

Wellington Town Council



Standing Orders

Adopted 12th December 2017

Next review date
Annual Council Meeting
8th May 2018

Wellington Town Council

Standing Orders

These Standing Orders are the written rules of Wellington Town Council. They are used to confirm the Council's internal organisational, administrative and procurement / contracts procedures and procedural matters for meetings.

Contents

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

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 Mayor.
- 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- c A motion on the agenda that is not moved by its proposer may be treated by the Mayor as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Mayor is expressed in writing
- 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 Mayor.
- 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 Mayor.
- k One or more amendments may be discussed together if the Mayor 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 Mayor 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 A point of order shall be decided by the Mayor and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Mayor 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 Mayor.








2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Mayor shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Mayor to moderate or improve their conduct, any councillor or the Mayor may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the Mayor may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

- **Mandatory for** Full Council meetings
- **Mandatory for** Committee meetings
- **Mandatory for** 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 **FILMING AND RECORDING OF COUNCIL MEETINGS AND THE REQUIREMENT OF THE DATA PROTECTION ACT 1998**
Any person present at a Council meeting may not orally report or comment about a Council meeting as it takes place but otherwise may: film, photograph or make an audio recording of a meeting; use any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later: report or comment on the proceedings in writing during or after a meeting, or orally comment after the meeting. Anyone making a recording for non domestic purposes is advised to seek advice on their obligations to ensure and processing of personal information complies with the Data Protection Act 1998.
- f The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the Mayor/Chairman of the meeting.
- g At all meetings of the Council the Chairman may at their discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

- h Attendance at the public session at Council meetings shall be subject as below:-
 - i. Town Council meetings shall commence at 7.05pm and when there is a visiting speaker that person shall address the Council early in the meeting.
 - ii. Any member of the public who wishes to speak shall be allowed to do so in the early part of the meeting provided only they have given notice to the Clerk prior to the Council agenda being dispatched to members.
 - iii. If no member of the public has given notice to the Clerk to that effect the public session will be held at the discretion of the Mayor / Chairman of the meeting.
 - iv. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order.
- i Subject to standing order 3(f) above, an individual member of the public shall not speak for more than 3 minutes except at the discretion of the Mayor/Chairmen of the meeting..
- j 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 Mayor / Chairman of the meeting may direct that a written or oral response be given by either a Councillor or Town Clerk.
- k A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Mayor / Chairman of the meeting may at any time permit a person to be seated when speaking.
- l A person who speaks at a meeting shall direct his comments to the Mayor/Chairman of the meeting.
- m Only one person is permitted to speak at a time. If more than one person wants to speak, the Mayor shall direct the order of speaking.
-   n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in his absence be done by, to or before the Deputy-Mayor of the Council.**
-  p **The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy-Mayor, if present, shall preside. If both the Mayor and the Deputy-Mayor are absent from a meeting, a councillor or chosen by the councillors present at the meeting shall preside at the meeting.**
-    q **Subject to a meeting being quorate, all questions at a meeting shall be**

decided by a majority of the councillors or councillors with voting rights present and voting.



- r **The Mayor / Chairman of the Committee 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 Mayor at the annual meeting of the council.

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his 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 a record of the issues raised
- vi. the resolutions made.



- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**



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

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



- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**

- x A meeting shall not exceed a period of 2 hours.

4. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the**

committee.

- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Mayor, ex officio, shall be a non-voting member of every committee except where the Town Council agree otherwise. (e.g. Personnel Committee)
- e The Deputy Mayor, ex officio, shall be a non-voting member of every committee except where the Town Council agree otherwise. (e.g. Personnel Committee)
- f The council may appoint 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, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - iv. shall permit a committee to appoint its own Chairman at the first meeting of the committee;
 - v. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - vi. shall determine if the public may participate at a meeting of a committee;
 - vii. may dissolve a committee.

5. Ordinary council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c If no other time is fixed, the annual meeting of the council shall take place at 7pm.**
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor of the Council.**
- f The Mayor 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 Deputy Mayor unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the council.**
- h **In an election year, if the current Mayor has not been re-elected as a member of the council, he shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Mayor has been re-elected as a member of the council, he shall preside at the meeting until a new Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Mayor and Deputy Mayor at the annual meeting of the council, the business of the annual meeting shall include:
 - i. **In an election year, delivery by the Mayor 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 Mayor 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. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements so that the council continues to be eligible to exercise the general power of competence;
 - xiii. Review of inventory of land and assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xv. Review of the council's and/or staff subscriptions to other bodies;
 - xvi. Review of the council's complaints procedure;
 - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - xviii. Review of the council's policy for dealing with the press/media; and
 - xix. Determining the time and place of ordinary meetings of the full council up to and

including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a The Mayor may convene an extraordinary meeting of the council at any time.**
- b If the Mayor does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The Chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the Chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee or the sub-committee, any 2 members of the committee and the sub-committee may convene an extraordinary meeting of a committee and a sub-committee.

