

West Moors Town Council

Standing Orders

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How to use model standing orders

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Model standing orders that are in bold type contain statutory requirements. Other model standing orders not in bold are designed to help councils operate effectively but do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. For convenience, the word "councillor" is used and includes a non-councillor with or without voting rights unless otherwise stated.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

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1 Meetings

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	●

- (a) **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- (b) **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- (c) **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- ● (d) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- (e) Subject to standing order 1(d) above, members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- (f) The period of time designated for public participation at a meeting in accordance with standing order 1(e) above shall not exceed 10 minutes unless directed by the Chairman of the meeting.
- (g) Subject to standing order 1(f) above, a member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- (h) In accordance with standing order 1(e) above, a question shall not require a response at the meeting nor start a debate on the question.
- (i) In accordance with standing order 1(h) 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 or to an employee for a written or oral response.

- (j) A person shall raise his hand when requesting to speak.
- (k) A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- (l) 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.
- (m) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- ● (n) **Subject to standing order 3(o), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- ● (o) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- ● (p) **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.**
- (q) **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).**
- (r) **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.**
- ● ● (s) **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon. *See also standing order 1 (bb) below.***
- ● ● (t) **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. *See also standing orders 2 (i) and (j) below.***
- (u) **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on**

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

- (v) The minutes of a meeting shall include an accurate record of the following:
 - (i) the time and venue of the meeting;
 - (ii) the names of councillors present and absent;
 - (iii) interests that have been declared by councillors;
 - (iv) whether a councillor left the meeting when matters that they held interests in were being considered;
 - (v) if there was a public participation session;
 - (vi) the resolutions made.
- (w) If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- ● ● (x) **The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- ● ● (y) **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.** *See also standing orders 8 and 9 below.*
- ● ● (z) **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.**
- (aa) **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.**
- ● ● (bb) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**
- (cc) 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 not be

less than half the membership of the committee (rounded up to the next whole number).

- (dd) A meeting shall not exceed a period of 2 hours.
- (ee) Where a member of the Council has served as Chairman of the Council or a standing committee for 3 consecutive years or part thereof he shall not be eligible for nomination for a further period unless one year has elapsed.

2 Ordinary Council meetings

See also standing order 1 above.

- (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 the 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 election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting 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) Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows:
- (i) **in an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - (ii) confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees;
 - (iii) review of delegation arrangements to committees, sub-committees, employees and other local authorities;
 - (iv) receipt of nominations to existing committees;
 - (v) appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them;
 - (vi) review of representation on or work with external bodies and arrangements for reporting back;
 - (vii) 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.

3 Extraordinary meetings

See also standing order 1 above.

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

statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 Councillors.

4 Proper Officer

- (a) The Council's Proper Officer shall be either:
- (i) the clerk or such other employee as may be nominated by the Council from time to time, or
 - (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence.

The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

- (b) The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 1(b) above for the meaning of clear days for a meeting of a full council and standing order 1(c) above for a meeting of a committee.

- ii subject to standing order 5 (a)–(e) below, include on the agenda all motions in the order received unless a Councillor has given written notice at least 10 days before the meeting confirming his withdrawal of it.
- iii **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**

- iv make available for inspection the minutes of meetings.
- v **receive and retain copies of byelaws made by other local authorities.**
- vi **receive and retain declarations of acceptance of office from Councillors.**
- vii retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same for inspection.
- viii assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- x manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form.
- xi arrange for legal deeds to be signed by 2 Councillors and witnessed. *See also standing orders 22 (a) and (b) below.*
- xii arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiii record every planning application notified to the Council and the Council's response to the local planning authority on a database.
- xiv refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Planning Consultative Committee within 2 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 Planning Consultative Committee.
- xv keep proper records required before and after meetings.
- xvi action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

5 Motions requiring written notice

- (a) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

- (b) In accordance with standing order 4(b)(iii), 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 Council's Proper Officer at least 10 clear days before the meeting.
- (c) The Proper Officer may, before including a motion on the agenda received in accordance with standing order 5(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- (d) If the Proper Officer considers the wording of a motion received in accordance with standing order 5(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 8 clear days before the meeting.
- (e) If the wording or subject of a proposed motion is considered unlawful or 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.
- (f) Having consulted the Chairman or Councillors pursuant to standing order 5(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- (g) Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Councillors.
- (h) Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Councillors.

