

# Stone

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## Town Council



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Standing Orders

Related to Council Business

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June 2019

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# 1 GENERAL

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- 1.1 These standing orders govern the conduct of the business of the Council and may only be amended or varied by resolution of the Council<sup>1</sup>.
- 1.2 Should there be a clash between the provisions of this document and those within other documents which prescribe the activities of the Council, the order of precedence shall be:
  - a. National Legislation
  - b. The Council's Standing Orders (this document)
  - c. All other documents
- 1.3 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. *(NOTE: Where a standing order incorporates a mandatory statutory requirement, the requirement and the circumstances in which the requirement applies is indicated in brackets following the relevant standing order below. This does not indicate that the application of the standing order is limited only to those circumstances, but just indicates the extent to which the standing order can be suspended by this provision).*
- 1.4 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 three councillors to be given to the Proper Officer in accordance with standing order 10 below.
- 1.5 The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after they have delivered their acceptance of office form.
- 1.6 The decision of the chairman<sup>2</sup> of a meeting as to the application of standing orders at the meeting shall be final.

# 2 RULES OF DEBATE AT MEETINGS

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- 2.1 Items on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- 2.2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 2.3 A motion on the agenda that is not moved by its proposer will be treated by the chairman of the meeting as withdrawn.
- 2.4 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder.

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<sup>1</sup> All references to "the Council" in this document shall also be considered to refer to the General Purposes Committee for functions which have been delegated to that Committee.

<sup>2</sup> All references to "Chairman" and "Vice-Chairman" shall be considered to refer to the Town Mayor and Deputy Town Mayor in respect of a full Council meeting.

- 2.5 The mover of a motion shall have a right to reply, not exceeding five minutes, at the conclusion of the debate immediately before the motion is put to the vote. No further debate shall take place once this right to reply has been exercised.
- 2.6 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 2.7 If an amendment to the original motion is carried, the amendment becomes the substantive motion upon which further amendment(s) may be moved.
- 2.8 An amendment shall 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.
- 2.9 A councillor may make an amendment to their own motion. If a motion has already been seconded, the amendment shall require the consent of the seconder.
- 2.10 Subject to standing order 2.11 below, if there is more than one amendment to an original or substantive motion only one amendment shall be moved and debated at a time, in the order directed by the chairman of the meeting.
- 2.11 In exceptional circumstances, several amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- 2.12 A councillor may not move more than one amendment to an original or substantive motion.
- 2.13 The mover of an amendment has no right of reply at the end of debate on it.
- 2.14 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 2.15 Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- a. to speak on an amendment moved by another councillor;
  - b. to move or speak on another amendment if the motion has been amended since they last spoke;
  - c. to make a point of order;
  - d. to give a personal explanation; or
  - e. in exercise of a right of reply.
- 2.16 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- 2.17 A point of order shall be decided by the chairman of the meeting, whose decision shall be final.
- 2.18 When a motion is under debate, no other motion shall be moved except:

- a. to amend the motion;
- b. to proceed to the next business;
- c. to adjourn the debate;
- d. to put the motion to a vote;
- e. to ask a person to be no longer heard or to leave the meeting;
- f. to refer a motion to a committee or sub-committee for consideration;
- g. to exclude the public and press;
- h. to adjourn the meeting; or
- i. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

- 2.19 Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that sufficient information is available to make a sound decision, the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- 2.20 Excluding motions moved under standing order 2.18 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chairman of the meeting.

### 3 DISORDERLY CONDUCT AT MEETINGS

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- 3.1 No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 3.2 If these 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, shall be put to the vote without discussion.
- 3.3 If a resolution made under standing order 3.2 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.