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a 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 Mayor.

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 10 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 9 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 Mayor 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 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 approve the minutes
 - ii. to correct an inaccuracy in the draft minutes of a meeting;
 - iii. to move to a vote;
 - iv. to defer consideration of a motion;
 - v. to refer a motion to a particular committee or sub-committee;
 - vi. to give leave to withdraw a resolution or amendment
 - vii. to appoint a person to preside at a meeting;
 - viii. to change the order of business on the agenda;
 - ix. to proceed to the next business on the agenda;
 - x. to require a written report;
 - xi. to appoint a committee or sub-committee and their members;
 - xii. to extend the time limits for speaking;
 - xiii. to exclude the press and public from a meeting in respect of confidential or

- sensitive information which is prejudicial to the public interest;
- xiv. to not hear further from a councillor or a member of the public;
- xv. to exclude a councillor or member of the public for disorderly conduct;
- xvi. to temporarily suspend the meeting;
- xvii. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xviii. To authorise the signing or sealing of documents
- xix. to adjourn the meeting; or
- xx. to close a meeting.

11. Handling confidential or sensitive information

- a. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. No member of the Council or of any committee or member of staff not disclose confidential or sensitive information which for special reasons would not be in the public interest or declared to be confidential by the Council or the committee, as the case may be.
- d. Any member in breach of the provisions of paragraph (b) of this Standing Order shall be removed from any committee of the Council by the Council.

12. Draft minutes

- a. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- b. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Mayor and stand as an accurate record of the meeting to which the minutes relate.
- c. If the Mayor / Chairman of a meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Mayor / Chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- d. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

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 **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.
- d 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.
- e 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.
- f Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the start of the meeting for which the dispensation is required.
- g **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by the Borough 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 14(a) above relates to a complaint made by

the Proper Officer, the Proper Officer shall notify the Mayor of this fact, and the Mayor shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].

- c 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 Borough 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.**

15. Proper Officer

- I. 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.
- II. 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** 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.
 - i. **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.
 - ii. 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 7 days before the meeting confirming his withdrawal of it;
 - iii. **convene a meeting of full council for the election of a new Mayor occasioned by a casual vacancy in his office;**
 - iv. facilitate inspection of the minute book by local government electors;
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. retain acceptance of office forms from councillors;
 - vii. retain a copy of every councillor's register of interests;
 - viii. 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;
 - ix. receive and send general correspondence and notices on behalf of the council

- except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
 - xi. arrange for legal deeds to be executed;
See also standing order 22 below.
 - xii. 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;
 - xiii. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
 - xiv. refer a planning application received by the council to the Chairman or in his absence the Vice Chairman of the Planning Committee of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning committee;
 - xv. manage access to information about the council via the publication scheme; and
 - xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
See also standing order 22 below.

16. Responsible Financial Officer

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

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each member of the Policy and Resources Committee a monthly statement to summarise:
 - i. the council's receipts and payments for each month;
 - ii. the council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the month 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 yearend accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (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 £30,000.
- 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 £30,000 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;
 - v. 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;

- vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
 - vii canvassing by members directly or indirectly will disqualify the tender applicant although a member may be approached for a written testimonial
- 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.**
- g **Estimates/Precepts**
- i. **The council shall approve written estimates for the forthcoming financial year before the month of February.**
 - ii. **Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the forthcoming year no later than the first day of November**

19. Handling staff matters

- a If a candidate for any appointment under the Council is to their knowledge related to any member of or the holder of any office under the Council, they and the person to whom they are related shall disclose the relationship to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Personnel Committee any such disclosure. Where a relationship to a member is disclosed the member shall not solicit for any person although may be approached for a written testimonial.
- b A matter personal to a member of staff that is being considered by a meeting of the council personnel committee is subject to standing order 11 above.
- c Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Mayor and/or Chairman of the Personnel Committee of absence occasioned by illness or other reason and that person shall report such absence to at its next meeting.
- d The Chairman of the Personnel committee or in his absence, the Mayor shall conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel committee.
- e 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 Committee OR the Mayor in respect of an informal or formal grievance matter, and this

matter shall be reported back and progressed by resolution from the Personnel Committee to the Full council if appropriate.

- f Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Mayor / Deputy Mayor or Chairman of Personnel committee, this shall be communicated to another member of the Personnel committee. The matter shall be reported back and progressed by resolution of the Personnel Committee.
- g 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.
- h 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 and encrypted.
- i Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) 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 19(f) and (g) above shall be provided only to the Town Clerk.
- k In every year, not later than the budget estimates for the following year are settled, the Council shall review the pay and conditions of service of existing employees.

