# Louth Town Council

# Standing Orders

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1. RULES OF DEBATE AT MEETINGS ..... 3
2. DISORDERLY CONDUCT AT MEETINGS ..... 4
3. MEETINGS GENERALLY ..... 5
4. COMMITTEES AND SUB-COMMITTEES ..... 8
5. ORDINARY COUNCIL MEETINGS ..... 9
6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES ..... 10
7. PREVIOUS RESOLUTIONS ..... 11
8. VOTING ON APPOINTMENTS ..... 11
9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER ..... 11
10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE ..... 12
11. MANAGEMENT OF INFORMATION ..... 12
12. DRAFT MINUTES ..... 13
13. CODE OF CONDUCT AND DISPENSATIONS ..... 14
14. CODE OF CONDUCT COMPLAINTS ..... 15
15. PROPER OFFICER ..... 15
16. RESPONSIBLE FINANCIAL OFFICER ..... 16
17. ACCOUNTS AND ACCOUNTING STATEMENTS ..... 16
18. FINANCIAL CONTROLS AND PROCUREMENT ..... 17
19. HANDLING STAFF MATTERS ..... 18
20. RESPONSIBILITIES TO PROVIDE INFORMATION *See also standing order 21* ..... 18
21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION ..... 18
22. RELATIONS WITH THE PRESS/MEDIA ..... 19
23. EXECUTION AND SEALING OF LEGAL DEEDS ..... 19
24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS ..... 19
25. RESTRICTIONS ON COUNCILLOR ACTIVITIES ..... 19
26. STANDING ORDERS GENERALLY ..... 19
APPENDIX 1 – COMMITTEE TERMS OF REFERENCE ..... 20
APPENDIX 2 – OFFICER DELEGATIONS ..... 21
APPENDIX 3 – COUNCILLOR QUALIFICATION AND DISQUALIFICATION ..... 22

# 1. RULES OF DEBATE AT MEETINGS

a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.

b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.

d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.

g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.

h A councillor may move an amendment to his/her/their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.

j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.

k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.

l A councillor may not move more than one amendment to an original or substantive motion.

m The mover of an amendment has no right of reply at the end of debate on it.

n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:

i. to speak on an amendment moved by another councillor;

ii. to move or speak on another amendment if the motion has been amended since he/she/they last spoke;

iii. to make a point of order;

iv. to give a personal explanation; or

v. to exercise a right of reply.

p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.

q A point of order shall be decided by the chair of the meeting and his/her/their decision shall be final.

r When a motion is under debate, no other motion shall be moved except:

i. to amend the motion;

ii. to proceed to the next business;

iii. to adjourn the debate;

iv. to put the motion to a vote;

v. to ask a person to be no longer heard or to leave the meeting;

vi. to refer a motion to a committee or sub-committee for consideration;

vii. to exclude the public and press;

viii. to adjourn the meeting; or

ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her/their right of reply.

t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (1) minutes without the consent of the chair of the meeting.

## 2. DISORDERLY CONDUCT AT MEETINGS

a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

# 3. MEETINGS GENERALLY

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

● a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**

● b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**

● c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice** OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].

● 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) shall not exceed (15) minutes unless directed by the chair of the meeting.

g Subject to standing order 3(f), a member of the public shall not speak for more than (3) minutes.

h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.

i A person shall raise his/her/their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.

j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.

k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking. There should be no heckling. No-one should interrupt or engage in break-away conversations. Such instances will be classed as disruptive and improper behaviour and may be dealt with in accordance with standing order 2.

l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

n **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.**

o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).**

p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

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

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

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

s **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/her/their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. In order to ensure that balanced, lawful decisions are reached members acknowledge that consideration of all relevant information is required before individuals vote. Therefore, a Councillor will not be permitted to vote on a matter if they have not been party to the entire debate/discussion on an item, whether by late arrival or the need to step of out of the meeting. Breaks in

debate/discussion for medical or comfort reasons will be allowed and should be formally sought as per Standing Order 10xv.

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

i. the time and place of the meeting;

ii. the names of councillors who are present and the names of councillors who are absent. Apologies should be received by the Clerk at least 1 hour before meetings. These will be noted but the Council will not resolve to excuse a member from missing a meeting unless there are exceptional circumstances e.g., long term illness or unless there are other special exceptions (see LGA 1972 s 85) such as:

- the member is serving in the armed forces at a time of war or emergency and the Secretary of State decides they should not lose their seat due to their service

- the member is suspended from office

iii. interests that have been declared by councillors and non-councillors with voting rights;

iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;

v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

vi. if there was a public participation session; and

vii. the resolutions made.

u **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/her/their right to participate and vote on that matter.**

v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

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

w **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.

x A meeting shall not exceed a period of (3) hours.

y All summons to Council meetings and agenda will be sent electronically and a paper copy will be available for collection from the office.

