

# **SOUTHAM TOWN COUNCIL**

## **Standing Orders**



**Last amendment June 2023**

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## **1. MEETINGS OF THE COUNCIL**

- 1.1 All meetings of the Council shall be held at the Grange Hall, Coventry Road, Southam, CV47 IQA at 7.30 pm unless the Council otherwise decide. Subject to Standing Order 8(19), that part normally open to the public will cease at 10.15 pm. 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.
- 1.2 The annual meeting of the Council shall be held:
- 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 of ordinary elections of councillors to the Council, on the second Thursday following the date of those ordinary elections.
  - c) in a year other than a year of such ordinary elections, on the second Thursday in the month of May that year.
- 1.3 Ordinary meetings of the Council shall be held on the 4<sup>th</sup> Thursday of each calendar month with the exception of the months of August and December during which no ordinary meetings of the Council shall be held.
- 1.4 The date of the Budget and Precept meeting shall be held on the second Thursday in January. The date may, in exceptional circumstances, be varied by a resolution of Council at the November Council meeting.
- 1.5 As Chairman of the Council, the Town Mayor may, on giving not less than seven days' notice (except in the case of an emergency) alter the date, time or place of any meeting of the Council if it appears to him/her that the date, time or place appointed is unlawful, impossible or generally inconvenient.
- 1.6 The agenda for the Town Council meeting shall be published at least three clear days ahead of the meeting in question by the Town Clerk (as Proper Officer). In the case of councillors, the Town Clerk shall serve a signed summons confirming the time, place and the agenda by delivery or post or email, and in the case of the public, provide in a conspicuous place public notice of the time, place and agenda. When calculating the three clear days for notice of a meeting to councillors, district councillor ward members, county councillor ward member and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for

public thanksgiving or mourning shall not count). The agenda shall give notice of all items of business to be transacted.

- 1.7 Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
- 1.8 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.
- 1.9 The code of conduct adopted by the Council shall apply to councillors whenever they are conducting the business of the Council, its committees or sub-committees, or otherwise acting as a representative of the Council.
- 1.10 An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- 1.11 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.
- 1.12 The Vice-Chairman of the Council (if there is one) 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.
- 1.13 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 a vote in respect of the election of the new Chairman of the Council but shall have a casting vote in the case of an equality of votes.
- 1.14 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 shall have a vote in respect of the election of the new Chairman of the Council and shall have a casting vote in the case of an equality of votes.

1.15 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

1.16 If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

## **2. ATTENDANCE BOOK**

2.1 A book shall be provided at every meeting of the Council and any meeting of a Committee or Sub-Committee in which each member of the Council present shall enter his or her name.

## **3. QUORUM**

3.1 Five members shall constitute a quorum.

3.2 If a quorum is not present when the Council meets or if during a meeting the number of councillors present falls below the quorum the meeting shall stand adjourned.

3.3 The consideration of any business not transacted shall be adjourned to a time fixed by the person presiding at the meeting, or if he/she does not fix a time to the next ordinary meeting of the Council.

## **4. ORDER OF BUSINESS**

4.1 At the Annual Council Meeting the first business shall be:

- a) To elect a Town Mayor who shall be the Chairman of the Council.
- b) To receive the Town Mayor's declaration of acceptance of office.
- c) To elect a Deputy Town Mayor who shall be the Vice-Chairman of the Council.
- d) To receive the Deputy Town Mayor's declaration of acceptance of office.

4.2 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.

4.3 At every meeting other than the Annual Council Meeting the first business shall be the appointment of a presiding Chairman if the Town Mayor and Deputy Town Mayor are absent.

4.4 After the first business has been completed the Council shall receive such declarations of acceptance of office (if any) as are required by law to be made, and thereafter the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:

- a) Apologies for absence
- b) Declarations of Interest
- c) Representations from the public
- d) Minutes of the previous meeting
- e) Accounts for Payment
- f) Planning matters including applications
- g) Information from County and District Councillors
- h) Town Clerk's Report
- i) Correspondence
- j) Reports from Working Parties (if any)
- k) Notices of Motion
- l) Members items
- m) Exclusion of the Public from the meeting.

4.5 Any member wishing to raise an agenda item under Standing Order 4.4l) must give ten clear days' notice and provide the Town Clerk with either a brief synopsis or supporting documentation to allow other councillors time to consider the matter prior to the meeting.

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

- a) may be proposed by any member,
- b) if proposed by the presiding Chairman may be voted upon without being seconded, and
- c) shall be voted upon without discussion.

