



LEWES TOWN COUNCIL

STANDING ORDERS

REVISED March 2019

Adopted 11th April 2019

Index of standing orders

Standing order <i>(adopted 11th April 2019)</i>	page
1 Meetings (<i>see also</i> Appendix 1 – Public speaking at meetings)	2
2 Ordinary Council meetings	4
3 Proper Officer	6
4 Motions requiring written notice	7
5 Motions not requiring written notice	8
6 Rules of debate	9
7 Code of conduct	11
8 Questions	12
9 Minutes	12
10 Disorderly conduct	13
11 Rescission of previous resolutions	13
12 Voting on appointments	13
13 Expenditure	14
14 Execution & sealing of legal deeds	14
15 Committees/Working-parties	15
16 Sub-committees	15
17 Extraordinary meetings	15
18 Advisory committees	16
19 Accounts and Financial Statement	16
20 Estimates/precepts	16
21 Canvassing of and recommendations by councillors	16
22 Inspection of documents	17
23 Unauthorised activities	17
24 Confidential business	17
25 General Power of Competence	17
26 Matters affecting council employees	18
27 Information and Data Protection	19
28 Relations with the press/media	19
29 Liaison with County, District and Unitary Councillors	19
30 Financial matters	20
31 Allegations of breaches of the code of conduct	21
32 Variation, revocation and suspension of standing orders	22
33 Standing orders: general	22
Appendix 1 Public speaking at meetings	23
Appendix 2 Access to information procedure rules	26

NB on the following pages; standing orders, or sections thereof, displayed in **bold type** shall not be ignored or substantively amended unless there are changes to the legislation from which they arise.

References to “Chairman” and “Vice-chairman”, in the context of meetings of the whole Council, shall mean “Mayor” and “Deputy Mayor” respectively. References to gender are non-specific

1 Meetings (see also Appendix 1 – Public speaking at 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 When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- c 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.
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e The period of time which is allowed for public participation in accordance with standing order 1(d) [above] is at the Chairman's discretion, but shall not normally exceed fifteen minutes.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than three minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to the Town Clerk for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j A person should stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m **A person may not orally report or comment about a meeting as it takes place if s/he is present at the meeting of the council or its committees but otherwise may:**
 - a) **film, photograph or make an audio recording of a meeting;**
 - b) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
 - c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- n In accordance with standing order 1(c) above, the press shall be provided 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 Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
- p 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.
- q Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors with voting rights present and voting thereon.
- r The Chairman 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 s/he gave an original vote. (*See also standing orders 2 (i) and (j) below.*)
- s Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- 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 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..
- u If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- v The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- w **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.**
- x **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.**
- y **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- z Meetings shall not exceed a period of three hours.

2 Ordinary Council meetings

See also standing order 1 above

- 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.
- e *blank.*
- f The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- g The Chairman of the Council, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until a successor is elected at the next annual meeting of the Council.
- h The Vice-Chairman of the Council, if any, unless s/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.
- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, s/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.
- j In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, s/he shall preside at the meeting until a new Chairman of the Council has been elected. S/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.
- k Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:
 - i. In an election year, delivery by councillors of their declarations of acceptance of office, if these have

- not previously been delivered to the Town Clerk, unless scheduled for a later date
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees, working parties, or functional panels.
 - iii. Review of delegation arrangements to committees, sub-committees, working parties, functional panels; employees and other local authorities.
 - iv. Review of the terms of references for committees, working parties, and functional panels.
 - v. Receipt of nominations to existing committees, working parties, and functional panels.
 - vi. Appointment of any new committees, working parties, and functional panels, confirmation of the terms of reference, the number of members and receipt of nominations to them.
 - vii. Review and adoption, if appropriate, of standing orders and financial regulations.
 - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - ix. Review of representation on or work with external bodies and arrangements for reporting back.
 - x. In a year of elections, if the Council's period of eligibility to exercise the power of well being or current equivalent expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
 - xi. Review of inventory of property and other assets including buildings.
 - xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
 - xiii. Review of the Council's memberships of other bodies.
 - xiv. Review, if appropriate, of the Council's complaints procedure.
 - xv. Review, if appropriate, of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - xvi. Review, if appropriate, of the Council's policy for dealing with the press/media

