

## Standing orders

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

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- c A proposal on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a proposal (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a proposal except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the proposal has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
  
- p During the debate of a proposal, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
  
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
  
- r When a proposal is under debate, no other proposal shall be moved except:
  - i. to amend the proposal;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the proposal to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a proposal to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
  
- s Before an original or substantive proposal is put to the vote, the chairman of the meeting shall be satisfied that the proposal has been sufficiently debated and that the mover of the proposal under debate has exercised or waived his right of reply.
  
- t Excluding proposals moved under “standing order” 1(r) above, the contributions or speeches by a councillor shall relate only to the proposal under discussion and shall not exceed 2 minutes without the consent of the chairman of the meeting.

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

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting

shall request such person(s) to moderate or improve their conduct.

- b 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 proposal, if seconded, shall be put to the vote without discussion.
- c 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

- 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 OR in exceptional circumstances**
- ■ 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 Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 6 minutes unless directed by the chairman of the meeting.

- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- h 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.
- i N/A
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k 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.
-   l **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.**
-  m **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).**
-  n **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.**
-    o **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.**
- p **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 5(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.*

- q **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to**

the next item of business on the agenda.

- r 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. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.

**s 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.**

**t No business may be transacted at a full council 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 five.**

**u 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.

v A meeting shall not exceed a period of 2 1/2 hours

## **4. Committees and sub-committees**

- a Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint 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 full 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 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c) above, 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 clerk before the meeting that they are unable to attend;
- vi. shall, 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.

## **5. Ordinary council meetings**

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed, the annual meeting of the council shall take place at 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.**
- 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.**
- 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; and may also include:**
  - 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. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4 above;
  - ix. Review and adoption of appropriate standing orders and financial regulations;

- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. 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;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 (as amended);
- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **6. 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].

## 7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special proposal, which requires written notice by at least **5** councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a proposal moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a proposal moved pursuant to standing order 7(a) above has been disposed of, no similar proposal may be moved within a further six months.

## 8. Voting on appointments

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

## 9. Proposals for a meeting that require written notice to be given to the clerk

- a A **proposal** 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 **proposal** may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the clerk **for publication on the agenda** at least 3 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The clerk may, before including a **proposal** on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the clerk considers the wording of a **proposal** received in accordance with standing order 9(b) above is not clear in meaning, the **proposal** shall be rejected until the mover of the **proposal** resubmits it in writing to the clerk so that it can be understood at least 3 clear days before the meeting.
- e If the wording or subject of a **proposal** is considered improper, the clerk 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 **proposal** shall be included in the agenda or rejected.

- f Subject to standing order 9(e) above, the decision of the clerk as to whether or not to include the **proposal** on the agenda shall be final.
- g **A record will be kept of all written proposals**, rejected proposals will have reason for rejection recorded.

## **10. Proposals at a meeting that do not require written notice**

- a The following proposals may be moved at a meeting without written notice to the clerk;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a proposal;
  - iv. to refer a proposal 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.

## **11. Handling confidential or sensitive information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 12. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as having been read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A proposal to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(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.

If the chairman of the meeting does not consider the minutes to be an

- d 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 Upon a resolution which confirms the accuracy of the minutes of a meeting, **the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.**

## 13. Code of conduct and dispensations

- 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 clerk** 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 clerk 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 13(d) and (f) above, dispensations requests shall be considered by the clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) 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.**
- i Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7.3 in Appendix 1 below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.

## 14. Code of conduct complaints

- a Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the clerk shall, subject to standing order 11 above, report this to the Personnel Committee.
- b Where the notification in standing order 14(a) above relates to a complaint made about the clerk, the clerk shall notify the Chairman of Council of this fact, and the Chairman shall nominate the Personnel Committee (subject to the complaints procedure) to assume the duties of the clerk in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c b- 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;
  - iii. N/A
- d **Upon notification by the Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the case will be dealt with by the Unitary Council Standards Committee and the decision reported back to the council.**

## 15. The clerk

- a The responsible officer shall be the clerk.
- b The clerk shall:
  - i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by deliver or post at their residences, a signed summons confirming the time, place and the agenda.**  
  
*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. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**  
*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.*
  - iii. subject to standing order 9 above, (in conjunction with the Chairman) include on

- the agenda all proposals in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute book by local government electors;
  - vi. receive and retain copies of byelaws made by other local authorities;
  - vii. retain acceptance of office forms from councillors;
  - viii. retain a copy of every councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998 (as amended), in accordance with and subject to the council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form in accordance with policies and procedures.
  - xii. arrange for legal deeds to be executed;  
*See also standing order 22 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.
  - xv. refer a planning application received by the council to the Committee Chairman 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 committee;
  - xvi. manage access to information about the council via the publication scheme; and in accordance with policies and procedures.
  - 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 22 below.*

## 16. Responsible Financial Officer

- a The clerk is the Responsible Financial Officer.