4.7 No speech by a member of the public, under Standing Order 4.4(c) shall exceed three minutes except by consent of the presiding Chairman.

## **5. MINUTES**

5.1 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;
  - d) whether a councillor 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.
- 5.2 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.
- 5.3 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 8.
- 5.4 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.
- 5.5 If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The 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.”
- 5.6 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.
- 5.7 Motions put and lost will only be recorded in the minutes when:
- a) a vote is requested; or
  - b) where a motion comes within the scope of a notice of motion.
- 5.8 Minutes will contain a record of the items of business under discussion followed by a brief resume stating the decisions and resolutions.



5.9 Councillors shall be named in the minutes only on the following occasions:

- a) Where there is a notice of motion or motion moved in accordance with Standing Order 8.
- b) Under Members items.
- c) Appointment of members to working parties and other bodies.
- d) In relation to any sanction imposed on an individual councillor under the code of conduct.
- e) In accordance with any statutory requirement or where required by these standing orders.

## **6. ELECTION OF TOWN MAYOR AND DEPUTY TOWN MAYOR**

6.1 No member of the Council shall be considered for election to the office of Town Mayor until that person has completed four consecutive years' service ending on the date of the election of Town Mayor as a member of the Council.

6.2 No member of the Council shall be considered for appointment to the office of Deputy Town Mayor until that person has completed three consecutive years' service ending on the date of appointment of Deputy Town Mayor as a member of the Council.

6.3 The person elected as Town Mayor shall be the person who was appointed Deputy Town Mayor at the immediately preceding Annual Meeting of the Council, provided that this person has not ceased to be a member of the Council.

6.4 If the application of Standing Orders 6.1 and 6.2 results in no member qualifying for election then the member elected as Town Mayor or appointed as Deputy Town Mayor as the case may be shall be on the basis of seniority of continuous service (ending on the date of election of Town Mayor or appointment of Deputy Town Mayor) as a member of the Council.

6.5 If the application of Standing Order 6.1, 6.2 and 6.4 results in more than one member of the Council qualifying for election then the eldest by age shall be elected as Town Mayor or appointed Deputy Town Mayor as the case may be.

6.6 No person shall be eligible for election to the office of Town Mayor, if:

- a) he/she shall have been so appointed to that office at the immediately preceding Annual meeting of the Council; or

- b) previously he/she shall have held that office and there be members of the Council eligible for election under Standing Order 6.1 above;  
or
- c) previously he/she shall have held that office for more than one term and there be members of the Council eligible who have held that office for a lesser number of terms.

## **7. NOTICES OF MOTION**

- 7.1 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.
- 7.2 Subject to Standing Order 8, 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 or the day of the meeting.
- 7.3 The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 7.2, correct obvious grammatical or typographical errors in the wording of the motion.
- 7.4 If the Proper Officer considers the wording of a motion received in accordance with Standing Order 7.2 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.
- 7.5 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.
- 7.6 Subject to Standing Order 7.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 7.7 Motions received shall be recorded and numbered in the order that they are received.
- 7.8 Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection

## **8. OTHER MOTIONS**

8.1 Motions dealing with the following matters may be moved without notice:

- a) To appoint a Chairman of the meeting;
- b) To correct an inaccuracy in the draft minutes of a meeting.
- c) To approve the minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To move to a vote.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members of the committee.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a motion or an amendment.
- m) To extend the time limit for speeches.
- n) To suspend standing orders except those mandatory by law
- o) To exclude the press and public under section 1(2) of the public bodies (Admission to Meetings) Act 1960.
- p) To silence or eject from the meeting a Councillor or member of the public for disorderly conduct.
- q) To invite a member having an interest in the subject matter under debate to remain.
- r) To give the consent of the Council where such consent is required by these standing orders.
- s) To extend the time limit for which the meeting is normally open to the public.
- t) To appoint working parties whose constitutions may be determined at the time by Council.
- u) To defer consideration of a motion.
- v) To require a written report.
- w) To not hear further from a councillor or member of the public.
- x) To temporarily suspend the meeting.
- y) To adjourn the meeting.
- z) To close a meeting.

## **9. QUESTIONS BY MEMBERS OF THE PUBLIC**

9.1 A member of the public may ask the presiding Chairman any question concerning the business of the Council.

- 9.2 Every question shall be put and answered without discussion.
- 9.3 Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.
- 9.4 A person to whom a question has been put may decline to answer if the answer would disclose exempt or confidential information.
- 9.5 The period of time designated for public participation at a meeting shall not exceed 30 minutes unless directed by the Chairman of the meeting.

