

# **WYTHALL PARISH COUNCIL**

## **STANDING ORDERS**

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<sup>1</sup> Adopted 15<sup>th</sup> April 2015

2 Amendment 17/11/2016 4(a) Committees & Sub Committees

3 Review date - April 2017

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## 1. Rules of debate at Meetings

- a. Motions on the Agenda must be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the Meeting.
- b. A motion (including an amendment) must not be progressed unless it has been moved and seconded.
- c. A motion on the Agenda that is not moved by its proposer must be treated by the Chairman of the Meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the Meeting.
- e. An amendment is a proposal to remove or add words to a motion. It must 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 must not be considered unless early verbal notice of it is given at the Meeting and, if requested by the Chairman of the Meeting, is expressed in writing to the Chairman.
- 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 must 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 must be moved in the order directed by the Chairman.
- j. Subject to Standing Order 1(k) below, only one amendment can be moved and debated at a time, the order of which must be directed by the Chairman of the Meeting.
- k. One or more amendments may be discussed together if the Chairman of the Meeting considers this expedient but each amendment must 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 will have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the Chairman of the Meeting, a Councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- p. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted must stop speaking. A




Councillor raising a point of order must 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 must be decided by the Chairman of the Meeting and his decision will be final.
- r. When a motion is under debate, no other motion can 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 Chairman of the Meeting must 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 understanding order 1(r) above, the contributions or speeches by a Councillor must relate only to the motion under discussion and must not exceed five minutes without the consent of the Chairman of the Meeting.

## 2. Disorderly conduct at Meetings




















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

## 3. Meetings generally


-  Full Council Meetings
-  Committee Meetings
-  Sub-Committee Meetings

-  a. Meetings of the Council will be held at Wythall Village Hall at 7.30.p.m. unless the Council decides otherwise. Where Meetings are held elsewhere they must 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 must 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 must be by a resolution which must give reasons for the public's exclusion.**
-  e. Member of the public may make representations during the first 15 minutes of the meeting. This time may be extended at the discretion of the Chairman.
- f. Subject to standing order 3(f) above, a member of the public must not speak for more than 5 minutes.
- g. In accordance with Standing Order 3(e) above, a question must not require a response at the Meeting nor start a debate on the question. The Chairman of the Meeting may direct that a written or oral response be given.
- h. A person must stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the Meeting may at any time permit a person to be seated when speaking.
- i. A person who speaks at a Meeting must direct his comments to the Chairman of the Meeting.
- j. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the Meeting must direct the order of speaking.
-   k. **The press must 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.**
-  l. **Subject to Standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
-  m. **The Chairman, if present, must preside at a Meeting. If the Chairman is absent from a Meeting, the Vice-Chairman, if present, must 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 must preside at the Meeting.**
-    n. **Subject to a Meeting being quorate, all questions at a Meeting must be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
-    o. **The Chairman of a Meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
-  p. **Voting on a question must be by a show of hands. At the request of a Councillor, the voting on any question must be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.** Such a request must be made before moving on to the next item of business on the Agenda.
-    q. **The minutes of a Meeting must 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.

 r. **A Councillor who has a disclosable pecuniary interest or another interest as set out in the Council's adopted 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.**

 s. **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 must 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.*

 t. **If a Meeting is not quorate no business can be transacted and the Meeting must be closed. The business on the Agenda for the Meeting must be adjourned to another Meeting.**

#### **4. Committees and Sub-Committees**

a. **Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members must be determined by the Committee. Where a Councillor is also a member of a principal authority this Standing Order will not apply if it would result in predertmination of any issue being discussed, i.e. planning.**

The Chairman and Vice-Chairman of the Council, ex-officio, must be voting members of every Committee and Sub-Committee

b. **The members of a Committee may include non-councillors unless it is a Committee which regulates and controls the finances of the Council.**

c. **Unless the Council determines otherwise, all the members of an Advisory Committee and a Sub-Committee of the Advisory committee may be non-Councillors.**

d. The Council may appoint Standing Committees or other Committees as may be necessary, and:

