, by the Executive Officer & Town Clerk and at least one Member of the Council;
 - v) tenders are then to be assessed and reported to the appropriate meeting of the Council or Committee.
- e) The Council or a Committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 7.1 & 7.2 regarding improper activity. **The awarding of the contract will be publicised.**
- f) The Financial Regulations of the Council shall be subject to regular review on an annual basis.
- g) **The full requirements of The Public Contracts Regulations 2015, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in the Regulations set by the Public Contracts Directive 2014/24/EU (which is subject to change) and advice should be sought at this level.**
- h) When applications are made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

7. STAFF

7.1. APPOINTMENTS

- a) If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Executive Officer & Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Executive Officer & Town Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a Member is disclosed Standing Order 9.2 (b), (c) and (d) as appropriate shall apply.
- b) The Executive Officer & Town Clerk shall make known the purpose of Standing Order 7.1(a) to every candidate.

7.2. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- a) Canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Executive Officer & Town Clerk shall make known the purpose of this sub-paragraph of the Standing Order to every candidate.
- b) A Member of the Council or of any Committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

8. ACCESS TO INFORMATION

8.1. INSPECTION OF DOCUMENTS

- a) A Member may for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b) All minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.**

8.2. PLANNING APPLICATIONS

- a) The Executive Officer & Town Clerk shall, as soon as it is received, enter in a register the following particulars of every planning application notified to the Council:-
 - i) the date on which it was received
 - ii) the name of the applicant
 - iii) the place to which it relates
- b) The Executive Officer & Town Clerk shall notify the receipt of every urgent planning application to the Chairperson of the Plans & Environment Committee or in the Chairperson's absence to the Vice-Chairperson as soon as possible.
- c) Following consultation with the Chairperson, the Executive Officer & Town Clerk shall have delegated authority to approve and/or pass with or without comment or observation all urgent planning applications.

- d) Planning applications dealt with under the preceding paragraph shall be reported to the next appropriate meeting of the Plans & Environment Committee.

9. CODE OF CONDUCT

9.1. CODE OF CONDUCT

- a) **All Members shall observe the Code of Conduct adopted by the Council, a copy of which has been provided to all Members.**
- b) **A Member 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 the statutory limitations or restrictions under the code of his/her right to participate and vote on the matter. Members with a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, must not:**
 - i. **Participate in any discussion of the business at the meeting, or if they become aware of a disclosable pecuniary interest during the meeting, participate further in any discussion of the business, or participate in any vote or further vote taken on the matter at the meeting.**
 - ii. **These prohibitions apply to any form of participation, including speaking as a member of the public. Members must leave the room if they consider that their continued presence is incompatible with the Council's Code of Conduct or the Seven Principles of Public Life.**

9.2. INTERESTS

- a) **The Code of Conduct adopted by the Council shall apply to Members in respect of the entire meeting.**
- b) **If a Member has a personal interest as defined by the Code of Conduct adopted by the Council then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- c) **If a Member who has declared a personal interest then he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- d) **An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the Minutes**
- e) **The Executive Officer & Town Clerk is required to compile and hold a Register of Members' Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

9.3. DISPENSATION REQUESTS

- a) **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.**

- b) **A dispensation may be granted 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.**

9.4. UNAUTHORISED 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; or
- b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

9.5. CODE OF CONDUCT ON COMPLAINTS

- a) The Council shall deal with complaints of maladministration allegedly committed by the Council or by any Officer or Member in such manner as adopted by the Council.
- b) **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.**