## **10. RULES OF DEBATE FOR MEETING**

- 10.1 Motions 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.
- 10.2 A motion (including an amendment) shall not be debated unless it has been moved and seconded.
- 10.3 A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 10.4 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.
- 10.5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 10.6 If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- 10.7 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.
- 10.8 A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be

with the consent of the seconder and the meeting.

10.9 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.

10.10 Subject to Standing Order 10.11, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.

10.11 One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.

10.12 A councillor may not move more than one amendment to an original or substantive motion.

10.13 The mover of an amendment has no right of reply at the end of debate on it.

10.14 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 of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

10.15 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 he last spoke;
- c) to make a point of order;
- d) to give a personal explanation; or
- e) in exercise of a right of reply.

10.16 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

10.17 A point of order shall be decided by the chairman of the meeting and his

decision shall be final.

10.18 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 suspend or adjourn the meeting; or
- i) to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

10.19 Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

10.20 Excluding motions moved under Standing Order 10.18, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

## **11. DISORDERLY CONDUCT**

11.1 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.

11.2 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, shall be put to the vote without discussion.

11.3 If a resolution made under Standing Order 11.2 is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily adjourning, suspending

or closing the meeting.

## **12. DISTURBANCE BY THE PUBLIC**

12.1 If a member of the public interrupts the proceedings of any meeting the presiding chairman shall warn him/her. If he/she continues the interruption the presiding Chairman shall order his/her removal from the chamber. In case of general disturbance in any part of the chamber open to the public the presiding Chairman shall order that part to be cleared. The Chairman may temporarily adjourn, suspend or close the meeting to enable order to be restored or the meeting to be progressed.

## **13. VOTING**

13.1 Members shall vote by show of hands unless the Council instructs a vote by ballot.

13.2 If a member so requires, the Town Clerk shall call out the names of the members of the Council and shall enter "yes" or "no" or "abstain" against their names on a list which shall be recorded in the minutes.

13.3 Subject to Standing Order 13.4 or any restriction in the code of conduct on participation, the Chairman may vote on any matter put to the vote, and in the case of an equality of votes the presiding Chairman shall have a second or casting vote.

13.4 In both England and Wales section 106 of the Local Government Finance Act 1992 prohibits a local councillor in council tax arrears for at least two months from voting on the setting of a precept or any recommendation, resolution or other decision which might affect the calculation of the precept. If a local councillor in such a position fails to notify the council of the fact or votes in a prohibited matter then on prosecution and conviction they may be subject to a fine of up to £1000.

13.5 At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

## **14. RESCISSION OF PRECEDING RESOLUTIONS**

14.1 No motion to rescind any resolution passed within the preceding six

calendar months, nor any motion or amendment to the same effect as one which has been rejected within the preceding six calendar months, shall be proposed unless notice shall have been given and entered on the agenda, and the notice shall bear (in addition to the name of the member who gives it) the signatures of five other members (as a minimum). When any such motion has been disposed of by the Council, it shall not be competent for any member to propose a motion to the same effect within a further period of six calendar months, but this standing order shall not apply to a recommendation contained in the report of a committee.

## **15. COMMITTEES**

15.1 The Council may at its Annual Meeting appoint statutory and standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- a) shall not appoint any member of a committee so as to hold office later than the next annual meeting,
- b) may at any time dissolve or alter the membership of a committee.

15.2 The Town Mayor or Deputy Town Mayor shall be members of every committee.

15.3 Every committee shall at its first meeting before proceeding to any other business elect a chairman and may elect a vice-chairman who shall hold office until the next annual meeting of the Council.

15.4 The chairman of a committee or the Town Mayor may summon a special meeting of that committee at any time. A special meeting may also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

15.5 Every committee may appoint sub-committees for purposes to be specified by the committee but they shall not delegate their powers to a sub-committee.

15.6 The chairman and vice chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.



15.7 Except where ordered by the Council in the case of a committee or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members.

## **16. PROCEEDINGS IN COMMITTEE**

16.1 Standing Order 10 (except those parts relating to standing and to speaking more than once) and Standing Order 27 on interests of members in contracts and other matters shall apply to committee and sub-committee meetings insofar as they are appropriate.

16.2 Members of committees and sub-committees shall vote by show of hands.

16.3 Chairmen of committees and sub-committees shall, in the event of an equality of votes, have a second or casting v

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16.5 A member who has proposed a motion which has been referred to any committee of which he/she is not a member, shall be entitled to explain his/her motion to the committee but shall not vote.