- i. must determine their terms of reference;
- ii. must determine the number and time of the ordinary meetings of a Standing Committee up until the date of the next Annual Meeting of Full Council;
- iii. must permit a Committee, other than in respect of the ordinary Meetings of a Committee, to determine the number and time of its Meetings;
- iv. must, subject to Standing Orders 4(b) and (c) above, appoint and determine the terms of office of members of such a Committee;

- v. must, subject to Standing Orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a Committee whose role is to replace the ordinary members of a Meeting of a Committee if the ordinary members of the Committee confirm to the Proper Officer three days or less in exceptional circumstances before the meeting that they are unable to attend. All members being eligible to substitute with the exception of the Planning Committee when urgent decisions are required in respect of Planning Applications between scheduled Meetings of the Committee must be delegated to the Chairman and Vice Chairman of the Committee and one nominated member of the Planning Committee, in consultation with the Executive Officer.
- vi. must, after it has appointed the members of a standing Committee, appoint the Chairman of the standing Committee;
- vii. must permit a Committee other than a standing Committee, to appoint its own Chairman at the first meeting of the Committee;
- viii. must determine the place, notice requirements and quorum for a Meeting of a Committee and a sub-Committee which must be no less than three;
- ix. must determine if the public may participate at a Meeting of a Committee;
- x. must determine if the public and press are permitted to attend the meetings of a sub-Committee and also the advance public notice requirements, if any, required for the Meetings of a sub-Committee;
- xi. must determine if the public may participate at a Meeting of a sub-Committee that they are permitted to attend; and may dissolve a Committee

## **5. Ordinary Council Meetings**

- a. **In an election year, the Annual Meeting of the Council must 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 must 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 must take place at 7pm.**
- d. **In addition to the Annual Meeting of the Council, at least three other ordinary Meetings must 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 must be the election of the Chairman and Vice-Chairman of the Council.**
- f. **The Chairman of the Council, unless he has resigned or becomes disqualified, must continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the Council.**
- g. **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, must hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- h. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he must preside at the Meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council must not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he must preside at the Meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

- j. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the Annual Meeting of the Council, the business of the Annual Meeting must include:
  - i. **In an election year, delivery by the Chairman of the Council and Councillors of their Acceptance of Office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his Acceptance of Office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the Minutes of the last Meeting of the Council;
  - iii. Receipt of the Minutes of the last meeting of a Committee;
  - iv. 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
  - xi. Local Authorities and review of contributions made to expenditure incurred by other Local Authorities;
  - xii. Review of representation on or work with external bodies and arrangements for reporting back;
  - xiii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the General Power of Competence in the future;
  - xiv. Review of inventory of land and assets including buildings and office equipment;
  - xv. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xvi. Review of the Council's and/or staff subscriptions to other bodies;
  - xvii. Review of the Council's complaints procedure;
  - xviii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
  - xix. Review of the Council's policy for dealing with the press/media; and
  - xx. Determining the time and place of ordinary Meetings of the Full Council up to and including the next Annual Meeting of Full Council.

## **6. Extraordinary Meetings of the Council and Committees and Sub-Committees**

- a. **The Chairman of the Council may convene an Extraordinary Meeting of the Council at any time.**
- b. **If the Chairman of the Council does not or refuses to call an Extraordinary Meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an Extraordinary Meeting of the Council. The Public Notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**
- c. The Chairman of a Committee, or a sub-Committee may convene an Extraordinary Meeting of the Committee, or the sub-Committee at any time.
- d. If the Chairman of a Committee, or a sub-Committee does not or refuses to call an Extraordinary Meeting within 7 days of having been requested to do so by one quarter of the members of the Committee, or the sub-Committee, any one quarter 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 must not be reversed within six months except either by a special motion, which requires written notice by at least five 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 must be struck off the list and a fresh vote taken. This process must continue until a majority of votes is given in favour of one person. A tie in votes must be settled by the casting vote exercisable by the Chairman of the Meeting.