3 Proper Officer

- a The Council's Proper Officer shall be The Town Clerk or such other employee as may be appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
 - i. **Sign and serve on councillors by delivery or post at their residences, or by email authenticated in such manner as the Proper Officer thinks fit where the member has given consent for the summons to be transmitted in electronic form (and consent has not been withdrawn), a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee, sub- committee, working party, or functional panel at least three clear days before the meeting.**
 - ii. **Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub- committee, working party, or functional panel (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least ten days before the meeting confirming their 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, in accordance with standing order 3(b)i or 3(b)ii**
 - v. Make available for inspection the minutes of meetings.
 - vi. **Receive and retain copies of byelaws made by other local authorities.**
 - vii. **Receive and retain declarations of acceptance of office from councillors.**
 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - ix. Keep proper records required before and after meetings;
 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
 - xiii. Arrange for legal deeds to be sealed using the Council's common seal and witnessed (
 - xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
 - xv. Record every planning application notified to the Council and the Council's response to the local planning authority;
 - xvi. Retain custody of the seal of the Council which shall not be used without a resolution to that effect.
 - xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least ten clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 in clear and certain language at least ten clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be recorded; which record shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection; which record shall be open to inspection by all councillors.
- h 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..

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
- i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee, working party, functional panel or to an employee.
 - x. To appoint a committee or working party, functional panel and any councillors thereto.
 - xi. To receive nominations to a committee, working party, or functional panel.
 - xii. To dissolve a committee, working party, or functional panel.
 - xiii. To note the minutes of a meeting of a committee, working party, or functional panel.
 - xiv. To consider a report and/or recommendations made by a committee, working party, or functional panel or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds to be sealed by the Council's common seal and witnessed.
(See standing orders 14(a) and (b) below.)
 - xvii. To move to a vote
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix. To extend the time limit for speeches.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order (unless it reflects mandatory statutory or legal requirements).**
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvi. To answer questions from councillors.
 - xxvii. To defer consideration of an item.
 - xxviii. To close a meeting.
- b If a motion falls within the terms of reference of a committee, working party, or functional panel or within the delegated powers conferred on an employee, a referral of the same may be made to such committee, working party, or functional panel or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been proposed and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his/her own motion. If a motion has already been proposed, an amendment to it shall be with the consent of the Chairman.
- f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding three minutes.

- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- 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 s/he considers has been breached or specify the irregularity in the meeting giving cause for their concern.
- q A point of order shall be decided by the Chairman and his/her decision shall be final.
- r With the consent of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's 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 silent or for him/her 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;
 - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his/her right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- u Excluding motions moved under standing order 6(s) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

7 Code of conduct

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless s/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 they have a disclosable pecuniary interest. they may return to the meeting after it has considered the matter in which the interest lay.
- c Unless s/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 they have another interest if so required by the council's code of conduct. They may return to the meeting after it has considered the matter in which the interest lay.
- 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 or working party 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 allow participation 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 7(d) and (f) above, dispensations requests shall be considered before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required
- h **A dispensation may be granted in accordance with standing order 7(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.**

8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided three clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

9 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, s/he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

10 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this Standing Order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or s/he may adjourn the meeting.

11 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least nine councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12 Voting on appointments

- a Where more than two persons have been nominated for a role to be appointed 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. Any tie may be settled by the Chairman's casting vote.

13 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year** and shall be comprehensively reviewed at least once in each administrative term.
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, or working party or to an employee.**

14 Execution and sealing of legal deeds

See also standing order 5(a)(xvi) above

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 14(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 members of the Council and witnessed.**

15 Committees

See also standing order 1 above

- a The Council may, at its annual meeting and at any other time appoint such committees, working parties and functional panels as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees, working parties, and functional panels to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such committees, working parties, and functional panels (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may in accordance with standing orders, dissolve a committee, working party, or functional panel at any time;

16 Sub-committees *etc*

See also standing order 1 above

- a Unless there is a Council resolution to the contrary, every committee, working party, or functional panel may appoint a sub-committee/group whose terms of reference and members shall be determined by resolution of the committee, working party, or functional panel.

17 Extraordinary meetings

See also standing order 1 above

- 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 to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c The Chairman of a committee, working party, functional panel, or sub-group may convene an extraordinary meeting of the committee, working party, functional panel, or sub-group at any time.
- d If the Chairman of a committee, working party, functional panel, or sub-group does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two councillors, those councillors may convene an extraordinary meeting of a committee, working party, or functional panel. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by nine councillors.

