



# FAIRFIELDS COMMUNITY COUNCIL

## STANDING ORDERS

(Orders printed in bold type are mandatory and may not be amended).

“Where the male gender is specified, it also includes female and vice versa”

### 1. MEETINGS

- (a) **Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.**
- (b) **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.**
- (c) **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.**
- (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.** “In view of the confidential nature of the business to be transacted, it is advisable in the public interest that the press and public, with the exception of named individuals, be excluded temporarily and they be instructed to withdraw”.
- (e) 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.
- (f) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- (g) Any member of the public speaking at a meeting shall address their comments to the Chairman.
- (h) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- (i) **A person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a Community Council or its Committees but may otherwise:**
  - a) **Film, photograph or make an audio recording of a meeting**

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- b) **Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later**  
**Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- (j) **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.**
- (k) **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.**
- (l) **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.**
- (m) **Subject to a meeting being quorate all questions at a meeting shall be decided by a majority of the Councillors with voting rights present and voting thereon.**
- (n) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise the casting vote whether or not an original vote was given.**
- (o) **If a member so requires, the Minute taker shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before or after the vote but in the latter event must be made before moving on to the next business. Members shall vote by a show of hands or if at least two members so request, by signed ballot.**
- (p) **The minutes of a meeting shall record the names of Councillors present, apologies given and absent.**
- (q) **If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by Council, the minutes of the meeting at which the approval was given shall record it.**
- (r) **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- (s) **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.**
- (t) **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 3.**
- (u) **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 meeting on any such other day as the Chairman may decide.

- (v) Meetings shall not exceed a period of 3 hours.

## **2. ORDINARY COUNCIL MEETINGS**

- (a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- (b) **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- (c) **If no other time is fixed, the annual meeting of the Council shall take place at 6.30 pm.**
- (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 (if any) of the Council shall be the first business completed at the annual meeting of the Council. The Chairman and vice-chairman (if any) are elected by councillors for a one year term of office. If more than one candidate voting may be by paper ballot.**
- (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 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 forms 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 ratify recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the committee structure and terms of references for committees.

- v. Receipt of nominations to existing committees. Appointments to Committees and changes to which Committee a member serves on at any time during the year must be agreed by full Council.
- vi. 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.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. Review of inventory of land and assets including buildings and office equipment.
- xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xii. Review of the Council's and/or employees' memberships of other bodies.
- xiii. Establishing or reviewing the Council's complaints procedure.
- xiv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xv. Establishing or reviewing the Council's policy for dealing with the press/media
- xvi. Reaffirm the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3. PROPER OFFICERS

- (a) The Council's Proper Officer shall be the Responsible Financial Officer The Clerk to the council will be the Proper Officer for the issue of summons to meetings or a designated officer during their absence. The Proper Officer and the employee appointed to act as such during the Proper Officers' absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- (b) The Council's Proper Officer shall do the following:
  - i. **Serve on Councillors by delivery, email or post at their residences a signed summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee or sub-committee at least 3 clear days before the meeting.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)**
  - iii. Subject to Standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least ( 3) days before the meeting confirming his withdrawal of it.
  - iv. Make available for inspection the minutes of meetings
  - v. Keep proper records required before and after the meetings

- vi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
  - vii. Record every planning application notified to the Council and the Council's response to the local planning authority on the planning register;
  - viii. Refer a planning application received by the Council to all members of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next meeting of the Council.
- (c) The Council's Proper Officer (Responsible Financial Officer) shall do the following:
- i. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)i above.**
  - ii. Receive and retain declarations of acceptance of office from Councillors
  - iii. Retain a copy of every Councillor's register of interests and any changes to it and make copies of the same available for the Unitary Council and publish on the Council's website.
  - iv. Arrange for legal deeds to be signed by 2 Councillors and witnessed (*See also standing orders 14(a) and (b).*)
  - v. 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
  - vi. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- (d) The Relevant Proper Officer (in accordance with the councils Freedom of Information Policy) will process all Freedom of Information Act 2000 and Data Protection Act 1998 requests in accordance with that policy.