# 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 the Council;

iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;

v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer (5[1]) days before the meeting that they are unable to attend;

vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;

vii. shall permit a committee other than a standing committee, to appoint its own chair 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, in both cases, shall be no less than three;

ix. shall determine if the public may participate at a meeting of a committee;

x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

xii. may dissolve a committee or a sub-committee.

[1] Throughout these Standing Orders, where there is reference to a 'notice' period such as that highlighted above e.g., (5) days, this should be taken to mean 5 working days not including weekends or public holidays.

## 5. ORDINARY COUNCIL MEETINGS

a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**

b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**

e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**

f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**

g **The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**

h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**

i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**

j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:

i. **In an election year, delivery by the Chair 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 Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date;**

ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;

iii. Receipt of the minutes of the last meeting of a committee;

iv. Consideration of the recommendations made by a committee;

v. Confirmation of review of delegation arrangements to committees, sub-committees, staff and other local authorities;

vi. Confirmation of review of the terms of reference for committees;

vii. Confirmaton of appointment of members to existing committees;

viii. Appointment of any new committees in accordance with standing order 4;

ix. Confirmation of review and adoption of appropriate standing orders and financial regulations;

x. Confirmation of review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.

xi. Confirmation of 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. Confirmation of review of inventory of land and other assets including buildings and office equipment;

xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;

xv. Confirmation of review of the Council's and/or staff subscriptions to other bodies;

xvi. Confirmation of review of the Council's complaints procedure;

xvii. Confirmation of review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);

xviii. Confirmation of review of the Council's policy for dealing with the press/media;

xix. Confirmation of review of the Council's employment policies and procedures;

xx. Confirmation of review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

xxi. Confirmation of determination of the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**

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

c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within (5) days of having been requested to do so by (3) members of the committee [or the sub-committee], any (3) members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## 7. PREVIOUS RESOLUTIONS

a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (3) councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## 8. VOTING ON APPOINTMENTS

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

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

a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (5) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.

d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least (5) clear days before the meeting.

e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

g Motions received shall be recorded and numbered in the order that they are received.

h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

a The following motions may be moved at a meeting without written notice to the Proper Officer:

i. to correct an inaccuracy in the draft minutes of a meeting;

ii. to move to a vote;

iii. to defer consideration of a motion;

iv. to refer a motion to a particular committee or sub-committee;

v. to appoint a person to preside at a meeting;

vi. to change the order of business on the agenda;

vii. to proceed to the next business on the agenda;

viii. to 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 other 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 or legal requirements);

xvi. to adjourn the meeting; or

xvii. to close the meeting.

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

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

b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 12. DRAFT MINUTES

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

a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).

c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:

> "The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

● ● ● e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

# 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

b Unless he/she/they 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/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.

c Unless he/she/they 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/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.

d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required 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), a dispensation request shall be at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.

**h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**

**i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**

**ii. granting the dispensation is in the interests of persons living in the Council's area; or**

**iii. it is otherwise appropriate to grant a dispensation.**

## 14. CODE OF CONDUCT COMPLAINTS

a Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.

## 15. PROPER OFFICER

a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

b The Proper Officer shall:

i. **at least three clear days before a meeting of the council, a committee** or a sub-committee**,**

- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least (5) days before the meeting confirming his/her/their withdrawal of it;

iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;**

iv. **facilitate inspection of the minute book by local government electors;**

v. **receive and retain copies of byelaws made by other local authorities;**

vi. hold acceptance of office forms from councillors;

vii. hold a copy of every councillor's register of interests;

viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);

x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

xii. arrange for legal deeds to be executed;
(*see also standing order 23);*

xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;

xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;

xv. refer a planning application received by the Council to the [Chair or in his/her/their absence the Vice-Chair (if there is one) of the Council] OR [Chair or in his/her/their absence Vice-Chair (if there is one) of the ( ) Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [( ) committee];

xvi. manage access to information about the Council via the publication scheme; and

retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(s*ee also standing order 23).*

xvii. Take appropriate action in an emergency or crisis situation to protect the interests of the Council.

## 16. RESPONSIBLE FINANCIAL OFFICER

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

## 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 (or income and expenditure) for each quarter;

ii. the Council's aggregate receipts and payments (or income and expenditure) 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 (or income and expenditure) for the last quarter and the year to date for information; and

ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for

the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the 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. whether contracts with an estimated value below [£60,000] due to special circumstances are exempt from a tendering process or procurement exercise.

b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

   i. a specification for the goods, materials, services or the execution of works shall be drawn up;

   ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

   iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

   iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;

   v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## 19. HANDLING STAFF MATTERS

a A matter personal to a member of staff that is being considered by a meeting of the Council or one of its committees is subject to standing order 11.

b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Personnel committee or, if he/she/they is not available, the vice-chair (if there is one) of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel committee at its next meeting.

c The Personnel committee will discuss and agree on arrangements for a review of the performance and annual appraisal of the work of the Town Clerk and report back.

d Grievances shall be handled in accordance with the Council's policy on Grievances.

e Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

f In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 21.*

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

b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015**.