16.6 Any member of the Council shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he/she is not a member.

## **17. ADMISSION TO MEETINGS**

17.1 The public and representatives of the press shall be admitted to all meetings of the Council and committees of the Council.

17.2 The public and representatives of the press may be excluded from any part of a meeting where in the opinion of the Council or a committee of the Council publicity would be prejudicial to the public interest by reason of the confidential nature of the business about to be transacted and the Council or the Committee make an appropriate resolution pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 or any enactment amending or replacing that Act.

17.3 The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

17.4 The presiding Chairman shall have power to allow any member of the public

to speak on any matter at his discretion at the commencement of any meeting of the Council, with the exception of the Council's Annual Meeting for a maximum time of three minutes. The Chairman will advise that a response will be given as part of Agenda Item 1 on the Town Clerk's Report.

17.5 Members of the public shall not be permitted to speak at meetings of committees of the Council unless specifically invited to attend a particular meeting of a committee to discuss particular subjects.

17.6 A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division in which the parish lies and to the District Councillor or Councillors for the parish, and to the officer in charge at Southam Police Station, who will be permitted to address meetings of the Council and committees of the Council at the discretion of the presiding Chairman.

17.7 The Openness of Local Government Bodies Regulations 2014 ("the 2014 Regulations") provide that a person may not provide an oral report or comment about a meeting as it takes place if he is present at the meeting of the Council without permission but otherwise may:

- a) film, photograph or make an audio recording of a meeting;
- b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

## **18. APPOINTMENTS**

18.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on 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.

18.2 If at a meeting there arises any questions relating to the appointment, conduct, promotion, dismissal, salary, or conditions of service, of any person employed by the Council, it shall not be considered by the Council until the Council has decided whether or not the public shall be excluded.

18.3 If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council,

he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and if appointed may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where the relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply. The Town Clerk shall make known the purport of this Standing Order to every candidate.

18.4 Canvassing of members or of any committee, directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purport of this subparagraph of the Standing Order to every candidate.

18.5 A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

## **19. PROPER OFFICER**

19.1 The Proper Officer shall be the Town Clerk.

19.2 The Proper Officer shall:

- a) provide notice of meetings in accordance with Standing Order 1.6
- b) facilitate inspection of the minute book by local government electors;
- c) receive and retain copies of byelaws made by other local authorities.

19.3 The Proper Officer is authorised in consultation with the Town Mayor, Deputy Town Mayor, immediate past Mayor or (as a minimum) any two of these Councillors to deal with any business arising which is deemed to be urgent during the period of the Summer and Christmas recesses, including authorisation of payments.

## **20. SEALING OF DOCUMENTS**

20.1 Any two members of the Council, including the Town Clerk may seal, on behalf of the Council, any document required by law to be issued under

seal.

20.2 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council.

## **21. INSPECTION OF DOCUMENTS**

21.1 Subject always to Standing Order 26, a member may for the purposes of his/her duty as such (but not otherwise) inspect any document in possession of the Council or a committee of the Council, and if copies are available shall, on request, be supplied for the purpose with a copy.

21.2 All minutes kept by the Council and by any committees shall be open for the inspection of any member of the Council and in relation to those parts of a meeting open to the public to any elector during reasonable hours of the day and for such purpose "reasonable hours of the day" shall mean during such hours that the office of the Town Council is open to the public.

## **22. INSPECTION OF LANDS AND PREMISES**

22.1 No member shall in the name of the Council, inspect any lands or premises which the Council has the right or duty to inspect or issue orders, instructions or directions unless authorised to do so by the Council or by a committee.

## **23. SUSPENSION OF STANDING ORDERS**

23.1 Subject to Standing Order 23.2 any of the preceding Standing Orders may be suspended subject to any statutory or legal restriction so far as regards any business at the meeting where their suspension is moved.

23.2 A motion to suspend Standing Orders shall not be moved without notice under Standing Order 8.1n) unless there shall be present at least two-thirds of the whole number of the members of the Council.

## **24. VARIATION AND REVOCATION OF STANDING ORDERS**

24.1 Any motion to add, to vary or revoke these Standing Orders shall when proposed and seconded be referred without discussion to the next ordinary meeting of the Council.

## **25. PUBLICATION OF STANDING ORDERS**

25.1 A printed copy of the Standing Orders together with a printed copy of any amendments thereto shall be delivered to each member by the Town Clerk upon delivery to him of the member's declaration of acceptance of office.

## **26. MANAGEMENT OF INFORMATION**

26.1 The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

26.2 The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

26.3 The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information or personal data without legal justification.

26.4 No staff member, member of the Council or any committee or sub-committee of the Council, or any contractors or agents shall disclose confidential information or personal data without legal justification.