20. Requests for information

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

21. Relations with the press/media

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

22. Execution and sealing of legal deeds

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 22(a) above, the council's common seal shall alone be**

used for sealing a deed required by law. It shall be applied by the Proper Officer or the Mayor in the presence of two councillors who shall sign the deed as witnesses.

23. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillors of the Borough Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the Borough Council shall be sent to the ward councillors representing the area of the council.

24. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. issue orders, instructions or directions.

25. 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 2 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.
- d The decision of the Mayor / Chairman of a meeting as to the application of standing orders at the meeting shall be final.

26. Members' Code of Conduct

The Localism Act 2011 makes arrangements for regulating the conduct of members of councils in England. The previous framework, brought in under the Local Government Act 2000, and the organisation called "Standards for England" have gone. Councils must adopt their own codes of conduct, but town councils can adopt the code of their principal authority, if they wish. Principal authorities will be responsible for investigating complaints against town council members.

The Statutory Provisions

The statutory provisions are in sections 26 to 37 of the Localism Act 2011 and in Schedule 4 of the Act.¹ Here you will find:

- The duty to promote and maintain high standards of conduct (s 27)
- The requirement for every relevant authority (including town councils) to adopt a code of conduct and the arrangements for investigating alleged failure to comply with the code (s 27, s 28)
- The registration and disclosure of interests (ss 29 – 33)
- Offences (s 34)
- The abolition of "Standards for England" (s 26 and Sch 4)
- Transitional provisions (s 37).

Standards of Conduct

Relevant authorities (including town councils) must promote and maintain high standards of conduct by their members and must adopt a code of conduct. Town councils may adopt the code of conduct adopted by their principal authority or one of the model codes which are available, if they do not wish to draft their own code.

The code must be consistent with the seven (Nolan) principles:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership.

It must make provision about the registration and disclosure of interests. The Act distinguishes between pecuniary interests and interests other than pecuniary interests (see below for more detail).

A relevant authority must publicise its adoption (or its revision or replacement) of a code of conduct in such manner as it considers likely to bring the adoption, revision or replacement of the code to the attention of persons who live in the authority's area.²

Updated January 2017¹ Provisions substantially in force on or before 1 July 2012: see The Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012, SI 2012/1463.

Updated January 2017² Section 28(12)

Dealing with Misconduct

Principal councils must have in place arrangements for investigating alleged breaches of their code (and the codes of any town councils in their area, if town councils have adopted different codes from their principal authority³) and for making decisions on those allegations. These arrangements must include having an Independent Person on board, whose views must be sought and taken into account before the principal authority makes its decision on an allegation it has decided to investigate.⁴

Where a relevant authority finds that a member has failed to comply with its code of conduct, it “may have regard to the failure” in deciding whether to take action and what action to take.⁵ The Act does not make provision for a council or a standards committee to impose sanctions such as suspension or a requirement to undergo training or issue an apology, but actions which could be taken include:

- censuring the member
- reporting back to the (town) council
- recommending that the member be removed from all (town council) committees or sub-committees
- recommend that the (town) council arrange training for the member
- recommend that the (town) council remove the member from all outside appointments to which the member has been appointed or nominated by the (town) council
- recommend that the (town) council withdraws facilities provided to the member (eg computer, website, email and/or internet access)
- recommend that the (town) council exclude the member from the council’s offices or other premises, with an exception made for meeting rooms when the member is attending council, committee or sub-committee meetings.

Where any such recommendation is made to a town council in respect of one of its members, the town council is under no obligation to accept the recommendation.⁶ But a town council is obliged to accept the finding of fact and the decision on whether or not the town council’s Code of Conduct has been breached.⁷

A failure to comply with the code during the decision-making process does not, of itself, invalidate that decision.⁸

Register of Interests

The monitoring officer of a town council’s principal authority is responsible for establishing and maintaining a register of interests of the town council’s members. It must make a copy of this register available for inspection at a place in the principal

³ Section 28(6)(a) applied by s 28(9)(b)

⁴ Section 28(7). An “Independent Person” is defined in s 28(8), read in conjunction with s 28(10) which sets out the meaning of a “relative”

⁵ Section 28(11)

⁶ But a joint committee or joint sub-committee of the principal council and town councils in its area could be given delegated powers to act.

