

PRESCOT TOWN COUNCIL



STANDING ORDERS 2021-22

List of standing orders

1.	Rules of debate at meetings	2
2.	Disorderly conduct at meetings	4
3.	Meetings generally	5
4.	Committees, sub-committees and working groups	8
5.	Ordinary council meetings	9
6.	Extraordinary meetings of the council and committees and sub-committees	11
7.	Previous resolutions	12
8.	Voting on appointments	12
9.	Motions for a meeting that require written notice to be given to the Proper Officer	12
10.	Motions at a meeting that do not require written notice	13
11.	Handling confidential or sensitive information	14
12.	Code of conduct and dispensations	14
13.	Code of conduct complaints	15
14.	Proper Officer	16
15.	Responsible Financial Officer	17
16.	Accounts and accounting statements	17
17.	Financial controls and procurement	18
18.	Handling staff matters	19
19.	Requests for information	20
20.	Relations with the press/media	20
21.	Execution and sealing of legal deeds	21
22.	Communicating with District and County or Unitary councillors	21
23.	Restrictions on councillor activities	21
24.	Standing orders generally	21

Items in bold are statutory and must be included in all local council standing orders

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 chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g Any councillor may propose an amendment to a committee recommendation or business motion by giving notice of it in writing to the Proper Officer at least 2 days before the starting time of the meeting. The Proper Officer will provide all councillors at the meeting with copies of the amendments.
- h A councillor may move an amendment to his 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 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 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 of 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 chairman of the meeting, a councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of 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 considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q Subject to Standing Orders above, a motion or amendment shall not be considered unless it has been proposed and seconded.
- r During a debate, but between speakers, any councillor may move a procedural motion:
- i. That the question be put to the vote immediately.
 - ii. That the meeting move to the right of reply of the mover and then to the vote.
 - iii. That a councillor named be not further heard.
 - iv. That a councillor named leaves the meeting immediately.
 - v. That the motion/amendment be referred to a committee.
 - vi. That the motion/amendment be amended.
 - vii. That the press and public be excluded.
 - viii. That the debate be adjourned.
 - ix. That the Council proceeds to the next business.
 - x. That the meeting be adjourned.
- s Before an original or substantive motion is put to the vote, the chairman 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 right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings










- a All councillors shall observe the Code of Conduct adopted by the Council.
- b As 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, councillors may exercise the rights contained in Standing Order 14.3 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.
- c Councillors with a prejudicial interest in relation to any item of business being transacted at the meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter leave the meeting room.
- d A councillor when speaking must always address the Chairman.
- e If a councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the councillor be not heard further in the meeting. If the motion is seconded, it must be put to the vote immediately without discussion.
- f If a councillor continues to behave improperly after a motion that the councillor be not further heard, the Chairman may move that the councillor leaves the meeting or that the meeting is adjourned for a specific period. If the motion is seconded, it must be put to the vote immediately without discussion.
- g If there is a general disturbance at the meeting, involving any person present, making the orderly conduct of business impracticable, the Chairman may adjourn the meeting as long as he considers necessary.
- h A councillor cannot individually exercise any functions of the Council on behalf of the Council. A councillor must not issue any orders, instructions or directions relating to work being done for or on behalf of the Council (to either staff or contractors) or claim to enter property on behalf of the Council.
- i Canvassing councillors or the members of a committee or sub committee, directly or indirectly, for the appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Standing Order to every candidate.


- j A councillor or member of a committee or sub committee shall not solicit a person for appointment to or by the Council or recommend such a person for such appointment or promotion; but, nevertheless any such person may give a written reference of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- k If a candidate for any Council appointment is to his knowledge related to any councillor or employee of the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails to do so shall be disqualified for such an appointment, and, if appointed will be dismissed without notice. The Proper Officer shall report to the Council any such disclosure.
- l Standing Orders l to K inclusive shall apply to tenders as if the person making the tender were a candidate for an appointment.
- m Any councillor in breach of the provisions contained in the previous Standing Order shall be removed from any committee or sub committee by the Council. Councillors in such breach will also not be permitted to attend the committee in an advisory capacity.