## **27. RESPONSIBLE FINANCIAL OFFICER**

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

## **28. ACCOUNTS AND ACCOUNTING STATEMENTS**

28.1 "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).

28.2 All payments by the Council shall be authorised, approved and paid in

accordance with the law, proper practices and the council's financial regulations.

28.3 The Responsible Financial Officer shall supply to each councillor on a quarterly basis each year a statement to summarise:

- a) the Council's receipts and payments for each quarter;
- b) the Council's aggregate receipts and payments for the year to date;
- c) 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.

28.4 As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- a) each councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
- b) 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.

28.5 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 the Council for consideration and formal approval before 30 June.

## **29. FINANCIAL CONTROLS AND PROCUREMENT**

29.1 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 Order No 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £5,000.

29.2 Financial regulations shall be reviewed annually.

29.3 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 £5,000 shall be procured on the basis of a formal tender as summarised in Standing Order No 29.4. Financial regulations shall also confirm that where the value of the contract exceeds £25,000, the Council shall comply with the relevant requirements of the Public Contracts Regulations 2015 ("PCR"). The full requirements of the PCR, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in the PCR set by the Public Contracts Directive 2014/24/EU (which may change from time to time).

29.4 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:

- 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 any other manner that is appropriate;
- d) tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.

29.5 Tenders shall be opened by the Proper Officer in the presence of at least one other member of staff after the deadline for submission of tenders has passed.

- 29.6 Tenders are to be reported to and considered by the appropriate meeting of the Council.
- 29.7 The Council is not bound to accept the lowest value tender.
- 29.8 A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract (or other thresholds determined by the European Commission or appropriate domestic authority every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- 29.9 A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £884,720 for a social and other specific services contract (or other thresholds determined by the European Commission or appropriate domestic authority every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.
- 29.10 No member of the Council or of any committee shall issue any orders on behalf of the Council or shall issue any orders in respect of anything being done for the Council unless authorised to do so by the Council or by a committee.

### **30. CODE OF CONDUCT AND DISPENSATIONS**

- 30.1 All councillors shall observe the code of conduct adopted by the Council.
- 30.2 If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007(SI No. 1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in Standing Order 33.3 only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give



evidence relating to the business being transacted.

- 30.3 Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 30.4 Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- 30.5 Dispensation requests shall be in writing and submitted to the Town Clerk as Proper Officer no less than seven working days prior to a meeting.
- 30.6 As Proper Officer, the Town Clerk has delegated powers to grant dispensations only when there are so many members on the Council that have a disclosable pecuniary interest that it would impede the transaction of the business i.e. the meeting would be inquorate.
- 30.7 The Town Council will not accept dispensation requests from members for any other reason.
- 30.8 The Town Clerk shall record in the minutes (that are available at any time for inspection) in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract and the book shall be open during reasonable hours of the day.

## **31. CODE OF CONDUCT COMPLAINTS**

- 31.1 Upon notification by Stratford District Council dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall (subject to Standing Order 26, report this to the Council.
- 31.2 Where the notification in Standing Order 31.1 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman 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 Council policies

31.3 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.

31.4 Upon notification by Stratford District Council that a councillor 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.

## **32. HANDLING OF STAFF MATTERS**

32.1 Staff matters shall be dealt with by the appointed Personnel Working Party who should seek advice from WALC prior to dealing with a personnel issue and if it is a grievance matter the Town Council Grievance Procedure should be followed.

32.2 Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

32.3 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. Only persons with line management responsibilities shall have access to staff records.

32.4 Access and means of access by keys and/or computer passwords to records of employment shall be provided only to (post holder) and the Personnel Working Party.

32.5 Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of Personnel Working Party of absence occasioned by illness or other reason and that person shall report such absence to Personnel Working Party at its next meeting.

## **33. REQUESTS FOR INFORMATION**

33.1 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 2018.

- 33.2 Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Council who have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 or the Data Protection Act 2018.
- 33.3 The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 33.4 The Council shall have a written policy in place for responding to and managing a personal data breach.
- 33.5 The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- 33.6 The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- 33.7 The Council shall maintain a written record of its processing activities.

#### **34. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

## **SOUTHAM TOWN COUNCIL aims:**

**To improve the service it provides whilst ensuring best value.**

**To work with others to improve safety, the environment and quality of life in the town, paying particular attention to the needs of vulnerable members of our community.**

**To regularly and effectively consult the community.**

**To promote the local economy.**