

MIDDLEHAM TOWN COUNCIL

STANDING ORDERS

(Statutory requirements in bold type)

1. Rules of debate at meetings

- a. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- b. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- c. A member shall remain seated when speaking unless requested to stand by the Chairman.
- d. The ruling of the Chairman on a point of order or on the admissibility of a Personal explanation shall not be discussed.
- e. Members shall address the Chairman. If two or more Members wish to speak, the Chairman shall decide who to call upon.
- f. Whenever the Chairman speaks during a debate all other members shall be silent.

2. Disorderly conduct at meetings

- a. **All members must observe the Code of Conduct which was adopted by the Council on 1 July 2012 a copy of which is annexed to these Standing Orders.**
- b. No member shall at a meeting consistently disregard the ruling by the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**
- c. If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named shall no longer be heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- d. If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

3. Meetings generally

- a. **Meetings shall not take place in premises in 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 of 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 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 .**

Public participation is permitted at the start of a meeting and limited to 15 minutes. Questions or statements are restricted to items on the agenda. Members of the public wishing to raise matters not on the agenda should do so in writing or make an appointment with the Clerk or Chairman.

- 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 reason. The public's exclusion from part or all of the meeting shall be by a resolution which shall give reasons for the exclusion. Resolutions that are confidential but are not in the public interest must be recorded in the minutes, without disclosing the sensitive or confidential information.**
- e. **The recording of council and parish meetings is permitted under the Openness of Local Government Bodies Regulations 2014 but must be carried out in accordance with separate rules adopted by the council to effectively and lawfully manage this activity. Attached rules adopted 29th October 2014.**
- f. **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.**
- g. **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).**
- h. **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.**
- i. **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.**
- j. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands.**

- k. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- l. The Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
- m. If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- n. **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.**
- o. **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.**
- p. **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. 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.**

5. Ordinary council meetings

- a. **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**

- c. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d. **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e. **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council**
- f. **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g. **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j. **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;**

A motion to vary the order of business on the ground of urgency:

May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and shall be put to the vote without discussion.

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. 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.

7. Previous resolution

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (3) councillors to be given to the Proper Officer.
- b. When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a. Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- b. A vote on co-option is usually by a show of hands, however if members agree this can be carried out by ballot.

9. 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. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press, public and, if relevant, the employees concerned, shall be excluded.

10. 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 shall be taken as read.
- b. 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) above.
- c. 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.

11. Code of conduct and dispensations

- a. **All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.** (NALC code adopted 1 July 2012 – all Cllrs provided with a copy)
- b. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from that part of the room or chamber where the meeting is considering a matter in which he has a disclosable pecuniary interest. He may remain in that part of the room or chamber which the public are allowed to occupy.
- 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 the Proper Officer] OR [by a meeting of the council, and that decision is final
- e. **A dispensation may be granted in accordance with standing order 11(d) 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.**

12. Code of conduct complaints

Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

13. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **[at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.]**
OR

[at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].
 - 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);**
 - iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **receive and retain copies of byelaws made by other local authorities;**
 - v. retain acceptance of office forms from councillors;
 - vi. retain a copy of every councillor's register of interests;
 - vii. 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;
 - viii. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
 - ix. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
 - x. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
 - xi. refer a planning application received by the council to the [Chairman or in his absence the Vice-Chairman of the Council] 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] ;
 - xii. Every planning application shall be reported to full council as an agenda item. In the case of planning applications received between meetings and deemed uncontroversial, the Clerk shall have delegated powers to respond after consultation with the Chairman or another named Councillor.

14. 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.

15. 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 councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council’s receipts and payments for each quarter;
 - ii. the council’s aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council’s receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June

16. 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 13(c) below) including the setting of values for different procedures where a contract has an estimated value of less than [£60,000].

- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose OR at least once every four years ?
- 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 [£10,000] 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.
- 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.**

17. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 9 above.
- b Subject to the council's policy regarding the handling of grievance matters, the council's Proper Officer shall contact the chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of council.
- c Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the chairman or vice-chairman, this shall be

communicated to another member of council, which shall be reported back and progressed by resolution of council.

- d 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.
- e Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the Proper Officer and/or the Chairman of the Council.

18. Requests for information

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

19. 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.

20. Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

[Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.]

The above is applicable to a council without a common seal.

21. Restrictions on councillor activities

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

22. 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 (3) councillors to be given to the Proper Officer.
- 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 chairman of a meeting as to the application of standing orders at the meeting shall be final.