18 Advisory committees

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

19 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed annually.
- b The Responsible Financial Officer shall supply to the Audit Panel as soon as reasonably practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement shall include a comparison with the budget for the financial year to date. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20 Estimates/precepts

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b *blank.*

21 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee working party, functional panel, or sub-group, directly or indirectly, for 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.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22 Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his/her official (approved) duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name of or on behalf of the Council, a committee, working party, functional panel, or sub-group:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee working party, functional panel, or sub-group by a resolution of the Council.

25 General Power of Competence

- a **Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.**

26 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b *blank.*
- c *blank.*
- 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 Chairman of the Personnel Panel in respect of an informal or formal grievance matter, and the matter shall be reported back and progressed by resolution of the Personnel Panel as appropriate to the circumstances.
- e *blank*
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Town Clerk and/or the Chairman of the Council and/or the Chairman of the Personnel Panel.

27 Information and Data Protection

- 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.**
All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and 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 Audit & Governance Panel. The said Panel shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.
- c **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**
- d The Council shall appoint a Data Protection Officer and comply with all requirements of the General Data Protection Regulations and the Data Protection Act 2018

28 Relations with the press/media

- e All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's communications policy. These will be dealt with in the first instance by the Town Clerk, and referred if necessary to the appropriate Councillor.
- f In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, on behalf of Council, provide oral or written statements or written articles to the press or other media. These will be dealt with in the first instance by the Town Clerk, or by the appropriate Chairman.

29 Liaison with District and County or Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, for the attention of the councillors of the District and County Council representing its electoral wards.
- b Unless the Council otherwise orders, a copy of any letter sent to the District or County Council shall be sent for the attention of the District or County Council councillors representing its electoral wards.

30 Financial matters

- 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 accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to statutory requirements as below).

- b **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 shall be procured as specified in the accompanying Financial Regulations.**

- c The Council is not bound to accept the lowest tender, estimate or quote.

- d **Where the value of a contract is likely to exceed the 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 procurement rules regulated by the Public Contracts Regulations 2015.**

- e **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of thresholds specified by the Office of Government Commerce every two years shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

31 Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council including the Proper Officer and the Chairman shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii Ensure that the public and press are excluded from meetings as appropriate.
 - iv Ensure that the minutes of meetings preserve confidentiality.
 - v Consider any liaison that may be required with any person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Council shall have the power to:
 - i seek documentary and other evidence from any person or body with statutory responsibility for investigation of the matter;
 - ii seek and share information relevant to the complaint;
 - iii grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g **Upon notification by the District 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.**
- h References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

32 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

33 Standing orders: general

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than three times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

Appendix 1 Public speaking at meetings

A1. PUBLIC SPEAKING AT MEETINGS OF THE COUNCIL

1.1 General

Members of the public may ask questions of the Chairman of the Council and any chairman of an ordinary committee or Working Party at ordinary meetings of the Council and may make representations on any specific item on the agenda.

1.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

1.3 Notice of questions

Notice should be given by delivering it in writing or by electronic mail to the Town Clerk no later than 12.00 on the last but one working day before the day of the meeting. Each question should give the name and address of the questioner and identity of the Councillor of the Council to whom it is to be put.

1.4 Number of and time limits on questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation. Unless the Chairman otherwise specifies, each speaker will be limited to three minutes in which to ask the question or questions. Subject to the Chairman's discretion there will be an overall limit of 15 minutes devoted to public questions.

1.5 Scope of questions

The Town Clerk may reject a question, or part of a question, if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the Parish;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

1.6 Record of questions

The Town Clerk will record each question and make the same available for public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

1.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, s/he may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

1.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in paragraph 1.5 above.

1.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

1.10 Reference of question to a committee or working party

Unless the Chairman specifies otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the appropriate committee or working party. Such a motion will be voted on without discussion.

1.11 Public speaking on specific items

(a) Members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to three minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by Councillors or the public shall not exceed 12 minutes in respect of each item.

(b) Speakers shall give notice by not later than 12.00 on the last but one working day before the meeting of their intention to speak.

(c) Where the item concerns a planning or licensing application the rule in paragraph 1.11(a) is modified to allow objectors three minutes each subject to an overall limit of nine minutes, applicants and supporters three minutes each subject to an overall limit of nine minutes

A2. PUBLIC SPEAKING AT MEETINGS OF COMMITTEES and WORKING PARTIES

2.1 General

Members of the public may make representations on any specific item on the agenda.