#### **4. MOTIONS REQUIRING WRITTEN NOTICE**

- (a) In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Relevant Proper Officer at least 10 clear days before the next meeting. Clear days do not include the day of the notice or the day of the meeting.
- (b) The Relevant Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- (c) If the Relevant Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Relevant Proper Officer in clear and certain language at least 5 clear days before the meeting.
- (d) If the wording or nature of a proposed motion is considered unlawful or improper, the Relevant 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 or rejected in the agenda.
- (e) Having consulted the Chairman or Councillors pursuant to standing order 4(d) above,

the decision of the consultees as to whether or not to include the motion in the agenda shall be final.

- (f) 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.
- (g) To dissolve a committee or sub-committee.

## **5. MOTIONS NOT REQUIRING WRITTEN NOTICE**

- (a) Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any Councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To note the minutes of a meeting of a committee or sub-committee.
  - xiii. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xiv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xv. To authorise legal deeds signed by two Councillors and witnessed.  
*(See standing orders 14(a) and (b) below.)*
  - xvi. To amend a motion, relevant to the original or substantive motion under consideration, which shall not have the effect of nullifying it.
  - xvii. To extend the time limit for speeches.

- xviii. To exclude the press and public for all or part of a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
  - xix. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xx. To give the consent of the Council if such consent is required by standing orders.
  - xxi. To suspend any standing order except those which are mandatory by law.**
  - xxii. To adjourn or close a meeting.
  - xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- (b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-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.

## **6. 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 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- (c) Subject to standing order 3(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 seconder.
- (f) Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to 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 6(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 6(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 has no right of reply at the end of it
- (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 6(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 6(o) above, when a Councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to ask a person to be silent or for him to leave the meeting;
  - iv. to adjourn the debate;
  - v. to put the motion to a vote;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- (t) In respect of standing order 6(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.

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

- (a) **All Councillors shall observe the code of conduct adopted by the Council.**
- (b) All Councillors shall, wherever possible, undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.



- (c) Members of the public in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.
- (d) **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**
- (e) **Dispensation requests shall be in writing and submitted to the Responsible Financial Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.**
- (f) A decision as to whether to grant a dispensation shall be made by a meeting of the council and that decision is final.
- (g) **A dispensation may be granted in accordance with 7e 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 councils area**
  - III. **It is otherwise appropriate to grant a dispensation**

## **8. QUESTIONS**

- (a) **A Councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Relevant 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.**

## **9. DRAFT 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 5(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) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes of the meeting shall be destroyed

## **10. 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 10(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 to the vote without discussion.
- (c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it This may include temporarily suspending or closing the meeting.

## **11. 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, which requires written notice by at least 2 Councillors, or by a motion moved in pursuance of the recommendation of a committee.
- (b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12. VOTING ON APPOINTMENTS (EXTERNAL REPRESENTATION)**

- (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.

## **13. 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 for fitness of purpose
- (c) Any resolution which is moved otherwise than in pursuance of a recommendation of a committee and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

## **14. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing order 5(a)(xv) 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 14(a) above, the Chairman and one other member of the Council, may sign, on behalf of the Council, any deed required by law and the Responsible Financial Officer shall witness their signatures.

## 15. COMMITTEES and SUB-COMMITTEES

*See also standing order 1 above*

**Unless the Council determines otherwise a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

**The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council**

**Unless the council determines otherwise, all members of an advisory committee and a sub-committee may be non-councillors.**

**The Chairman of the Committee may give an original vote on any matter put to the vote and in the case of equality of votes may exercise the casting vote whether or not an original vote was given except where the vote is the one choosing a new chairman where following an equality of votes the matter will be referred to the next meeting of full council for a vote of all present. Members shall vote for a new Chairman by a show of hands or if at least two members so request, by paper ballot if more than one member is nominated.**

- 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 not appoint any Councillor of standing committees or committee 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 Relevant Proper Officer ( 2 ) days 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 15(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.