## **9. Motions for a Meeting that require written notice to be given to the Proper Officer**

- a. A motion must relate to the responsibilities of the Meeting which it is tabled for and in any event must 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 ten clear working days before the Meeting. Clear days do not include the day of the notice or the day of the Meeting.
- c. The Proper Officer must, 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 must be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least five clear working days before the Meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer must 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 should 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 must be final.
- g. Motions received must be recorded in a book for that purpose and numbered in the order that they are received.
- h. Motions rejected must be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## **10. Motions at a Meeting that do not require written notice**

- a. The following motions may be moved at a Meeting without written notice to the Proper Officer;
  - i. to correct an inaccuracy in the draft Minutes of a Meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular Committee or sub-Committee;
  - v. to appoint a person to preside at a Meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a Committee or sub-Committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the Press and public from a Meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a Councillor or a member of the public;
  - xiii. to exclude a Councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the Meeting;
  - xv. to suspend a particular Standing Order (unless it reflects mandatory statutory requirements);
  - xvi. to adjourn the meeting; or to close a meeting.

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

- a. The Agenda, papers that support the Agenda and the Minutes of a Meeting must not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. Councillors and staff must not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **12. Draft minutes**

- a. If the draft Minutes of a preceding Meeting have been served on Councillors with the Agenda to attend the Meeting at which they are due to be approved for accuracy, they must be taken as read.
- b. There must 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 must be moved in accordance with standing order 10(a)(i) above.
- c. The accuracy of draft Minutes, including any amendment(s) made to them, must be confirmed by resolution and must 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, he must sign the Minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this Meeting does not believe that the Minutes of the Meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the Meeting and the Minutes are confirmed as an accurate record of the proceedings.”
- e. Upon a resolution which confirms the accuracy of the Minutes of a Meeting, the draft Minutes or recordings of the Meeting for which approved Minutes exist must be destroyed.
- f. The Chairman of the Meeting will be given the opportunity to review the draft Minutes prior to their being distributed.

### 13. Code of conduct and dispensations

*See also standing order 3(r) above.*

- a. All Councillors and non-Councillors with voting rights must 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 must withdraw from a Meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the Meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights must withdraw from a Meeting when it is considering a matter in which he has another interest if so required by the Council's adopted Code of Conduct. He may return to the Meeting after it has considered the matter in which he had the interest.
- d. **Dispensation requests must 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 must be made by a Meeting of the Council and that decision is final.
- f. A dispensation request must confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a Meeting in a discussion only or a discussion and a vote;
  - iii. the date of the Meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g. Subject to Standing Orders 13(d) and (f) above, dispensations requests must be considered at the commencement of the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h. **A dispensation must 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 District Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer must, 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 must notify the Chairman of Council of this fact, and the Chairman must nominate another staff member or obtain the services of a locum Clerk 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 must:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. **Upon notification by the District Council that a Councillor or non-Councillor with voting rights has breached the Council's Code of Conduct, the Council must consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

## 15. Proper Officer

- a. The Proper Officer must be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer must:
  - i. **At least three clear days before a Meeting of the Council, a Committee and a sub-Committee serve on Councillors, a signed summons confirming the time, place and the agenda. This summons must either be delivered by post at their residences or by email, provided any such email contains the electronic signature and title of the Proper Officer.**  
*See Standing Order 3(b) above for the meaning of clear days for a meeting of a Full Council and Standing Order 3 (c) above for a meeting of a Committee.*
  - ii. **Give public notice of the time, place and agenda at least three clear days before a Meeting of the Council or a Meeting of a Committee or a sub-Committee (provided that the Public Notice with agenda of an Extraordinary Meeting of the Council convened by Councillors is signed by them);**  
*See Standing Order 3(b) above for the meaning of clear days for a meeting of a Full Council and Standing Order 3(c) above for a meeting of a Committee.*
  - iii. subject to Standing Order 9 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least ten days before the meeting confirming his withdrawal of it;
  - iv. **convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute book by local government electors;
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. retain acceptance of office forms from Councillors;
  - viii. retain a copy of every Councillor's Register of Interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
  - xii. arrange for legal deeds to be executed; *See also Standing Order 22 below.*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations;
  - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in the planning data base;

- xv. refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman of the Council] OR [Chairman or in his absence Vice-Chairman (if any) of the Planning Committee within two working days of receipt to facilitate an Extraordinary Meeting if the nature of a planning application requires consideration before the next ordinary Meeting of the Council OR Planning Committee;
- xvi manage access to information about the Council via the publication scheme; and
- xvii retain custody of the seal of the Council (if any) which must not be used without a resolution to that effect. *See also standing order 22 below.*

## **16. Responsible Financial Officer**

- a. The Council must 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 must be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c. The Responsible Financial Officer must supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments for each quarter;
  - ii. the Council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer must provide:
  - i. each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the Full Council the accounting statements for the year in the form of Section 1 of the Annual Return, as required by proper practices, for consideration and approval.
- e. The year end accounting statements must 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 must 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, must be presented to Council for consideration and formal approval before 30 June.