## 17. 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 as soon as

practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the council's receipts and payments for each quarter;
- ii. the council's aggregate receipts and payments for the year to date;
- iii. the balances held at the end of the quarter 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 full council the accounting statements for the year in the form of Section 1 of the annual 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.

## **18. Financial controls and procurement**

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement policies for contracts of all levels (subject to standing order 18(c) below) and requirements under the Public Contract Regulations 2015.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in**

**excess of £25,000 shall satisfy the requirements of the Public Contract Regulations 2015 and will be procured on the basis of a formal tender as summarised in standing order 18(d) below. The council will advertise the contract opportunity on the Contract Finder website.**

- d Subject to additional requirements in the financial regulations of the council, the quotation 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 quote shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of quotations (iii) the prohibition on prospective contractors contacting councillors or staff to encourage or support their quotation outside the prescribed process;
  - iii. the invitation to quote shall be advertised in any manner that is appropriate;
  - iv. quotations are to be submitted in writing or via e-mail addressed to the clerk;
  - v. quotations shall be opened by the clerk ideally in full council OR in the presence of at least one councillor after the deadline for submission of quotations has passed;
  - vi. quotations are to be reported to and considered by the appropriate meeting of the council.
- e The council is not bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Office of Government Commerce from time to time) the council must comply with the Public Contracts Regulations 2015 and where applicable, the Utilities Contracts Regulations 2006 (SI No. 6, as amended). If the Regulations apply to the contract the council must comply with EU procurement rules.**

## 19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council OR the personnel committee is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the clerk shall notify the chairman of the personnel committee or, if he or she, is not available, the chairman of the council of absence occasioned by illness or other reason and that person shall report such absence to personnel committee at its next meeting.
- c The personnel committee shall conduct a review of the performance and annual appraisal of the work of the clerk. The reviews and appraisal shall be reported verbally to full council and subject to approval by resolution by the council.
- d Grievance matters, will be dealt with in accordance with the council's Grievance policy.

- e Subject to the council's policy regarding the handling of Grievance matters, if an informal or formal grievance matter raised by the clerk relates to any member of the personnel committee or of the council this shall be communicated to another member of the personnel committee and shall be reported back and progressed by resolution of the council.
- f 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 and shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- g Only the personnel committee with line management responsibilities shall have access to staff records referred to in standing orders 19(f) above if so justified.
- h Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) above shall be provided only to the Chairman of the personnel committee or in their absence, The Chairman of the council.

## 20. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 (as amended).
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the clerk to the council. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## 21. 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.

## 22. Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 22(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the clerk in the**

**presence of two councillors who shall sign the deed as witnesses.**

*The above is applicable to a council with a common seal.*

## **23. Communicating with 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 Unitary Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward councillor(s) representing the area of the council.

## **24. Restrictions on councillor activities**

- a. **Unless authorised by a resolution, no councillor shall:**
  - i. **formally inspect any land and/or premises which the council has a right or duty to inspect; or**
  - ii. **issue orders, instructions or directions.**

## **25 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

- 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.**

## **26 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 proposal 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 proposal, the written notice by at least 8 councillors to be given to the clerk in accordance with standing order 9 above.
- c The clerk 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.

## **Appendix 1**

### **EPWORTH TOWN COUNCIL**

#### **CODE OF CONDUCT**

##### **From the Code of Conduct for North Lincolnshire Council**

### **1. INTRODUCTION**

- 1.1 This Code of Conduct ('Code') has been adopted by Epworth Town Council ('The Council') as required by Section 27 of the Localism Act 2011 ('Act').
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by its Members.
- 1.3 This Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply from time to time. Members should also comply with the following "Nolan" principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

### **2. WHO DOES THIS CODE APPLY TO AND WHEN DOES IT APPLY?**

- 2.1 This Code applies to all Members of the Council and to all co-opted Members of any committee, sub-committee or Working Group of the Council.