2.2 Public speaking on specific items

(a) Members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to three minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by members of the public shall not exceed 12 minutes in respect of each item.

(b) Speakers shall give notice by not later than 12.00 on the last but one working day before the meeting of their intention to speak.

(c) Where the item concerns a planning or licensing application the rule in paragraph 2.2(a) is modified to allow objectors three minutes each subject to an overall limit of nine minutes, applicants and supporters three minutes each subject to an overall limit of nine minutes.

Appendix 2 - Access to information rules

1. SCOPE

1.1 These rules apply to all meetings of the Council and Committees and Working Parties (together called meetings).

2 ADDITIONAL RIGHTS TO INFORMATION

2.1 These rules do not affect any more specific rights to information contained elsewhere in these Standing Orders or the law.

3 RIGHTS TO ATTEND MEETINGS

3.1 The Public Bodies (Admission to Meetings) Act 1960 s 1 provides as follows:

(1) Subject to subsection (2) below, any meeting of a body exercising public functions, being a body to which this Act applies, shall be open to the public.

(2) A body may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed, this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies.

(3) A body may under subsection (2) above treat the need to receive or consider recommendations or advice from sources other than Councillors, committees or sub-committees of the body as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purport of the recommendations or advice; but the making by this subsection of express provision for that case shall not be taken to restrict the generality of subsection (2) above in relation to other cases (including in particular cases where the report of a committee or subcommittee of the body is of a confidential nature).

(4) Where a meeting of a body is required by this Act to be open to the public during the proceedings or any part of them, the following provisions shall apply, that is to say,—

(a) public notice of the time and place of the meeting shall be given by posting it at the offices of the body (or, if the body has no offices, then in some central and conspicuous place in the area with which it is concerned) three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;

(b) there shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper a copy of the agenda for the meeting as supplied to Councillors of the body (but excluding, if thought fit, any item during which the meeting is likely not to be open to the public), together with such further statements or particulars, if any, as are necessary to indicate the nature of the items included or, if thought fit in the case of any item, with copies of any reports or other documents supplied to Councillors of the body in connection with the item;

(c) while the meeting is open to the public, the body shall not have power to exclude Councillors or the public from the meeting and duly accredited representatives of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the body or not on the telephone, for telephoning the report at their own expense.

(5) Where a meeting of a body is required by this Act to be open to the public during the proceedings or any part of them, and there is supplied to a Councillor of the public attending the meeting, or in pursuance of paragraph (b) of subsection (4) above there is supplied for the benefit of a newspaper, any such copy of the agenda as is mentioned in that paragraph, with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda, the publication thereby of any defamatory matter contained in the agenda or in the further statements or particulars shall be privileged, unless the publication is proved to be made with malice.

(6) When a body to which this Act applies resolves itself into committee, the proceedings in committee shall for the purposes of this Act be treated as forming part of the proceedings of the body at the meeting.

(7) Any reference in this section to a newspaper shall apply also to a news agency which systematically carries on the business of selling and supplying reports or information to newspapers, and to any organisation which is systematically engaged in collecting news for sound or television broadcasts [or for programme services (within the meaning of the Broadcasting Act 1990) other than sound or television broadcasting services].

(8) The provisions of this section shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

3.2 Members of the public may attend all meetings subject only to the exceptions in these rules.

3.3 The Town Clerk and the Responsible Financial Officer and his, her or their nominees are entitled to attend any meeting of the Council and its committees and any sub-committees or working parties.

4. NOTICES OF MEETING

4.1 The Council will give at least three clear days' notice of meetings by posting details of the meeting at offices of the Council.

5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

6 SUPPLY OF COPIES

6.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Town Clerk thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Council, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The Town Clerk will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

9.1 S 1(2) of the 1960 Act

For the purpose of defining “the confidential nature of the business to be transacted or for other special reasons” these guidelines will be followed.

9.2 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.3 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect his or her possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

9.4 Meaning of confidential information

“Confidential information” means—

- (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

9.5 Meaning of exempt information

“Exempt information” means information falling within the following:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information which is subject to any obligation of confidentiality.
9. Information which relates in any way to matters concerning national security.
10. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act
11. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
12. Information which falls within any of paragraphs 1 to 7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 10.1 If the Town Clerk thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.