## 16. RESPONSIBLE FINANCIAL OFFICER

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

## **17. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES**

*See also standing order 1 above*

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

## **18. ADVISORY COMMITTEES**

*See also standing order 1 above*

- (a) **The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.**

## **19. 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) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer. Such payment shall be authorised by the Responsible Financial officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- (c) All payments ratified under paragraph (19b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- (d) a) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise :-
  - I. The councils receipts and payments for each quarter.
  - II. The councils aggregate receipts and payments for the year to date
  - III. The balances held at the end of the quarter being reported
  - IV. A comparison with the budget for the financial year highlighting any actual or potential overspends
- b) As soon as possible after the financial year end at 31<sup>st</sup> March the Responsible Financial Officer shall provide:-
  - I. Each councillor with a statement summarizing the council's receipts and payments for the last quarter and the year to date information
  - II. To the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices for consideration and approval.
- c) 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<sup>st</sup> 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 annual governance statement, shall be presented to council for consideration and formal

approval before 30<sup>th</sup> June. In line with the dates as instructed by the National Audit Office or its successor or nominee

## **20. ESTIMATES for PRECEPTS**

- (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 Responsible Financial Officer a written estimate of the expenditure recommended for the coming year no later than October

## **21. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS (TENDERING PROCESS)**

- (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 Responsible Financial Officer shall disclose the requirements of this standing order to every candidate.
- (b) A Councillor or a member of a committee or sub-committee, 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.

## **22. 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.

## **23. 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; or
  - ii. issue orders, instructions or directions.

## **24. HANDLING CONFIDENTIAL OR SENSITIVE INFORMATION**

- (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 or a sub-committee by a resolution of the Council.
- (c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- (d) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **25. MANAGEMENT OF INFORMATION (BOLD)**

- 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.**

## **26. MATTERS AFFECTING COUNCIL EMPLOYEES**

- (a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the 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 of any significant absence occasioned by illness or urgency that would impact on the performance of the Council and will also prepare a report for the Council at its next meeting.
- (c) The Chairman and the Vice-Chairman shall conduct an annual review of the performance and/or appraisal of the staff and shall keep a written record of it. The review and/or appraisal process shall be reported back to full Council.
- (d) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- (e) 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.
- (f) 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.
- (g) Only authorised persons shall have access to employee records referred to in standing orders 24(e) and (f) above if so justified.
- (h) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(e) and (f) above shall kept secure

## **27. FREEDOM OF INFORMATION ACT 2000**

- (a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and Data Protection Act 1998
- (b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Clerk to the Council and  
  
to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers in respect of Freedom of Information requests set out under standing order 3(b)(ix) above.

## **28. RELATIONS WITH THE PRESS/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 to 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.

## **29. LIAISON WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- (a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Councillor of the Unitary Council representing its electoral ward.

## **30. 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 control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the 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. Procurement policies (subject to standing order 29(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.
- (b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as detailed in Appendix Legal Topic Note LTN87 January 2016 Procurement**
- (c) Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Responsible Financial Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Responsible Financial Officer and at least one member of the Council;
  - v. Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- (d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- (e) Where the value of a contract is likely to exceed £164,176 the Council must consider whether the Public Contracts Regulations 2015 (SI No.5, as amended) and the Utilities Contracts Regulations 2015 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules as set out in Appendix Legal Topic Note LTN87 January 2016 Procurement**

### **31. 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 Responsible Financial Officer (RFO) shall refer it to full Council.
- (b) Where the notification relates to a complaint made by the RFO, the RFO shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the RFO set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- (c) Where a notification relates to a complaint made by an employee (not being the RFO) the RFO shall ensure that the employee in question does not deal with any aspect of the complaint.
- (d) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the RFO and the Chairman) shall take the



steps set out below, together with other steps considered necessary, to maintain confidentiality.

- i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 30(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- (e) Standing order 30(d) above should not be taken to prohibit the Council (whether through the RFO or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- (f) The Council shall have the power to:
- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
- (g) References in standing order 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

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

### **32. 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 on the Agenda for a meeting.
- (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 at a meeting of the Council vote in favour of the same.

### **33. STANDING ORDERS TO BE GIVEN TO COUNCILLORS**

- (a) The Responsible Financial 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