2.2 This Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted Member in the conduct of the Council's business, or acting as a representative of the Council, including -

2.2.1 at meetings of the Council, its Committees, Sub-Committees and working Groups;

2.2.2 when acting as a representative of the Council;

2.2.3 in discharging their functions as a member of the Council;

2.2.4 at briefing meetings with officers from other Authorities

2.2.5 at site visits.

2.3 Any allegation received by the Council or referred to North Lincolnshire Council that a Member has failed to comply with this Code will be dealt with under the Arrangements the Council will adopt for such purposes.

**3. WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?**

3.1 You must treat others with respect and courtesy.

3.2 You must not bully or intimidate any person.

3.3 You must not do anything which may cause the Council to breach any equality laws.

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.

3.6 You must act solely in the public interest and not use, or attempt to use, your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.

3.7 You must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

3.8 You must only use, or authorise the use of, the Council's resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Council's procedural and policy requirements.

3.9 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:

3.9.1 you have the consent of the person authorised to give it;

3.9.2 you are required to do so by law;

3.9.3 the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

3.9.4 the disclosure is reasonable in the public interest, made in good faith, and that you have consulted the clerk.

#### **4. DISCLOSABLE PECUNIARY INTERESTS ('DPI')**

4.1 You have a Disclosable Pecuniary Interest (DPI) in any business of the Council if that interest falls under any of the descriptions at Appendix 1 of this Code.

##### **Disclosure Requirement**

4.2 You must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify North Lincolnshire Council's Monitoring Officer (via the clerk) of any DPI as defined in Regulations made by the Secretary of State and set out in Appendix 1 of this Code, where the DPI is yours or your partner's (which means spouse or civil partner, a person with whom you are living with as husband or wife or a person with whom you are living with as civil partners). You must also notify the Monitoring Officer (via the clerk) in writing within 28 days of becoming aware of any change in respect of your DPIs.

4.3 You must make verbal declaration of the existence and nature of any DPI at any meeting of the Council at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest" (see paragraph 4.5), you need only declare the existence of the DPI but not the detail.

4.4 If you are present at a meeting of the Council, or any committee, sub-committee, or Working Group of the Council, and you have a DPI in any matter to be considered or being considered at the meeting, unless a dispensation has been granted,

4.4.1 you must not participate in any discussion of the matter at the meeting.

4.4.2 you must not participate in any vote taken on the matter at the meeting.

4.4.3 you must withdraw from the room or chamber whilst the matter is being discussed and voted on.

4.4.4 if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer (via the clerk) of the interest within 28 days.

### **Sensitive Interest**

4.5 Where you consider that disclosure of the details of a DPI could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a DPI, the details of which are withheld under Section 32(2) of the Act.

## **5. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS**

5.1 A Member commits a criminal offence if, without reasonable excuse, you -

5.1.1 fail to notify the Monitoring Officer (via the clerk) of any DPI within 28 days of election;

5.1.2 fail to disclose a DPI at a meeting if it is not on the register;

5.1.3 fail to notify the Monitoring Officer (via the clerk) within 28 days of a DPI that is not on the register that you have disclosed to a meeting;

5.1.3 participate in any discussion or vote on a matter in which you have a DPI

5.1.4 Note: refers to NLC officers with executive powers therefore N/A Epworth Town Council

5.1.5 knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer (via the clerk) of a DPI or in disclosing such interest to a meeting.

5.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for a maximum of 5 years.

## **6. PERSONAL INTERESTS**

6.1 You have a personal interest in any business of the Council where either it relates to or is likely to affect -

6.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

6.1.2 any body -

exercising functions of a public nature;

directed to charitable purposes; or

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

6.2 You have a personal interest in any business of the Council where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or relates to or is likely to affect any interests you have registered as a DPI.

6.3 *A relevant person is -*

6.3.1 a member of your family or any person with whom you have a close association; or

6.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

6.3.3 any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

6.3.4 any body of a type described in sub-paragraphs 6.1.1 and 6.1.2.

**Disclosure Requirement**

6.4 If you have a personal interest as defined in paragraph 6.1, you must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify North Lincolnshire Council's Monitoring Officer (via the clerk) in writing of such interest. You must also notify the Monitoring Officer (via the clerk) in writing within 28 days of becoming aware of any change in respect of your personal interests defined in paragraph 6.1.