### 4 MEETINGS GENERALLY

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- 4.1 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. *(Mandatory: Council only)*
- 4.2 Public notice of the time and place of meeting shall be given by posting it outside the Council's offices at least three days before the meeting. 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. *(Mandatory: Council. For committees, 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. There are no mandatory requirements for sub-committees)*

- 4.3 Meetings of the Council, committees and sub-committees 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.  
*(Mandatory: Council and Committees)*
- 4.4 Subject to standing order 4.3 above and the provisions of the Council's scheme of public participation, members of the public are permitted to:
- a. Make representations or raise issues at any ordinary Council meeting in relation to the work of the Council.
  - b. Raise issues at any ordinary committee or sub-committee meeting related to items of business on the agenda.
  - c. Present petitions at any ordinary Council meeting on issues within the Council's remit.
- 4.5 Subject to standing order 4.4, no more than two members of the public are entitled to speak at any full Council meeting, and shall each shall speak once only, for not more than 10 minutes. Where more than two members of the public have requested to speak, the Proper Officer shall determine which requests shall have preference, based on their relevance to the meeting, the urgency of the matter to be raised and the time that the request was received.
- 4.6 In accordance with standing order 4.4 above, a question asked by a member of the public during a public participation session at a full Council meeting shall not require a response at the meeting nor start a debate on the question.
- 4.7 In accordance with standing order 4.6 above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response, to a committee or sub-committee for further consideration or to an employee for a written or oral response.
- 4.8 Subject to standing order 4.4, no more than four members of the public are entitled to speak at any committee or sub-committee meeting, and shall each shall speak once only, for not more than three minutes (five minutes if there are two or less speakers). Where more than four members of the public have requested to speak, the Proper Officer shall determine which requests shall have preference, based on their relevance to the meeting, the urgency of the matter to be raised and the time that the request was received.
- 4.9 No response shall be made to a public submission made under paragraph 4.8 above, nor any debate entered into, as the item will be fully debated when the agenda item itself is considered.
- 4.10 A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- 4.11 A person shall raise their hand when requesting to speak and stand 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.

- 4.12 A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- 4.13 Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 4.14 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. *(Mandatory: Council and Committees)*
- 4.15 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 their absence be done by, to or before the Vice-Chairman of the Council. *(Mandatory: Council)*
- 4.16 The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting. *(Mandatory: Council)*
- 4.17 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. *(Mandatory)*
- 4.18 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 their casting vote whether or not they gave an original vote. *See standing orders 6.8 and 6.9 below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council. (Mandatory)*
- 4.19 Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, their own vote will be recorded in the minutes. Such a request shall be made before moving on to the next item of business on the agenda.
- 4.20 In addition, any councillor may request that the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.
- 4.21 The minutes of a meeting shall include an accurate record of the following:
- a. the time and place of the meeting;
  - b. the names of councillors present and absent;
  - c. interests that have been declared by councillors and non-councillors with voting rights;
  - d. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - e. if there was a public participation session; and
  - f. the resolutions made.
- 4.22 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 their right to participate and vote on that matter.

- 4.23 No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council, committee or sub-committee are present and in no case shall the quorum of a meeting be less than three.
- 4.24 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.
- 4.25 A meeting shall not exceed a period of 1.5 hours, nor any group of meetings held on the same evening exceed 2.5 hours without a resolution of the meeting to continue beyond this limit.

## 5 COMMITTEES AND SUB-COMMITTEES

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- 5.1 The council may appoint standing committees or other committees and sub-committees as may be necessary, and:
- a. shall determine their terms of reference;
  - b. shall 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;
  - c. shall permit a committee and sub-committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - d. shall appoint and determine the terms of office of members of such a committee or sub-committee;
  - e. shall, after it has appointed the members of a committee or sub-committee, appoint the chairman of that committee or sub-committee;
  - f. shall determine if the public may participate at a meeting of a committee;
  - g. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - h. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - i. may dissolve a committee or sub-committee.
- 5.2 Unless the council determines otherwise, a committee or sub-committee may appoint a working group whose terms of reference and members shall be determined by the appointing committee or sub-committee.
- 5.3 Notwithstanding any appointments made to sub-committees and working parties under standing orders 5.1d and 5.2 above, the Town Mayor and the chairman of the parent committee shall be ex-officio members of all sub-committees and working parties with full voting rights.
- 5.4 The members of a committee, sub-committee or working group may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- 5.5 Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