6 Motions not requiring written notice

- (a) Motions in respect of the following matters may be moved without written notice to:
 - (i) appoint a person to preside at a meeting;
 - (ii) approve the absences of Councillors;
 - (iii) approve the accuracy of the minutes of the previous meeting;
 - (iv) correct an inaccuracy in the minutes of the previous meeting;
 - (v) dispose of business, if any, remaining from the last meeting;
 - (vi) move to a vote;
 - (vii) close or adjourn debate;
 - (viii) refer by formal delegation a matter to a committee or an employee;

- (ix) alter the order of business on the agenda for reasons of urgency or expedience;
- (x) proceed to the next business on the agenda;
- (xi) appoint a committee or sub-committee or any Councillors (including substitutes) thereto;
- (xii) receive nominations to a committee;
- (xiii) dissolve a committee or sub-committee;
- (xiv) note the minutes of a meeting of a committee;
- (xv) consider a report and/or recommendations made by a committee or an employee;
- (xvi) consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
- (xvii) authorise legal deeds to be signed by two councillors and witnessed.
See also standing orders 22 (a) and (b) below.
- (xviii) amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- (xix) extend the time limits for speaking;
- (xx) exclude the press and public from all or part of a meeting;
- (xxi) silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
- (xxii) give the consent of the Council if such consent is required by standing orders;
- (xxiii) appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
- (xxiv) suspend any standing order except those which are mandatory by law;
- (xxv) adjourn a meeting;
- (xxvi) close a meeting.

- (b) If a motion falls within the terms of reference of a committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

7 Rules of debate

- (a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- (b) Subject to standing orders 5(b)–(f) above, a motion shall not be considered unless it has been proposed and seconded.
- (c) Subject to standing order 4(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- (d) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- (e) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the Secunder.
- (f) Any amendment to a motion shall be either to:
 - (i) leave out words;
 - (ii) add words;
 - (iii) leave out words and add other words.
- (g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- (h) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- (i) Subject to Standing Order 7(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- (j) Pursuant to standing order 7(h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- (k) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.

- (l) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (m) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- (n) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- (o) Subject to standing orders 7(m) and (n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- (p) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- (q) A point of order shall be decided by the Chairman and his decision shall be final.
- (r) With the consent of the Seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- (s) Subject to standing order 7(o) above, when a Councillor's motion is under debate no other motion shall be moved except to:
 - (i) amend the motion;
 - (ii) proceed to the next business
 - (iii) adjourn the debate
 - (iv) put the motion to a vote
 - (v) ask a person to be silent or for him to leave the meeting
 - (vi) refer a motion to a committee or sub-committee for consideration
 - (vii) exclude the public and press
 - (viii) adjourn the meeting
 - (ix) suspend any standing order, except those which are mandatory
- (t) In respect of standing order 7(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the

vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

8 Code of Conduct

- (a) **All Councillors shall observe the code of conduct adopted by the Council.**
- (b) All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- (c) **Councillors with a disclosable pecuniary interest, unless granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when considering a matter in which he/she as a disclosable pecuniary interest. He/She may return to the meeting after it has considered the matter in which he/she had the interest.**
- (d) 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.
- (e) **Dispensation requests shall be in writing and submitted to the Proper Officer** no later than two clear working days before the meeting.
- (f) A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- (g) A dispensation request shall confirm:
 - (i) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - (ii) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote
 - (iii) the date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought;
 - (iv) an explanation as to why the dispensation is sought.

- (h) Subject to standing orders 8(d) and (e) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- (i) **A dispensation may be granted in accordance with standing order 8(c) 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.**

9 Questions

- (a) A Councillor may seek an answer to a question concerning any business of the Council provided 8 clear days notice of the question has been given to the Proper Officer.
- (b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- (c) Every question shall be put and answered without discussion.

10 Minutes

- (a) If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- (b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 6(a)(iv) above.
- (c) Minutes, including any amendment to correct their accuracy, 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.

- (d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he 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 majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

- (e) **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
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- (f) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes of the meeting for which approved minutes exist shall be destroyed. Where a recording of a meeting exists it shall be retained in line with the Councils ‘Policy and Protocol on Recording, Photography and the Use of Social Media at Meetings of the Council’.

11 Disorderly conduct

- (a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- (b) If in the opinion of the Chairman, there has been a breach of standing order 11(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If a resolution made in accordance with standing order 11(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

12 Rescission of previous resolutions

- (a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 7 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- (b) When a special motion or any other motion moved pursuant to standing order 12(a) above has been disposed of, no similar motion may be moved within a further 6 months.

13 Committees

See also standing order 1 above.

- (a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - (i) shall determine their terms of reference;
 - (ii) may permit committees to determine the dates of their meetings;
 - (iii) shall appoint and determine the terms of office of Councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - (iv) may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer 24 hours before the meeting that they are unable to attend.
 - (v) an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 13(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - (vi) may, in accordance with standing orders, dissolve a committee at any time.
- (b) Each Committee shall have a committee membership of a minimum of 8 members.
- (c) Each Councillor must sit on two committees unless exceptional circumstances apply such as the existence of vacancies on the Council.
- (d) The Chairman and Vice-Chairman of the Council shall be non-voting ex-officio members on all committees.
- (e) 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.
- (f) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- (g) Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

14 Sub-committees

See also standing order 1 above

- (a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

15 Advisory committees

See also standing order 1 above

- (a) The Council may appoint advisory committees comprised of a number of Councillors and non-councillors.
- (b) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

16 Voting on appointments

- (a) Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

17 Canvassing of and recommendations by Councillors

- (a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- (b) A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- (c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

18 Accounts and Financial Statement

- (a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- (b) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the quarter and the balances held at the end of that quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

19 Financial matters

- (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 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 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;
 - (v) whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- (b) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant**

thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

- (c) Any formal tender process shall comprise the following steps:
- (i) a specification for the goods, materials, services or the execution of works shall be drawn up;
 - (iii) a public notice of intention to place a contract to be placed in a local newspaper;
 - (iv) tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - (v) tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - (vi) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- (d) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- (e) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission 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.**
- (f) **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 £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations**

2016.