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

- a. The Council must consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which must 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 must 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 £8,000.
- b. Financial Regulations must be reviewed regularly and at least annually for fitness of purpose.
- c. **Financial Regulations must confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value between £8,000 and £25,000 must be procured on the basis of a formal tender as summarised in Standing Order 18(d) below.**  
**In addition, procurement and awards of contracts covered by the 2015 regulations which have an estimated value of £25,000 or more must satisfy the requirements of the 2015 Regulations which include use of the Contracts Finder website.**
- 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 must include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works must be drawn up;
  - ii. an invitation to tender must 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 must be advertised in a manner that is appropriate;
  - iv. tenders must to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders must 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 must be reported to and considered by the appropriate Meeting of the Council or a Committee or sub-Committee with delegated responsibility.
- e. Neither the Council, nor a Committee or a sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a public service or public supply contract has an estimated value of £25,000 or more the 2015 Regulations are engaged.**  
**Where the value of a (i) public works contract with an estimated value of £4,322,012 or more or (ii) the public supply contract with an estimated value of £172,514 the requirements are lengthy and complex and professional advice will be sought. Contracts with an estimated value below this threshold but with an estimated value of £25,000 or more are covered under SO 18c above.**

## 19. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a Meeting of Council or the Personnel Committee is subject to standing order 11 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff must notify the Chairman of the Council or, if he is not available, the Vice-Chairman of the Council of absence occasioned by illness or other reason and that person must report such absence to the Council at its next meeting.

- c. The Chairman of the Council or in his absence, the Vice-Chairman must upon a resolution conduct a review of the performance and annual appraisal of the work of the Executive Officer. The reviews and appraisal must be reported in writing and is subject to approval by resolution by the Personnel Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) must contact the Chairman of the Council or in his absence, the Vice-Chairman of the Council in respect of an informal or formal grievance matter, and this matter must be reported back and progressed by resolution of the Council;
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Executive Officer relates to the Chairman or Vice-Chairman of the Council this must be communicated to another member of the Council which must be reported back and progressed by resolution of the Council.
- f. Any persons responsible for all or part of the management of Staff must treat the written records of all Meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. The Council must keep all written records relating to employees secure. All paper records must be secured and locked and electronic records must be password protected and encrypted.
- h. Only persons with line management responsibilities must have access to staff records referred to in Standing Orders 19(f) and (g) above if so justified.
- i. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 19(f) and (g) above must be provided only to (post holder) and/or the Chairman of the Council.

## **20. Requests for information**

- a. Requests for information held by the Council must 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 must be referred by the Proper Officer to the Chairman of the Finance Policy & Resources Committee. The said Committee must 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 must 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 must not be executed on behalf of the Council unless authorised by a resolution.**
- b. **Subject to Standing Order 22(a) above, any two Councillors must sign, on behalf of the Council, any deed required by law and the Proper Officer must witness their signatures.**

## **23. Communicating with District and County Councillors**

- a. An invitation to attend a meeting of the Council must be sent, together with the agenda, to the Ward Councillor(s) of the District and County Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the District and County Council must be sent to the Ward Councillor(s) representing the area of the Council.

## **24. Restrictions on Councillor activities**

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

## **25. Standing Orders generally**

- a. All or part of a Standing Order, except one that incorporates mandatory statutory requirements, which are written in bold, 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, must be proposed by a special motion, the written notice by at least five Councillors to be given to the Proper Officer in accordance with Standing Order 9 above.
- c. The Proper Officer must provide a copy of the Council's Standing Orders to a Councillor as soon as possible after he has delivered his Acceptance of Office form.
- d. The decision of the Chairman of a Meeting as to the application of Standing Orders at the meeting must be final.