## 6 ORDINARY COUNCIL MEETINGS

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- 6.1 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.
- 6.2 In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the council may direct.
- 6.3 All meetings of the Council, its committees and sub-committees shall take place at 15 Station Road, Stone, with the first meeting commencing at 7:00pm, unless:
- a. it is specifically agreed otherwise at a previous meeting, or,
  - b. it is anticipated, prior to the dispatch of meeting notice(s), that a meeting will be attended by a Councillor who would be physically unable to access that location, wherein the Town Clerk would be authorised to arrange an alternative, accessible location for the meeting(s).
- 6.4 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.
- 6.5 The first business conducted at the annual meeting of the Council shall be the election of the Town Mayor and Deputy Town Mayor.
- 6.6 The Town Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.
- 6.7 The Deputy Mayor, unless they resign or become disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the council.
- 6.8 In an election year, if the current Town Mayor has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.
- 6.9 In an election year, if the current Town Mayor has been re-elected as a member of the Council, they shall preside at the meeting until a new Town Mayor has been elected. They may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.
- 6.10 Following the election of the Mayor and Deputy Mayor at the annual meeting of the council, the business of the annual meeting may include:
- a. In an election year, delivery by the Town Mayor, Deputy Town 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 Town Mayor and Deputy Town Mayor of their acceptance of office forms unless the council resolves for this to be done at a later date;
  - b. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - c. Receipt of the minutes of the last meeting of a committee;
  - d. Consideration of the recommendations made by a committee;
  - e. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;

- f. Review of the terms of reference for committees;
- g. Appointment of members to existing committees;
- h. Appointment of any new committees;
- i. Review and adoption of appropriate standing orders and financial regulations;
- j. 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;
- k. Review of representation on or work with external bodies and arrangements for reporting back;
- l. 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;
- m. Review of inventory of land and assets including buildings and office equipment;
- n. Confirmation of arrangements for insurance cover in respect of all insured risks;
- o. Review of the council's and/or staff subscriptions to other bodies;
- p. Review of the council's complaints procedure;
- q. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- r. Review of the council's policy for dealing with the press/media; and
- S. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## 7 EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES AND SUB-COMMITTEES

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- 7.1 The Town Mayor may convene an extraordinary meeting of the council at any time.
- 7.2 If the Town 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.
- 7.3 The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- 7.4 If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of a committee or a sub-committee.

## 8 PREVIOUS RESOLUTIONS

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- 8.1 A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least six councillors to be given to the Proper Officer in

accordance with standing order 10 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

- 8.2 When a motion moved pursuant to standing order 8.1 above has been disposed of, no similar motion may be moved within a further six months.

## 9 VOTING ON APPOINTMENTS

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

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

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- 10.1 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.
- 10.2 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 days before the meeting. Clear days do not include the day of the notice, the day of the meeting, Saturdays, Sundays or Public Holidays.
- 10.3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
- 10.4 If the Proper Officer considers the wording of a motion received in accordance with standing order 10.2 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 ten clear days before the meeting.
- 10.5 If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- 10.6 Subject to standing order 10.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 10.7 Should any urgent business arise between scheduled meetings of the Council or any standing committee or sub-committee, the Proper Officer will call a special meeting to deal with the issue.

- 10.8 Where urgent planning business occurs between ordinary meetings of the Council's Planning Committee, the Proper Officer shall circulate details of the business to Members, asking if a special meeting of the Planning Committee should be arranged to discuss the business. If no requests to arrange a special meeting are received, the Council's support for the proposal shall be conveyed to the Borough Council.
- 10.9 Where any matter is so urgent that it is not possible to call a special meeting with the legally required notice periods, the Council's Proper Officer is authorised to take any decision on behalf of the Council which can legally be delegated by the Council to an officer. Before taking such a decision, the Proper Officer shall take reasonable steps to consult with Council Members, and shall report the decision and the reason for its urgency at the next ordinary meeting of the Council or one of its committees if the decision would normally have been taken there.