6.5 Subject to paragraph 6.6, you must make a verbal declaration of the existence and nature of any personal interest you have under this paragraph, at any meeting of the Council at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon

as the interest becomes apparent. Where the interest is deemed a “sensitive interest” (see paragraph 4.5), you need only declare the existence of the interest but not the detail.

- 6.6 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body defined in paragraphs 6.1.1 and 6.1.2 you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 6.7 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.
- 6.8 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## **7. PREJUDICIAL INTERESTS**

- 7.1 Where you have a personal interest in any business of the Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories detailed in paragraph 8) and where that business -
  - 7.1.1 affects your financial position or the financial position of a person or body described in paragraph 6.3; or
  - 7.1.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 6.3.

### **Disclosure Requirement**

- 7.2 Subject to paragraph 7.3, where you have a prejudicial interest in any business of the Council, you must make verbal declaration of the existence and nature of such interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and, unless a dispensation has been granted,
  - 
  - 7.2.1 you must not participate in any discussion of the matter at the meeting.
  - 7.2.2 you must not participate in any vote taken on the matter at the meeting.
  - 7.2.3 you must, unless paragraph 7.3 applies, withdraw from the room or chamber whilst the matter is being discussed and voted on.

7.3 Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room or chamber where the meeting is held immediately after making representations, answering questions or giving evidence.

## **8. EXEMPT CATEGORIES**

8.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Council in respect of -

8.1.1 an allowance, payment or indemnity given to Members;

8.1.2 any ceremonial honour given to Members; and

8.1.3 setting or a precept under the Local Government Finance Act 1992.

9. **OVERVIEW AND SCRUTINY COMMITTEES** N/A to Epworth Town Council

## **10. REGISTER OF INTERESTS**

10.1 Any interests notified to the North Lincolnshire Council Monitoring Officer (via the clerk) will be included in the register of members' interests. A copy of this register will be available for public inspection and will be published on the North Lincolnshire Council's website.

10.2 For the purposes of this Code a DPI is the subject of a 'pending notification' where it has been notified to the North Lincolnshire Council's Monitoring Officer (via the clerk) but has not yet been entered in the register of members' interests in consequence of that notification.

## **Appendix 2**

### **Committee Terms of Reference**

Sections 101 Local Government Act 1972 allows for the discharge of the Council's functions by a Committee, a Sub-Committee or an Officer of the Authority.

Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation where applicable and may only be exercised where sufficient budgetary provision exists or can be varied from within the approved budget of the Committee. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

Committees, unless the Council otherwise directs, may arrange to devolve any of its functions to the Officer of the Council (the Clerk).

Committees shall appoint a Chairman at their first meeting following the Annual Meeting of Council.

Committees shall meet within the timetable approved by the Council at its Annual Meeting.

The Minutes of the Committee Meetings shall be presented to the next meeting of Council for adoption.

Meetings shall be open to the public, although the Committee may resolve to exclude the press and public under S1 Public Bodies (Admission to Meetings) Act 1960 when confidential matters deemed not in the public interest are to be discussed – with the exception of the Personnel Committee.

All members of the Council shall receive agendas and supporting papers of Council and all Committees by e-mail (hard copies will be provided to those councillors not on email) except where it is not appropriate. *(With the exception of Personnel, where only the members shall receive correspondence and coloured papers will be handed out in person only and returned back to the Clerk)*. Members not on a committee will be treated as if they were members of the public in meetings.

Minutes of Committee Meetings shall be taken by the clerk and posted onto the Council web-site.

### **Standing Committees of the Council**

- Oversee the work of the clerk on the Council's finances including liaison with Internal and External Auditors and any other outside body deemed necessary
- Maintaining a continuous internal control system
- Oversee the administrative affairs of the Council and other establishment matters
- Liaise with the clerk to Prepare the Council's Annual Financial Plan for the purpose of a Precept being agreed by Full Council
- Scrutiny of the Annual Return (Statement of Accounts) for the purpose of being agreed by Full Council
- Scrutiny of the year end accounts before presentation to Full Council.
- Receiving & considering the reports of the Internal & External Auditor and monitoring the implementation of approved action plans before presentation to Full Council.
- Consider the Corporate Governance of the Council e.g. Risk Management, Insurance etc.
- Consider and determine the Council's obligations with regard to Government initiatives e.g. Quality Status, Power of Well Being (*now overridden by the Localism Act*), Freedom of Information, Data Protection etc. before presentation to Full Council.
- Discuss policy formulation in respect to finance and develop strategies for the delivery of these policies

- Liaison with specialist consultants, advisors, professional bodies or associations as required to enable the Council to discharge its functions
- Consider ways in which the Council can engage with the electorate and public at large e.g. Media, Website, Newsletters and Annual Reports.
- Any other matter which may be delegated to it by the Council from time to time.