3. Meetings generally

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

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

- e Upon arrival each member will ensure that they sign the attendance sheet for the meeting. All Elected Members and Staff are required to wear appropriate smart dress.
- f The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the chairman of the meeting. A member of the public shall not speak for more than 5 minutes.
- g In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- h A Councillor or member of the public shall raise his hand when requesting to speak and only do so once permitted by the chairman.
- i A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
-   k **Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted**, but must not interfere with the administration of the meeting (see 3 k below).
-   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.** The quorum is 1/3 of the total membership of the Full Council or Committee.

-  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 the vote takes place.
- 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 *(England)* **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 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.**
-  u **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. Any remaining business on the agenda for the meeting shall be adjourned to another meeting
- v A meeting shall not exceed a period of 3 hours. Any remaining business on the agenda for the meeting shall be adjourned to another meeting.

4. Committees, sub-committees and working groups

- 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 at each annual meeting may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall permit a committee, to determine the number and time of its meetings;
 - iii. shall, appoint the members of a committee,
 - iv. shall allow committees to appoint its own chairman at the first meeting of the committee;
 - v. shall appoint replacement councillors to a committee in the event that a member resigns from or is unable to attend that committee,
 - vi. may dissolve a committee.
- e The Chairman of the committee or the Chairman of the Council may summon a meeting of that committee. A special meeting may also be summoned on the requisition in writing by no less than a quorum of the membership of the committee. The summons shall set out the business to be considered at the meeting and no other business shall be transacted at that meeting.
- f The Chairman of the committee, or in his absence the Vice-Chairman, will chair the meetings of the committee. In their absence, the committee will select a person to chair the meeting.
- g The order of business unless the chair otherwise decides on the grounds of urgency shall be as follows:
 - i. Apologies for absence.
 - ii. Declarations of interest in items on the agenda.
 - iii. Approve the minutes of the previous committee meeting
 - iv. Other business placed on the agenda.
- h The following Standing Orders as applicable to Council meetings shall equally apply to meetings of committees:
 - i. Meetings (Standing Order No. 1).
 - ii. Motions Requiring Written Notice (Standing Order No. 5).

- iii. Motions Not Requiring Written Notice (Standing Order No. 6).
 - iv. Rules Of Debate (Standing Order No. 7).
 - v. Questions (Standing Order No. 8)
 - vi. Admission Of Public And Press To Meetings (Standing Order No. 11)
 - vii. Rescission Of Previous Resolutions (Standing Order No. 12).
 - viii. Minutes (Standing Order No. 13).
 - ix. Conduct (Standing Order No.14).
- i Any councillor not being a member of a committee may attend any meeting of a committee (except committees dealing specifically with human resources' issues). Non-committee members are not allowed to speak or vote.
 - j The council may decide to utilise working groups to address a particular matter affecting the council that would benefit from multiple contributors. The purpose of the working group will be to address a single matter as directed by Council such as the council's annual plan. The working group will then report its findings back to full council for consideration. All council working groups will
 - i. be approved by the council
 - ii. membership of a working group will be agreed at a meeting of the council
 - iii. be free to agree their own times of meetings
 - iv. not be decision makers and will have no devolved powers
 - v. not require terms of reference as they can only address the matter for which they are convened
 - vi. not be required to produce minutes of meetings
 - vii. not be subject to requirements statutory notice periods
 - viii. be disbanded at the conclusion of its purpose

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 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 directs.** All ordinary meetings shall take place at 6.00pm.
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman 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;**
 - 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. Review of the terms of reference for committees and appointment of members to existing committees;
 - v. Review and adoption of appropriate standing orders and financial regulations;
 - vi. Review of representation on or work with external bodies and arrangements for reporting back;
 - vii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.
 - viii. Other Items as determined by the Town Clerk

- k At all other council meetings, the order of business shall be as follows
 - i. Apologies for absence – all councillors not attending a meeting should notify the Proper Officer before commencement of the meeting.
 - ii. Public Open Forum.