## 11 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

- a. to correct an inaccuracy in the draft minutes of a meeting;
- b. to move to a vote;
- c. to defer consideration of a motion;
- d. to refer a motion to a particular committee or sub-committee;
- e. to appoint a person to preside at a meeting;
- f. to change the order of business on the agenda;
- g. to proceed to the next business on the agenda;
- h. to require a written report;
- i. to appoint a committee or sub-committee and their members;
- j. to extend the time limits for speaking;
- k. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- l. to not hear further from a councillor or a member of the public;
- m. to exclude a councillor or member of the public for disorderly conduct;
- n. to temporarily suspend the meeting;
- o. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- p. to adjourn the meeting; or
- q. to close a meeting.

## 12 HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION

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- 12.1 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.
- 12.2 Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 13 DRAFT MINUTES

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- 13.1 If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 13.2 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 11.1a above.
- 13.3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 13.4 If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but that view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- 13.5 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.

## 14 CODE OF CONDUCT AND DISPENSATIONS

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*See also standing order 4.22 above.*

- 14.1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- 14.2 Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- 14.3 Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall not take part in any debate or vote at a meeting when it is considering a matter in which they have a personal interest, though they would be permitted to take part in a public participation item in the same way as any member of the public.
- 14.4 Dispensation requests shall be in writing and submitted to the Proper Officer before the start of the meeting for which the dispensation is required.
- 14.5 A decision as to whether to grant a dispensation shall be made by the meeting of the council, committee or sub-committee for which the dispensation is required and that decision is final.
- 14.6 A dispensation request shall confirm:

- a. the description and the nature of the disclosable pecuniary interest or personal interest to which the request for the dispensation relates;
  - b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - c. the date of the meeting or the period (not exceeding the remaining time to the next Council election) for which the dispensation is sought; and
  - d. an explanation as to why the dispensation is sought.
- 14.7 Subject to standing orders 14.4 and 14.6 above, dispensation requests shall be considered at the beginning of the meeting of the council, committee or a sub-committee for which the dispensation is required.
- 14.8 A dispensation may be granted in accordance with standing order 14.5 above if having regard to all relevant circumstances the following applies:
- a. 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
  - b. granting the dispensation is in the interests of persons living in the council's area, or
  - c. it is otherwise appropriate to grant a dispensation.

## 15 CODE OF CONDUCT COMPLAINTS

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- 15.1 Upon formal written notification from Stafford 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 12 above, report this to the council.
- 15.2 Where the notification in standing order 15.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Town Mayor of this fact, and the Town 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 15.4 below.
- 15.3 The council may:
- a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 15.4 Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office. *(Mandatory)*

## 16 PROPER OFFICER

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- 16.1 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 or otherwise unable to act.
- 16.2 The Proper Officer shall:
- a. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda. *(Mandatory for council and committees. See standing order 4.2 above for the meaning of clear days.);*
  - b. 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); *(Mandatory for council and committees. See standing order 4.2 above for the meaning of clear days.);*
  - c. subject to standing order 10 above, include on the agenda all motions put forward by councillors unless withdrawn by the councillor themselves at least six clear days before the meeting;
  - d. convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in the office *(Mandatory);*
  - e. facilitate inspection of the minute book by local government electors;
  - f. receive and retain copies of byelaws made by other local authorities *(Mandatory);*
  - g. retain acceptance of office forms from councillors;
  - h. retain a copy of every councillor's register of interests;
  - i. 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;
  - j. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - k. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
  - l. arrange for legal deeds to be executed; See also standing order 23 below.
  - m. 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;
  - n. record every planning application notified to the council and the council's response to the local planning authority;
  - o. manage access to information about the council via the publication scheme; and
  - p. retain custody of the seal of the council (if any) which shall not be used for the sealing of legal deeds without a resolution to that effect. *See also standing order 23 below.*