- (g) Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

20 Expenditure

- (a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- (b) The Council's financial regulations shall be reviewed once a year.
- (c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee or to an employee.
- (d) Orders for the payment of money shall be delegated to the Finance and General Purpose committee who will have the power to authorise payments of the Council by resolution. All invoices are to be initialled by two members. All payments are to be signed/authorised by two members in accordance with Financial Regulation 6.5

21 Estimates / Precept

- (a) **The Council shall approve written estimates for the coming financial year at its meeting before the end of January.**
- (b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than mid-December.

22 Execution and sealing of legal deeds

See also standing order 4(b)(xii) and 6(a)(xvii) above.

- (a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- (b) **In accordance with a resolution made under standing order 22(a) above,**

any 2 members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

23 Matters affecting Council employees

- (a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Finance and General Purpose committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(d) above.
- (b) Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council or, in his absence, the Vice-Chairman of the Council of any absence occasioned by illness or urgency and that person shall report such absence to the Finance and General Purpose committee or the Full Council at its next meeting.
- (c) The Chairman of the Council or in his absence, the Vice-Chairman shall annually, in the 2nd financial quarter, carry out a review and/or appraisal of the performance of the Clerk to the Council and shall keep a written record of it on the form prescribed by the Council. The appraisal shall be countersigned by the Vice-chairman as approved. The Clerk to the Council shall annually in the 2nd financial quarter carry out a review and/or appraisal of all other employees keeping a record on the prescribed form. All reviews and appraisals shall be reported to the Finance and General Purpose committee, with any recommendations from that committee relating to staff salaries being passed to the full Council for resolution.
- (d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Grievance committee.
- (e) Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the employees relates to the Chairman or Vice-Chairman of the Council, this shall be communicated to the chairman or vice-chairman of the Finance and General Purpose committee, which shall be reported back and progressed by resolution of the Grievance committee.
- (f) Any persons responsible for all or part of the management of the Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- (g) The Council shall keep written records relating to employees secure. All paper

records shall be secured under lock and electronic records shall be password protected.

- (h) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- (i) Only persons with line management responsibilities shall have access to employee records referred to in standing orders 23(g) and (h) above if so justified.
- (j) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 23(g) and (h) above shall be provided only to the Clerk and the Chairman of the Council.

24 Confidential business

- (a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- (b) A councillor in breach of the provisions of standing order 24 (a) above may be removed from a committee by a resolution of the Council.

25 Unauthorised activities

- (a) Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - (i) inspect any land and/or premises which the Council has a right or duty to inspect;
 - (ii) issue orders, instructions or directions.

26 Inspection of documents

- (a) Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

27 Management of Information

- (a) **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.**
- (b) **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).**
- (c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- (d) **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

28 Responsibilities to Provide Information

See also standing order 29.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

29 Responsibilities Under Data Protection Legislation

(Below is not an exclusive list).

See also standing order 11.

- a **The Council may appoint a Data Protection Officer.**

- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**
- e **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.**
- f **The Council shall maintain a written record of its processing activities.**

30 Allegations of breaches of the Code of Conduct

- (a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to Dorset Council's Monitoring Officer.
- (b) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- (c) Upon notification by Dorset Council that it is dealing with a complaint that a Councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 25 above, report this to the Council.
- (d) Where the notification in standing order 28 (c) above 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 standing order 28 (f) below.
- (e) The Council may:
 - (i) provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - (ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

- (f) **Upon notification by Dorset 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.**

31 Liaison with Unitary Councillors

- (a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor(s) of the Unitary Council representing the West Moors ward.
- (b) Unless the Council otherwise orders, a copy of each letter sent to the Unitary Council shall be sent to the Unitary Council Councillor(s) representing the West Moors ward.

32 Relations with the press and media

- (a) All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- (b) In accordance with the Council's policy in respect of dealing with the press and/or other media, Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

33 Equality

- (a) West Moors Town Council acknowledges the general duty placed upon it not to discriminate against any group within society. The Council will continue within its functions and policies to have due regard to the need to eliminate discrimination, promote equality of opportunity and promote equality between people of all different groups within society.

34 Standing orders to be given to Councillors

- (a) The Proper Officer shall provide a copy of the Council's standing orders to a Councillor upon delivery of his declaration of acceptance of office.
- (b) The Chairman's decision as to the application of standing orders at meetings shall be final.

- (c) A Councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

35 Variation, revocation and suspension of standing orders

- (a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- (b) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the Councillors present at a meeting of the Council vote in favour of the same.