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(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/her/their personal data.**

c **The Council shall have a written policy in place for responding to and managing a personal data breach.**

d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**

f **The Council shall maintain a written record of its processing activities.**

## 22. RELATIONS WITH THE PRESS/MEDIA

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

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

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

a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

**[Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

*The above is applicable to a Council without a common seal.*

## 24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.

b A period (of 10 minutes max) will be set aside, normally before Robed Town Council meetings (not the Annual Town Council Meeting) to allow District / County Councillors to feedback prior to the commencement of the meeting.

c Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

## 25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

a. Unless duly authorised no councillor shall:

i. inspect any land and/or premises which the Council has a right or duty to inspect; or

ii. issue orders, instructions or directions.

## 26. STANDING ORDERS GENERALLY

a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least (3) councillors to be given to the Proper Officer in accordance with standing order 9.

c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.

**d** The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

## APPENDIX 1

**Committee Terms of Reference**

**Planning Committee**

| | |
|---|---|
| Membership: | All members |
| Quorum: | 7 |
| Frequency: | As required to meet deadlines |
| Remit: | Delegated responsibility for all items relating to planning, environment and highways, make comments on planning applications, traffic regulation orders, proposed works to trees, street naming, planning enforcements and planning appeals. Note planning decisions, other correspondence received e.g., temporary road closures and considration of matters relating to road safety and enforcement complaints. |
| Budgt responsibility: | None |

**Governance and Finance Committee**

| | |
|---|---|
| Membership: | All members |
| Quorum: | 7 |
| Frequency: | Minimum of 5 meetings per year |
| Remit: | Responsibility for the collation and production of annual budgets and recommendations to the Town Council, to oversee financial transactions of LTC. To approve the auditing arrangements of the Council. To oversee the Council's formal grant giving process, assess and make resolutions on applications received. To review Financial Regulations, Standing Orders, the Code of Conduct, Internal Controls and other matters as required. To ensure that all statements of the AGAR can be approved by the Full Council. To develop general policies and strategies on behalf of the Council for implementation. |
| Budget Responsibility: | All direct supprting budgets |

**Personnel Committe**

| | |
|---|---|
| Membership: | 7 members (not to include the Mayor) |
| Quorum: | 3 |
| Frequecy: | Minimum of 4 meetings per year |
| Remit: | Responsibility to oversee all staffing matters in conjunction with the Town Clerk e.g., staffing structures, salaries, wages, employment contracts, policies and procedures, recruitment, appointments, compilation of job dscriptions and person specifications. |
| Budet Responsibility: | All direct supporting budgets |

**Town Council**

| | |
|---|---|
| Membership: | All Councillors |
| Quorum: | 7 |
| Frequency: | Minimum of 6 meetings per year |
| Remit: | Responsibility for matters as required by statute e.g., setting of precept, approving of AGAR etc., and overarching responsibility for any and all other matters as required. |
| Budget Responsibility: | All budgets |

**APPENDIX 2**

**Officer Delegations**

**Introduction and Background**

As part of the effective, efficient and timely administration of the Council, many functions and operational decisions are delegated to the Town Clerk in addition to those prescribed in law under the roles of Proper Officer and Responsible Financial Officer. Some delegated functions are set out in the Council's governing documents e.g., Standing Orders. Some functions cannot be delegated e.g., setting the precept. Some delegations fall as a consequence of undertaking tasks required of the Town Clerk and some occur where the Council specifically delegate a direct function. While the Town Clerk may in turn delegate functions and responsibilities to other staff, he/she/they remain responsible to the Council, must operate within the governing documents of the Council and must ensure that significant occurrences are reported to Council especially if financial consequences occurring outside of Council approved budgets (e.g., expenditure on an emergency) are incurred.

**Functions for Delegation**

1. Any function explicitly authorised in Standing Orders, Financial Regulations, Council Policies or set out in any minuted Council decision that is still in force.

2. Organisation of, actions and expenditure associated with Town Council events such as Civic Sunday, Remembrance Sunday and the Annual Town Meeting.

3. Incurring expenditure in accordance with approved budgets e.g., on day to day operational issues, renewal of memberships such as LALC, the booking of training courses, in line with Financial Regulations.

4. Responding to emergencies including the incurring of unbudgeted expenditure.

5. Actions/expenditure required in implementing any agreed Council policy, practice, protocol, contract term or other minuted decision.

6. Authority to make payment for items provided that the instructions are signed by two members and any payments are reported to the Governance and Finance Committee.