- iii. Declaration of interest in items on the agenda.
- iv. Approve and sign the minutes of previous Council meetings.
- v. Note the minutes of Council committees.
- vi. Announcements from the Council Leader.
- vii. Announcements from the Proper Officer / Town Clerk.
- viii. Reports and presentations from representatives at conferences or outside bodies.
- ix. Mayoral Engagements.
- x. Consideration of planning applications, may include representations from the public.
- xi. Notation of planning decisions.
- xii. Funding Applications Received
- xiii. Other Items as determined by the Town Clerk

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 to do so by (2) members of the committee [or the sub-committee], those (2) members or 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 motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion 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. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 14 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) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 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 chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Chairman and Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.

- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

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 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.
 - xviii. to appoint a person to preside at a meeting.
 - xix. to approve the absences of councillors.
 - xx. to approve the accuracy of the minutes of the previous meeting.
 - xxi. to correct an inaccuracy in the minutes of the previous meeting.
 - xxii. to dispose of business, if any, remaining from the last 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. Documents containing confidential or sensitive information will be produced on green paper to differentiate their nature.

- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest. The Town Clerk will make a reasonable adjustment for any member unable to digest the information in the usual written format, ensuring that the confidential nature of the information is preserved.
- c No councillor or any member of a committee or sub committee shall disclose to any person not a member of the Council any business declared to be confidential or sensitive by the Council, the committee or sub committee as the case may be.

12. Code of conduct and dispensations

See also standing order 3(t) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by 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 12(d) and (f) above, dispensations requests shall be

considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].

- h A dispensation may be granted in accordance with standing order 12(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.**

13. Code of conduct complaints

- a** Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b** Where the notification in standing order 13(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined (England) and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c** The council may:
 - i.** provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii.** seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d** **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

14. 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 and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**

OR

at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

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, include on the agenda all motions 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, 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;

- 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 in a book for such purpose;

- xv. refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council or Chairman or in his absence Vice-Chairman of the Finance and General Purpose 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 Finance and General Purpose Committee;
- xvi. manage access to information about the council via the publication scheme; and
 - xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

See also standing order 22 below.

15. 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.

16. 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 (England).
- 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.

17. 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 (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].

- 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 [£60,000] shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**

- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
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.

- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

18. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council OR its committee's is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the leader and chairman of the Human Resources committee or, if he is not available, the vice-chairman of the Human Resources committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources committee at its next meeting.
- c Each year an appraisal committee consisting of the Leader, Mayor and the Chairs of Finance and General Purpose Committee and Human Resources will conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Human Resources committee.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the leader and chairman of the Human Resources committee or in his absence, the vice-chairman of the Human Resources committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Human Resources committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the leader, chairman or vice-chairman of the Human Resources committee, this shall be communicated to another member of the Human Resources committee, which shall be reported back and progressed by resolution of the Human Resources committee.
- 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.
- g The council shall keep all written records relating to employees secure. All paper

records shall be secured and locked and electronic records shall be password protected.

- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 18(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 18(f) and (g) above shall be provided only to (post holder) and/or the Proper Officer.

19. 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.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Finance and General Purposes committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

20. 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.

21. Execution and sealing of legal deeds

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

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **[Subject to standing order 21(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**
The above is applicable to a council with a common seal.

22. Communicating with District and County or Unitary councillors

- a In the interests of consistency, the Town Council communicate with all individuals in

the same manner, therefore no special privileges will be extended to any individuals outside of the Council including the ward councillor(s) of the [(England) [District and County Council] OR [Unitary Council]] [(Wales) [County Borough] OR [County Council]] representing the area of the council.

23. Restrictions on councillor activities

- a. Unless authorised by a resolution, 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.
- b. Social Media – All councillors must act in accordance with the Town Council's adopted Press, Media and Social Media Policy.
- c. Any councillor wishing to spend time with the Town Clerk should in the first instance, check with the Deputy Town Clerk or the Administration Officer as to his availability and if necessary make an appointment at the next mutually convenient time. They should also provide an indication of the matter which they would like to discuss.

24. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form and following any revisions following the annual review.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.