**The Committees will refer all matters to the Council for a final decision.**

### **1. Cemetery Committee**

The Cemetery Committee shall consist of members of the Council with a **Quorum of 3** and be delegated to make recommendations to Full Council on the following matters:

- Management of the Cemetery with an overview of the remit of the Clerk and Cemetery Lodge buildings and equipment maintenance.
- Overview and checking of Cemetery Management books and records
- Other matters which may be delegated by the Council from time to time.

### **2. Environment Committee**

The Environment Committee shall consist of members of the Council with a **Quorum of 3** and be delegated to make recommendations to the Council in the following matters. The Committee may co-opt non councillor non-voting members

- Management of the Kings Head Croft (QEII Field) including all grounds (but, excluding the car park) maintenance/improvement works and play equipment
- Environmental Matters e.g. Litter provision and Street furniture.
- Maintenance and upkeep of the equipment used for the hanging baskets
- Carry out such things as are deemed necessary and in accordance with approved policies of the Council, to protect, preserve and enhance the local environment and the amenities and interests of the community
- Any other matter which may be delegated to it by the Council from time to time

### **3. Personnel Committee**

The **Personnel Committee** shall consist of “**4**” **members of the Council** with a **Quorum of 3** and have full delegated powers to make decisions on behalf of the Council in the following disciplinary matters:

- Hearings for Grievance and Capability matters in accordance with the Council’s Grievance and Disciplinary Procedure.
- To deal with all issues relating to Discipline, Grievance and Capability in accordance with the council’s Policies and procedure.
- Hearing any complaints in accordance with the Council’s Policies for Handling Complaints, Freedom of Information requests, Data protection and Vexatious Policies
- All personnel matters and appraisals relating to the Town Clerk.

The committee will have the power to recommend to full council issues relating to:

- Salaries and pensions (*in association with the Finance Committee*);

- Conditions of Service;
  - Staff levels;
  - Consideration of staffing reviews.
  - Professional development
  - Any other matter which may be delegated to it by the Council from time to time
- The Committee may refer specific matters to the Council for a final decision if it so wishes**

***It is vital that the Personnel & Grievance Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings. If an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case. It should be noted that, if an appeals committee cannot be constituted from within the remaining council members then advice will be sought as to the appropriate and lawful means by which the matter may be resolved.***

***In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Personnel & Grievance Committees must agree to undertake training in these matters.***

#### **4. Planning Committee**

The Planning Committee shall consist of members of the Council with a **Quorum of 3** and be delegated to make recommendations to the Council on planning matters. The Committee may co-opt non councillor non-voting members. The Committee shall meet at such times to meet the Planning Authority consultation timetable and to ensure no risk of breach of the Local Government Act 1972 Schedule 12 paragraph 39 (1).

<b>Responsibilities</b>	<b>Powers</b>	<b>Legal authority</b>
To consider planning applications relating to, affecting or impacting on, the parish of Epworth	Committee to have power to resolve decisions other than those which have been "called in" in writing by at least 2 members of the Council - before the agenda is published or if referred by the Committee Chairman, Council Chairman or Clerk and those relating to the conservation area which must be resolved by Full Council.	Local Government Act 1972, section 101
To consider matters that may be devolved to it,	Committee to make recommendations to the	Local Government Act 1972, section 101

from time to time, by the Town Council	Town Council unless given specific authority to resolve a particular matter	
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### **5. Working Groups / Parties**

Working Groups/Parties may be formed by resolution of the Council at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council.

There are no other Committees, but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Committee is formed by means of a minute detailing the Terms of Reference. All committee membership shall be reviewed at the Annual Meeting of the Council

cm March 2019

**RESOLVED** adopted minute reference 42.03.19 full council meeting of 19th March 2019

Reviewed July 2019 minute reference 18.07.19