7. Placing orders.

8. Agreeing in year contracts (i.e., that are met within the current agreed annual budget).

9. Processing approved payments or those not requiring pre-approval under Financial Regulations.

10. Receiving and responding to correspondence.

11. Responding to press enquiries.

12. Actions required to ensure compliance with the law.

13. Actions required to minimise risk or financial loss.

14. Dealing with all day to day HR and Payroll issues and those otherwise set out in Personnel policies.

15. Information Manager – dealing with all issues arising under the General Data Protection Regulations and Freedom of Information Act.

16. Administration of the Council's banking arrangements.

17. Actions and decisions relating to the efficient operation of the Council's cemetery and duties as a Burial Authority.

18. Allocation of grave spaces.

19. Sale and granting/re-purchase of burial rights and deeds.

20. Granting of Cemetery Memorial Permits and Licences.

21. Granting Street Collection Licences.

22. The decision to issue Petty Cash e.g., for the purchase of postage stamps.

23. Asking third party organisations such as LCC, ELDC, the Environment Agency to investigate issues/requests.

24. Actions and decisions relating to the efficient operation of the Council's gardens, parks, verges, paths and amenity grass areas including the decision to include new areas, within the Council's responsibility, where this is lawful, can be contained within budget and does not require the appointment of additional staff resources.

25. To request the siting of and expenditure on additional waste bins where ELDC approve and demand and use supports this.

26. Actions, decisions and expenditure relating to the efficient operation of Hubbard's Hills.

27. Actions, decisions and expenditure relating to the efficient operation of the Sessions House.

28. Actions, decisions and expenditure relating to the efficient operation of the Council's public property e.g., tubs, planters, benches etc.

29. To in turn delegate functions and responsibilities to other staff but remain responsible to Council.

30. Operational and time critical decisions.

31. Approving use of Civic Regalia outside of The Sessions House at events not already approved, (these being Remembrance Sunday, Civic Sunday, Carols for All) in line with insurance requirements.

32. To authorise room hire and rental of The Sessions House in accordance with agreed guidelines and insurance requirements.

33. To use the Town Council debit card for expenditure where necessary.

**APPENDIX THREE**

**Councillor Qualification and Disqualification**

As per Section 79 (1) of the Local Government Act 1972, a person shall only be qualified to be elected or be a member of a local authority if:

- They are a qualifying citizen of the Commonwealth, the Republic of Ireland or the European Union; and
- They are 18 years or over; and
- They are a local government elector for the area of the authority; or
- During the whole twelve months preceeding their election they have occupied as owner of tenant any land or other premises in that area; or
- Their principle or only place of work during that twelve months has been in that area; or
- During the whole of those twelve months have resided in that area; or
- In the case of a member of a parish or community council, they have during the whole of those twelve months resided either in the parish or community or within three miles of it.

Under Section 80 of the Local Government Act 1972, a person shall be disqualified from being elected or being a member in the following ways:

- If they are in the paid employment of the local authority or are employed by a company which is under the control of the local authority;
- If they are the subject of a bankruptcy restrictions order or a debt relief restrictions order;
- If they have within five years before the day of election or since their election been convicted in the UK, Channel Islands or Isle of Man of any offence and have been sentenced to not less than three months' imprisonment (suspended or not) without the option of a fine;
- If they are convicted of offences involving corrupt or illegal practices;
- If they have been convicted for failure to register or declare disclosable interests under the Localism Act 2011.

Section 85 of the Local Government Act 1972 states that, if a member of a local authority fails thoughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, they shall, unless the failure was due to a reason approved by the authority before the expiry of that period, cease to be a member of that authority. However, attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority. For the avoidance of doubt, attendance at remote meetings does not count, until such time as legislation is changed.

Under Section 34(4) of the Localism Act 2011, a court may disqualify an elected member if said member is convicted of an offence of failing to notify the Monitoring Officer of a disclosable pecuniary interest (DPI) within 28 days, failing to disclose an unregistered DPI at a meeting, or of participating in a discussion or voting on a matter in which they have a DPI. However, it should be noted that, whilst failing to notify or disclose a DPI is an offence, only the Crown Prosecution Service can prosecute and only the court can disqualify. Subsequently, if a councillor has a DPI and have committed an offence, unless they are convicted and disqualified by the court, they shall remain a full member of the council.

As of the Elections Act 2022, a court may make a disqualification order preventing a person from being nominated for or holding elective office for five years if they are convicted of the offences listed in Part 9 of Section 30 of the Act, and that offence is aggravated by hostility towards a campaigner, candidate or holder of elective office.

Section 81a of the Local Government Act (Disqualification) Act 2022 states that a person shall also be disqualified from being elected or a member of a local authority if they are subject to a sexual offences order or notification.