## 17 RESPONSIBLE FINANCIAL OFFICER

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- 17.1 The Town Clerk shall undertake the role of responsible financial officer, unless there is a council resolution appointing a different officer. The council shall appoint an appropriate staff member to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 18 ACCOUNTS AND ACCOUNTING STATEMENTS

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- 18.1 “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England)
- 18.2 All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.
- 18.3 The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise the Council’s income and expenditure compared with the approved budget and an explanation of significant variances.
- 18.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide each councillor with a statement summarising the council’s income and expenditure for the year and the full council the accounting statements for the year in the form of the annual return, as required by proper practices, for consideration and approval.
- 18.5 The year-end accounting statements shall be prepared in accordance with proper practices for a year to 31 March. 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.

## 19 FINANCIAL CONTROLS AND PROCUREMENT

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- 19.1 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:
- a. the keeping of accounting records and systems of internal controls;
  - b. the assessment and management of financial risks faced by the council;
  - c. 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;
  - d. the inspection and copying by councillors and local electors of the council’s accounts and/or orders of payments; and
  - e. procurement policies (subject to standing orders 19.3 to 19.8 below).
- 19.2 Financial regulations shall be reviewed regularly for fitness of purpose.
- 19.3 The letting of contracts by the Council must be in accordance with the Public Contracts Regulations 2015, or subsequent replacement/supplementary legislation.

- 19.4 Contracts below the value of £25,000 are outside the scope of standing orders, but may be governed by the provisions within the Council’s financial regulations.
- 19.5 Contracts above the value prescribed in the Public Contracts Regulations 2015 of £181,302<sup>3</sup> or £4,551,413<sup>3</sup>, which have “detailed and complex” requirements related to the EU Public Contracts Directive will be undertaken in partnership with the Borough or County Council, who will be able to ensure that these complex regulations are adhered to.
- 19.6 Between these two figures, the Council may:
- a. Advertise the contract or otherwise offer it on the open market. In this case the provisions of the 2015 regulations apply, and the contract must also be published on the “Contract Finder” website.
  - b. Offer the contract to a closed list of contractors, whereby the provisions of the 2015 regulations do not apply.
  - c. Offer the contract to its “preferred contractor” identified for that area of work, where the 2015 regulations regarding advertising on the “Contracts Finder” website would also not apply.
- 19.7 Subject to any 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 under standing orders 19.6a and 19.6b above where the value is anticipated to exceed £60,000 shall include, as a minimum, the following steps:
- a. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - b. 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;
  - c. the invitation to tender shall be advertised in a local newspaper and/or other manner that is appropriate (standing order 19.6a only);
  - d. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - e. 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;
  - f. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- 19.8 Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value, or any, tender.

## 20 STAFFING MATTERS

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- 20.1 The Town Clerk shall act as employer for of the Council’s paid employees and voluntary staff.

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<sup>3</sup> April 2018 values. These figures may vary from time to time.

- 20.2 All written records in respect of staffing matters shall be kept confidential and secure. Only persons with line management responsibilities shall have access to staff records if so justified.
- 20.3 Appointments, dismissals, performance, disciplinary issues and grievances shall be considered in accordance with the Council's Staffing Guidelines.

## 21 REQUESTS FOR INFORMATION

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- 21.1 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.
- 21.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the General Purposes Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## 22 RELATIONS WITH THE PRESS/MEDIA

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

## 23 EXECUTION AND SEALING OF LEGAL DEEDS

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*See also standing orders 16.2l and 16.2p above.*

- 23.1 A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 23.2 Subject to standing order 23.1 above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

## 24 RESTRICTIONS ON COUNCILLOR ACTIVITIES

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- 24.1 No Councillor shall purport to represent the Council, or make any suggestion that they have the authority to make a binding decision on behalf of the Council, unless previously authorised by a properly minuted resolution.
- 24.2 Unless authorised by a resolution, no councillor shall:
- a. inspect any land and/or premises which the council has a right or duty to inspect; or
  - b. issue orders, instructions or directions.