⁷ See *Taylor v Honiton Town Council* [2016] EWHC 3307 (Admin)

Updated January 2017 ⁸ Section 28(4)

authority's area at all reasonable times and publish it on its website, and the town council must publish the register on the town council's website, if it has one.⁹

Disclosure of Interests

Before the end of 28 days of becoming a member, the member must notify the principal authority's monitoring officer of any disclosable pecuniary interests which he or she has at the time the notification is given, unless the person has been re-elected or re-appointed and such interests are already registered.¹⁰

A pecuniary interest will be a "disclosable pecuniary interest" if:

- it of a description specified in regulations¹¹; and
- it is an interest of:

EITHER

- the member

OR

- the member's spouse or civil partner; or
- a person with whom the member is living as husband and wife; or
- a person with whom the member is living as if they were civil partners; and the member is aware that that other person has the interest.¹²

If a member is present at a meeting of the authority, or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and is aware that he or she has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting and that interest is not in the register, he or she must disclose that interest to the meeting (or, in the case of a sensitive interest, disclose the fact of there being a disclosable pecuniary interest, but not details of the interest itself).¹³ If the interest is not the subject of a pending notification, the member must also notify the monitoring officer of the interest before the end of twenty eight days beginning with the date of disclosure.¹⁴ The member may not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, unless a dispensation has been granted¹⁵, and standing orders may provide for the exclusion of a member while any such discussion or vote on a matter takes place.¹⁶

Sensitive Interests

Where a member has an interest (whether or not a disclosable pecuniary interest) and the nature of the interest is such that the member and the authority's monitoring officer consider that disclosure of the details of the interest could lead to the member, or a person connected with the member, being subject to violence or

⁹ Section 29, subject to s 32(2)

¹⁰ Section 30(1), (2)

¹¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) came into force on 1 July 2012. DCLG has issued guidance for councillors. On both, see below.

¹² Section 30(3)

¹³ Section 31(1), (2), section 32(3)

Updated January 2017 ¹⁴ Section 31(3) (The monitoring officer must ensure that any interests so notified are entered in the council's register (whether or not they are disclosable pecuniary interests.)

¹⁵ Section 31(4), section 33

¹⁶ Section 31(10)

intimidation,¹⁷ no details of the interest must be included in copies of the authority's register which are made available for inspection or published, but an entry may state that the member has an interest, the details of which are withheld under section 32(2). Likewise, a member is only required to disclose the fact that he or she has a disclosable pecuniary interest and not the nature of it, if he or she is attending a meeting and, in the circumstances, would have been required to disclose details of that interest, had it not been a sensitive interest.¹⁸

Dispensations

A dispensation from the restriction on participating in the discussion or voting on a matter in which a member has a disclosable pecuniary interest may be granted to that member in specified circumstances¹⁹, such as where the authority considers that:

- without the dispensation, the number of members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- granting the dispensation is in the interests of persons living in the authority's area;
- that it is otherwise appropriate to grant a dispensation.

Offences

It is an offence, if without reasonable excuse, a person:

- fails to comply with an obligation imposed on the person by section 30(1) or 31(2) or (3) (ie the requirement to disclose disclosable pecuniary interests on taking office, and at a meeting, and the requirement to notify the monitoring officer in the circumstances specified), or
- participates in any discussion or vote in contravention of section 31(4).²⁰

It is also an offence if, under sections 30(1) or 31(2) or (3), the person provides information that is false or misleading and the person:

- knows that the information is false or misleading, or
- is reckless as to whether the information is true and not misleading.²¹

A person who is found guilty of an offence under this section is liable on summary conviction to a fine not exceeding level five on the standard scale²² and may be disqualified from being or becoming a member of the relevant authority or any other relevant authority for a period not exceeding five years.²³

Proceedings should usually be brought within one year of the prosecutor obtaining sufficient evidence (in the prosecutor's opinion) to warrant the proceedings, and no proceedings may be brought more than three years after the commission of the

¹⁷ Section 32(1)

¹⁸ Section 32(3)

¹⁹ Section 33

²⁰ Section 34(1); further provisions in this section apply in respect of principal councils, where a function of the authority may be discharged by a member acting alone

Updated January 2017 ²¹ Section 34(2)

²² Section 34(3)

²³ Section 34(4)

offence or, in the case of a continuous contravention, more than three years after the last date on which the offence was committed.²⁴

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, SI 2012/1464

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 came into force on 1 July 2012. A “disclosable pecuniary interest” (for the purposes of section 30(3) of the Localism Act 2011) is an interest of a member or of the member’s partner (see above) within one of the following descriptions:

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>
<i>Securities</i>	<i>Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i>

²⁴ Section 34(7)

The following definitions apply:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Members must be clear about their obligations regarding disclosable pecuniary interests and the risk of criminal sanction they face if they are found to be at fault. Clerks should ensure their councillors know about the Standards provisions of the Localism Act and about these Regulations. In addition, they should be referred to the DCLG guidance about interests: Openness and transparency on personal interests, A guide for councillors (March 2013). The guidance is available on the DCLG website.